

Jackson City Council
Minutes
Regular Meeting of September 26, 2011

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

Michael Daly, City Manager
Andrew Morris, City Attorney
Marc Crain, Fire Chief
Scott Morrison, Police Chief
Susan Peters, City Planner
Gisele Cangelosi, City Clerk

COUNCIL MEMBERS ABSENT:

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

1. APPROVAL OF AGENDA.

Moved by Councilmember Lewis and seconded by Vice-Mayor Sweet, and unanimously carried to approve the City Council Agenda dated September 26, 2011 as presented.

2. PUBLIC MATTERS NOT ON THE AGENDA.

Paul Molinelli Sr., AWA District 1, provided a brief update regarding the Amador Water Agency's action to consolidate the water systems in the county. He stated the City of Jackson would be notified when the special hearing would be held on this matter.

City Manager Daly noted for the record Vice-Mayor Sweet and Councilmember Crew serve on the Water Sub-Committee and continues to meet regularly with AWA to discuss various projects and activities of mutual interest.

Ken Berry, Jackson, stated he didn't realize Vice-Mayor Sweet and Councilmember Sweet served on a water sub-committee. He provided his viewpoint regarding the Amador Water Agency's action to consolidate the water systems and the affect it would have on other water customers. He stated he was available to provide additional information to the City Council.

Susan Peters, was present to request participation in the 2nd Annual F.A.C.T. Jackson Mid-Town 5K/Run/Walk & 10K on Sunday, October 9, 2011. The F.A.C.T (Helping to Feed Amador County Today) is the vision of a group of local women who are working to raise funds and awareness to help the Interfaith Food Bank solve Amador County's growing needs.

3. CONSENT CALENDAR.

- a. Approval of Expenditure Report for September in the amount of \$166,115.49
- b. Approve Side Letter Agreements with Jackson Police Officers Association and SEIU Local 1021 for continuation of MOU modifications.

Moved by Councilmember Lewis seconded by Councilmember Crew, and unanimously carried to approve as presented.

4. ADMINISTRATIVE REPORTS.

Fire Chief Crain reported nothing new at this time.

Police Chief Morrison reported Renee McKinney who was convicted of embezzlement while working as the Dispatch Clerk was sentenced to 18 month State Prison. The Department is prepared for 2nd Annual F.A.C.T. Jackson Mid-Town 5K/Run/Walk & 10K on Sunday, October 9.

City Planner Peters reported on the following items:

1. Sign Ordinance update and public outreach and submittal of the final draft of the Sign Brochure would be considered at the Planning Commission September 19 meeting.
2. Variance, 215 Court Street, would be considered at the Planning Commission September 19 meeting.
3. Sight Plan Review Committee meeting to review Tractor Supply Company is scheduled for Thursday, October 13 at 10:00 a.m. and is open to the public.

City Manager Daly reported on the following:

1. The Marcucci Bridge Slap Project is on schedule and will probably be completed in October.
2. Staff will be participating in the Annual 19th Rotary Bowl-a-Thon Saturday, October 8. This year's funds/donations will be collected for the City of Jackson Pool.
3. Jackson Business and Community Association is sponsoring the Amador County Student 5th Grader Scarecrow Contest which will be displayed on Main Street October 14 through November 5.
4. Veterans' Day Parade on Main Street, Friday, November 11 at 10:00 a.m., sponsored by American Legion Post 108.
5. There will be one Wastewater item on the next agenda regarding the EIR and pre-design work for the NPDES compliance project.
6. The City Office will be closed Monday, October 10 for Columbus Day Holiday, the next City Council is scheduled for Tuesday, October 12.

5. COUNCIL REPORTS.

Vice-Mayor Sweet attended the following meetings:

1. Board of Supervisors meeting regarding the appeal of the Amador County Planning Commission decision to rescind a condition of the use permit for McDonalds in Martel.
2. Kennedy Tailing Wheel Preservation Project presentation to the Kiwanis
3. Attended the ACTC meeting.

DISCUSSION CALENDAR.

6. Appointment of Design Review Committee.

City Manager Daly report the City of Jackson Development code, Article VI, Chapter 17.120 Administrative Responsibility, allows for the City Council to form a Design Review Committee to review proposed projects in accordance with Section 17.70.020, Authority of Land Use and Zoning Decisions. Since adoption of the Development Code in 2009, the Planning Commission has performed design review. At the July 25 City Council meeting, staff was directed to begin a recruitment for members to sit on the newly forming Design Review Committee. The City has received seven applications for position on this committee. The eight applications for this committee were received from the following individuals: Eduardo Avelar, Robert Burdick, Robert Carr, Lesley Davis, Errol Esbit, Phillip Giurlani, Lucy Hackett and Ron Regan.

City Planner provided an explanation of the Design Review Committee duties. The Architectural Regulations Committee, which authored the Architectural Regulations, has recommended a five member Design Review Committee ideally made up of two architects or designers, two persons in the building industry, and one other interested citizen. The Committee could have regularly scheduled bi-monthly meetings, open to the public, which could be cancelled in the event there are no applications for review. The City Council indicated that residency within the city limits of Jackson was not a requirement.

Mayor Gonsalves Connie opened the public discussion to the applicants. The following applicants gave a brief recap of their qualifications: Robert Carr, Robert Burdick and Eduardo Avelar. Hearing no further comments from the public, Mayor Gonsalves 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 Lewis, to appoint the all eight applicants to serve on the Design Review Committee. The motion died by 2 to 3 vote (Mayor Gonsalves and Councilmember Crew dissenting).

City Planner Peters reiterated the Architectural Regulation Committee recommended a five member Design Review Committee and noted no term limit was specified.

City Attorney Morris suggested the City Council appoint the five member Design Review Committee as recommended by the Architectural Regulation Committee. The Architectural Regulations could certainly be amended to include term limits and additional members if deemed necessary.

Phillip Giurlani, applicant, agreed the City Council should appoint 5 members to the committee and suggest the other applicants be appointed as alternates. After serving on the Architectural Regulation Committee, he noted at several meetings the contingency members were required to have a quorum.

Moved by Vice-Mayor Sweet, seconded by Councilmember Garibaldi, and carried by a 3 to 2 vote (Councilmember Crew and Councilmember Lewis dissenting) to:

- 1. Appoint the following five applicants to serve on the Design Review Committee: Eduardo Avelar, Errol Esbit, Phillip Giurlani, Lucy Hackett and Ron Regan.**
- 2. Appoint the following three applicants to serve as alternates on the Design Review Committee: Robert Burdick, Robert Carr and Lesley Davis.**

City Planner Peters reported she would contact the members to coordinate the first meeting.

7. Request from ACES Waste Services, Inc. for a 2.55% Rate Increase Effective January 1, 2012. Connie noted: Ken berry letter and Shirley opposed letters.

City Manager Daly reported ACES was awarded the City's solid waste collection franchise in 1998. They began providing solid waste collection and recycling services to residents and businesses in July, 1998. The franchise agreement with ACES runs through June 30, 2014. At the November 23, 2009, City Council meeting a revised rate adjustment methodology similar to the rate system used by other ACES franchisers in Amador County was approved. The provided letter from Paul Molinelli, Sr. details the basis for the current rate increase request and how the new methodology formula was applied. The last rate increase approved for ACES was 9.15% rate increase that was effective January 1, 2010. Most of the 9.15% rate increase resulted from a 21% increase in landfill dumping

costs. Last year, a rate increase was not requested. The proposed rate increase of 2.55%, effective January 1, 2012, is based on the rate adjustment methodology, including salaries, fuel, depreciation, disposal and miscellaneous items. The City's previous method for rate increase allowances was the San Francisco-Oakland-San Jose CPI, which was 2.9% for latest annual figure released this month.

Mayor Gonsalves Connie opened the public discussion to the applicants. The following individuals voiced their concerns regarding the request from ACES Waste Services, Inc. for a 2.55% Rate Increase: Bill Condrashoff, Ken Berry, Judy Jebian and Jack Georgette. Hearing no further comments from the public, Mayor Gonsalves closed the public discussion.

Documents submitted for the record and provided to the City Council for consideration:

1. Shirley Dajnowski, Rollingwood resident, letter of protest.
2. Ken Berry, Jackson, letter of concern about two aspects.
 - a. Rate increase such as the one proposed must be approved using the procedure specified in Proposition 218.
 - b. Rates imposed for service such as solid waste collection and disposal must be directly related to the benefit provide.

Paul Molinelli Sr. ACES President and Paul Timba, ACES Waste Services' accountant were present to provide additional information and responded to questions.

City Manager Daly reported every third year is base year therefor this year does not call for the rate adjustment methodology. Next year is a base year and all information will be provided for consideration.

City Attorney Morris reported if the City of Jackson was providing the service than the rate increase would be subject to Proposition 218. It was his opinion that Proposition 218 does not apply and was comfortable that the City Council move forward with this approval of ACES Waste Services, Inc. request for a 2.55% rate increase prate increase.

Vice-Mayor Sweet requested the monthly billing provided the information for senior rates discount on the next billing.

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

Moved by Councilmember Crew, seconded by Councilmember Garibaldi, and unanimously carried to adopt Resolution No. 2011-28, approving a 2.55% rate increase for ACES Waste Services, Inc., effective January 1, 2012.

8. Fire Department Funding from Proposition 172 Revenue.

City Manager Daly presented a brief recap regarding the allocation of Proposition 172 public safety sales tax funding to the Amador Fire Protection Agency for distribution to it agency membership for full time fire services. At the September 20, 2011 Amador Fire Protection District meeting, the District Board's only item was discussion of the Amador Plan station coverage. As the cost of the Amador Plan has increased over the years, the Amador Fire Protection District has scaled back on the coverage.

At the AFD Board meeting on September 20, it was revealed that the County was not allocating any General Fund money to AFD for the Amador Plan this year, therefore, the amount Proposition 172

funding allocated to AFPA will be reduced. The current estimate for Proposition 172 funding remaining after payment of all Amador Plan costs in fiscal year 2011-12 is \$39,000, which would result in a funding amount of approximately \$7,500 to the City of Jackson, a reduction of \$31,500. Due to the uncertainty regarding current funding allocation for the Amador Plan and the County's decision to eliminate the General Fund contribution this item was continued to September 27, 2011 AFPD Board Meeting for additional discussion.

City Manager Daly reported he would be attending the September 27 meeting and would provide additional information at a future meeting.

9. Continuation of One Dollar Vehicle Registration Fee Assessment for Abandoned Vehicle Authority.

Police Chief Morrison reported Section 9257.7 of the California Vehicle Codes relates to the abandoned vehicle program (AVA) which the Police Department supports the Abandoned Vehicle Abatement (AVA) Program. This bill is amended every ten years and is signed by the governor with the stipulation that cities within the county agree to continue to utilize the Abandon Vehicle Abatement (AVA) program. The Amador County Environmental Health Department administers this program. The City of Jackson is reimbursed for each vehicle abated within its jurisdiction. The reimbursement fee is based on a formula using current population and past tow history.

Thornton Consolo, Jackson, inquired how many vehicles are registered in the City and how often do we have abatement. Police Chief Morrison reported the department does not see these fees.

Moved by Councilmember Lewis seconded by Councilmember Crew, to adopt Resolution 2011-27, Approving the Continued \$1.00 Vehicle Registration Fee For the Next Ten (10) Years Relating to Abandoned Vehicle Program.

10. ADJOURNMENT

Adjourn: 8:40 p.m.

ATTEST:



Gisele L. Cangelosi, City Clerk

Date Approved: October 11, 2011