

Jackson City Council
Minutes
Regular Meeting of April 26, 2010

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

Michael Daly, City Manager
Andrew Morris, City Attorney
Scott Morrison, Police Chief
Mark Morton, Fire Chief
Gisele Cangelosi, City Clerk

COUNCIL MEMBERS ABSENT:
Marilyn Lewis

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

1. APPROVAL OF AGENDA.

Moved by Councilmember Sweet, seconded by Councilmember Crew, and unanimously carried to approve the City Council Agenda dated April 26, 2010 as presented.

2. PUBLIC MATTERS NOT ON THE AGENDA.

Bill Condrashoff, AWA, was present to thank Councilmember Sweet for attending the April 15 meeting regarding interagency loans and the memorializing of these loans. Due to Councilmember Sweet's presentation, the Board changed the percentage and will recoup \$460,000 back interested. He encouraged someone from the City Council should attend April 30 at 9:00 a.m. to discuss the Financial Plan and Rate Workshop.

Mayor Gonsalves thanked Councilmember Sweet for representing the City Council at the April 15 meeting and requested he also attend the Financial Plan and Rate Workshop.

Thornton Consolo, Jackson, thanked Bill Condrashoff and Debbie Dunn for all their financial assistance on the AWA Board. He thanked Councilmember Sweet for speaking in behalf of the City of Jackson and suggested the City Council appoint a Councilmember to attend AWA meetings.

3. CONSENT CALENDAR.

- a. Approval of Minutes of April 12, 2010 meeting.
- b. Approval of Expenditure Report for April in the amount of \$62,037.59.
- c. Accept March 2010 Treasurer's Report and Sales Tax Report.
- d. Approve Special Event Application – Gold Country Cruise Car Show.
- e. Approve Agreement with Amador Farmers Market for 2010 Season.

Moved by Vice-Chairman Garibaldi, seconded by Councilmember Crew, and unanimously carried to approve as amended except for:

1. **Councilmember Crew abstained on the approval of Check 232682 in the amount of \$226.70.**

4. ADMINISTRATIVE REPORTS.

City Attorney Morris report has been in discussions with New Faze's Attorney regarding the outstanding amount owed and finally filed the lien on Jackson Hills, LLC property.

City Manager Daly reported on the following items:

1. The Clean It Green event was a great success with over 300 volunteers participating in this year's event, including 225 through the Disney day program enlisted by the Amador County Foundation. He thanked Bank of Amador for the barbeque, Jim McHargue, Amador Solid Waste for helping coordinate the event, Aces Waste Services for supplying the debris boxes and the countless groups of volunteers.
2. The Mission Boulevard Extension Project start date has been pushed back June 7 due to the weather concerns and the completion date will be changed to end of August.

5. COUNCIL REPORTS.

Councilmember Crew reported on the following items:

1. Attended the joint meeting with Sutter City to discuss police services.
2. Attended the Jackson Business Association Steering Committee meeting.
3. Attended the LAFCO meeting.
4. Attended the Clean it Green event Saturday.

Vice-Chairman Garibaldi reported on the following items:

1. Attended the Amador County Recreation Agency meeting held Thursday, April 15.
2. Attended the Clean it Green event Saturday.

Councilmember Sweet reported on the following items:

1. Attended the ACTC's 2010 Regional Transportation Plan (RTP) Stakeholder Roundtable meeting.
2. Attended the AWA meeting regarding interagency loans and the memorializing of these loans, Thursday, April 15.
3. Attending the Amador County Transportation Commission meeting and discussed funding the Sutter Street Extension and the CMX blueprinting.
4. The Regional Planning Commission meeting will be held in Jackson on Wednesday, April 28.

Mayor Gonsalves reported on the following items:

1. Attended the AFPA meeting.
2. Attended the Clean it Green event Saturday.
3. Attended the Mayors and Board Chair Forum meeting.

DISCUSSION CALENDAR.

6. Full-Time Fire Department Implementation.

City Manager Daly reported at the April 12, 2010, City Council meeting, staff was directed to prepare an organizational chart, job descriptions, salary and benefit recommendations and other related documents necessary for the City to hire full-time firefighters including a Fire Chief, to utilize Measure M funding and create a fire department staffed by salaried employees. This action came on the heels of the Amador Fire Protection District's decision to reject a proposal from the Amador County Board of Supervisors to hire a Fire Services Manager to provide leadership for a consolidated fire agency.

The recommended organizational structure includes the hiring of four fulltime positions, a Fire Chief, Fire Captain and two Fire Engineers. The total cost of hiring a Fire Chief, Fire Captain and two Fire Engineers ranges from \$306,629.70 if all employees are at the bottom step of the range, up to \$333,249.86 at the top step. The current projection of annual revenue from Measure M is \$360,000, based on a total countywide Measure M revenue of \$2,000,000 per year. The City has a current balance of \$341,463 in Measure M funds that are reserved for firefighter costs as stipulated in the ballot measure language.

The job descriptions were developed by Jackson Fire Captain Mike Olivarria, who works full-time for CalFire as a Battalion Chief. The job descriptions were created by evaluating the job descriptions prepared by AFPD and looking at other similar structured fire agencies in the region. The salary schedules for Fire Captain and Fire Engineer were designed to be consistent with the salary schedules created by AFPD for the Fire Engineer and Firefighter and Battalion Chief.

The City obtained an actuarial report to modify the City's public safety retirement plan from the current 3% @ 50 Plan applicable to both police and fire employees (at some point in the past the City did incur some firefighter retirement liability) to create a two-tier system that will allow the City to hire the fire employees under a 2% @ 50 Plan. The cost of this plan is 15.116% of the base pay and FLSA overtime pay for each employee. The current cost for the 3% @ 50 Plan for police employees is 35.476% of the employee's base rate of pay. The City is still looking into whether a "defined contribution" retirement plan (like a 401(k) plan) could be implemented as an alternative to the "defined benefit" PERS coverage. Other benefits included in the total compensation amount include Social Security and Medicare, health insurance benefits (medical, dental, vision and life insurance) similar to current employees (fully paid family premium for the PERS 80/20 coverage plan), and workers' compensation insurance (at an estimated rate of 10% based on the current police rate).

Fire Chief Morton and Captain Tremaine were present to support the provided organizational chart, job descriptions, and salary/benefit recommendations for the implementation of a Full-Time Fire Department.

After considerable discussion among the City Council and staff, it was the consensus of the City Council to direct staff to prepare the formal documents necessary to implement the proposed organizational structure, job descriptions and salary ranges proposed for use of Measure M funding to create a full-time fire department.

7. Ordinance Prohibiting the Establishment and Operation of Medical Marijuana Dispensaries and Other Businesses and Uses Prohibited by State or Federal Law.

City Manager Daly reported the City Council adopted Ordinance No. 640 regulating the location and operation of medical cannabis dispensary operations. This was enacted following the passage of Proposition 215 and Senate Bill 420 and inquiries from private individuals regarding the establishment of these operations within the City of Jackson. At the time of the ordinance adoption there were still many unanswered questions regarding the conflicts between the federal Controlled Substances Act prohibiting the distribution or possession of marijuana and the provisions enacted by Proposition 215.

In August 2007, the City Council repealed Ordinance No. 640 that established restrictions on the operation of these businesses but chose not to adopt an outright ban. It served to eliminate the issue related to Government Code Section 37100, which prohibits local governments from promulgating ordinances which are in violation of the U.S. Constitution or state or federal law. In October 2009, the

U.S. Attorney General announced guidelines for federal prosecutors in the fourteen states with laws authorizing the use of medical marijuana. The guidelines clarify that so long as people comply with state and local law regarding medical marijuana, they will not be the “focus of federal resources.” However, this policy does not make the use or distribution of medical marijuana any more legal under federal law than it was previously, and is subject to differing opinions by future Attorney Generals.

The City received some preliminary inquiries about its policy earlier this year, but over the past month the number of potential applicants has increased. Three such inquiries were received over the past two weeks. At this point, a conditional use permit would be required to establish a dispensary operation since this use is not identified in the Development Code. Based on past City Council policy discussions on this matter staff has prepared the provided emergency ordinance to prohibit medical marijuana dispensary operations in the City of Jackson.

Police Officer Rice was present to answer questions of the City Council.

Mayor Gonsalves opened the public discussion. The following individuals provided public comment: Thornton Consolo and a Woman (name withheld). Hearing no further comments from the public, Mayor Gonsalves closed the public discussion.

City Attorney Morris stated passage of the urgency ordinance requires a 4/5 vote of the City Council and with the absence of Councilmember Lewis the remaining four Councilmembers would have to vote in favor to adopt Ordinance No. 664.

Moved by Vice-Chairman Garibaldi, seconded by Councilmember Crew, and unanimously carried to adopt Ordinance No. 664, an urgency ordinance amending Chapters 5.04, 17.06 and 17.220 of the Jackson Municipal Code to prohibit the establishment and operation of medical marijuana dispensaries and other businesses and uses prohibited by state or federal law.

7. Sphere of Influence Application Meeting with Amador County.

City Manager Daly reported the City Council approved submitting an application to the Amador County Local Area Formation Commission (LAFCO) last year to expand the City’s sphere of influence. Staff submitted the preliminary information to LAFCO and then completed some additional documentation to submit with the application. On April 13, 2010, Amador County staff made a presentation to the Board of Supervisors and requested direction from the Board. Based upon a recommendation from the Board’s Administrative Committee, the Board decided to create an Ad Hoc committee made up of the County Planning Director, two Board members, and up to 3 City representatives (along with the LAFCO Executive Director as a ex-officio member). The charge of the Ad Hoc committee is to discuss the sphere of influence application.

Government Code Section 56425(c) requires that the City notify the County of their proposal to “meet to discuss the proposed new boundaries of the sphere and explore methods to reach agreement on development standards and planning and zoning requirements within the sphere to ensure that development within the sphere occurs in a manner that reflects the concerns of the affected city and is accomplished in a manner that promotes the logical and orderly development of areas within the sphere.” Further, the law does not require the City and County to reach an agreement. Government Code Section 56425(d) states that if “no agreement is reached...the application may be submitted to LAFCO

and LAFCO shall consider a sphere of influence for the City consistent with the policies adopted by LAFCO...”

City staff does not agree that such a formal committee is required to discuss this agreement. The Government Code Section 56425(c) is very specific as to the content of the agreement. In the City of Jackson’s circumstance, all of the proposed sphere of influence territory is designated by the City as “Urban Reserve”, a very general land use designed to encourage future specific planning in the sphere area when and if an annexation application is developed for a particular area. As a result, the issue of “development within the sphere area” is not a significant concern for the City going into the sphere of influence application process. With the City of Jackson’s proposed “Urban Reserve” designation, the agreement should be relatively simple.

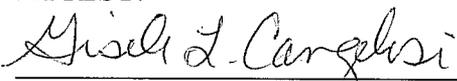
However, given the discussion of the Board of Supervisors during their agenda item on this topic on April 13, the City will need to ensure that the subject of the meeting does not stray off to discussing the merits of the application or other issues regarding the expansion of the sphere. Staff believes that it is optional for the City to send elected officials to discuss this agreement since it is limited to the development standards and planning and zoning requirements within the sphere. However, given the sidebar discussions that may ensue, staff wanted to present this information to the City Council to determine its level of involvement in this aspect of the sphere of influence amendment process. Ultimately, the LAFCO Board of Directors has this authority and the final decision on a sphere of influence amendment.

After considerable discussion among the City Council and staff, the City Council designate Councilmember Crew, Councilmember Lewis, City Manager Daly and City Planner Peters to represent the City of Jackson at a meeting with Amador County to discuss an agreement for development standards and planning and zoning requirements within the proposed sphere of influence.

10. ADJOURNMENT.

Adjourn 8:59 p.m.

ATTEST:



Gisele L. Cangelosi, City Clerk

Date Approved: May 10, 2010