

Jackson City Council  
Minutes  
Regular Meeting of June 13, 2005

**COUNCIL MEMBERS PRESENT:**

Al Nunes  
RosaLee Pryor Escamilla, Mayor  
Andrew Rodriguez, Vice-Mayor  
Marilyn Lewis  
Drew Stidger

**CITY STAFF PRESENT:**

Michael Daly, City Manager  
Tom Gibson, City Attorney  
Scott Morrison, Police Chief  
Susan Peters, City Planner  
Gisele Cangelosi, City Clerk  
Candy Collins, Accounting Assistant

**COUNCIL MEMBERS ABSENT:**

None

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Mayor Pryor Escamilla called the meeting to order at 7:00 p.m. She noted the City Manager Daly posted the City Council Meeting Ground Rules on the wall so that the City Council and the public may keep in mind these guidelines.

**1. CEREMONIAL. Proclaim “Push America” Day on June 14, 2005 for the Pi Kappa Phi “Journey of Hope” Cross-Country Bicycle Ride for Disability Awareness.** Mayor Pryor Escamilla stated she would be presenting the proclamation to Push America at noon on June 14, 2005 at St. Sava Mission and the public was welcome.

**2. APPROVAL OF AGENDA.**

**Moved by Councilmember Lewis, seconded by Councilmember Nunes, and unanimously carried to approve the City Council Agenda dated June 13, 2005.**

**3. PUBLIC MATTERS NOT ON THE AGENDA.**

None.

**4. CONSENT CALENDAR**

- a. Approval of Minutes of January 24, 2005 meeting.
- b. Approval of Expenditure Report for the period of April the amount of \$519,570.98 including salary related items for May in the amount of \$247,973.72.
- c. Accept April, 2005 Treasurer’s Report and Sales Tax Report.
- d. Receive Jackson Police Department Monthly Report.
- e. Receive Jackson Fire Department Monthly Reports.
- f. Request from Amador Country Recreation Agency for Use of Municipal Pool.

City Manager Daly requested approval of the Item 4a. Approval of Minutes of January 24, 2005 meeting be deferred to the June 27, 2005 City Council meeting.

**Moved by Councilmember Lewis, seconded by Councilmember Nunes, and unanimously carried to approve the Consent Calendar with the exception of the Item 4a. as presented.**

**5. ADMINISTRATIVE REPORTS.**

Police Chief Morrison reported on the following items:

1. The department will provide a police escort for the "Push America" Day on June 14, 2005 from the vista to St. Sava Mission.
2. Sergeant Stidger and the DARE program wanted to express their gratitude and thanked the City Council and City Manager for their support.
3. Great turnout for the sign up for the Jackson Police Activities League Junior Giants.
4. National Night Out scheduled for August 2, 2005.

City Planner Susan Peters reported she was present tonight to discuss the Pine Meadows Subdivision boundary line adjustment and final map amendments, Environmental Impact Report for Sutter Amador Hospital, Planned Development amendment and required park features for Gold Country Estates (Woodside Homes). She reported the following items would be discussed at the next Planning Commission meeting:

1. Public Hearing for the revised draft environmental impact report (RDEIR), Jackson Hills Golf Course and Residential Community Project.
2. Public Hearing – Tentative Subdivision Map 55, Pine Meadows, conditions of approval amendment.
3. Amador Village Glenn Planned Development amendment.
4. Public Hearing – Tentative Parcel Map 2679, John Molinelli.
5. Public Hearing – Conditional Use Permit 2005-02, Gerald & Anna Chaix, 406 Pitt Street.
6. Workshop – Zoning Ordinance to consider proposed amendments.

City Manager Daly reported on the following items:

1. Written comments deadline for the revised Draft Environmental Impact Report (RDEIR), Jackson Hills Golf Course and Residential Community Project is June 21 at 5:00 p.m.
2. The Highway 88 Corridor - Project Oversight Committee will be public meeting on June 23 at 5:00 p.m. at the Jackson Civic Center. Staff is working with the committee to post the agendas and minutes on the City's website and should be up and running in a couple of days.
3. The new tennis program made possible by the \$750 awarded from the 2005 USTA/NPR Tennis in the Park Initiative is gearing up. Benita Asher and Mayor Pryor Escamilla have has been recruiting instructors for the youth and adult programs. The first youth training session will be tomorrow and the five-week program will start early July to August.
4. Clinton/Highway 49 intersection signalization project construction will start this week.
5. In honor of Flag Day, June 14, Charlene Buckley has furnished the City with a 31 star flag to put on display for the day. The significant is that California was the 31<sup>st</sup> state to join the union.

## **DISCUSSION CALENDAR**

### **6. Public Hearing - Pine Meadows Subdivision: Boundary Line Adjustment and Final Map Amendments.**

City Planner Peters stated at the March 14, 2005, City Council meeting, a proposal was submitted recommending changes to Final Subdivision Map No. 55 - Pine Meadows Subdivision. The proposed changes were as follows:

1. The Public Facility Easements and Public Utility Easements at the rear and side yards of lots 31 through 36 per Final Subdivision Map No. 55 shall be abandoned.

2. Five-foot wide public facility and utility easements along frontages of lots 29 through 40 shall be provided for.
3. Adjustments to building setbacks per Exhibit A shall be allowed.
4. Parcel B is terminated and incorporated into lots 38 and 39.
5. Street name of Elderberry Way shall be changed to Tunnel Hill Drive.

She stated one of the proposed changes that were submitted at the March 14, 2005, City Council meeting was removed from the list pending civil issues regarding acquiring the easements and how improvements would be paid for. The developer requested that Parcel D which was originally designated for the retention basin be given back because an offsite drainage basin was created on a neighboring piece of property which accommodates the drainage for the Pine Meadows Subdivision and the Jackson View Subdivision. She stated as a result of the civil issues regarding the retention basin the Subdivision Improvement Agreement may need to be altered.

She stated at the March 14, 2005, meeting, the Council requested staff obtain information regarding the disposition of the elderberry bushes on the project site. Specifically, what rights to property owners have to remove these bushes, which are habitat for a federally listed endangered species (Valley Elderberry Longhorn Beetle). After repeated attempts to clarify this issue with the California Department of Fish and Game and/or the U.S. Fish and Wildlife Service (USFWS), staff has received confirmation from USFWS that the elderberry bushes may be removed with the concurrence that the bushes are not providing valuable habitat to the beetle. Staff also obtained a letter from Mr. Hix's biologist, Mr. William Stolp, President of Environmental Site Restoration, Inc., which details why the elderberry bushes on the Pine Meadows site are not considered valuable beetle habitat and may be removed. This letter was forwarded to Jeannette Owen, Senior Biologist at Pacific Municipal Consultants, who concurred with the findings of Mr. Stolp and made some recommendations for obtaining USFWS concurrence. City staff received verbal concurrence from a USFWS Section 7 Consultation Coordinator and that a verbal concurrence for a project this size was likely the best the City can expect to receive. Staff has concluded that the necessary consultation was achieved and that the property owners may remove the elderberry bushes on the site if they choose to do so.

Mayor Pryor Escamilla opened the public hearing.

The following individuals spoke with regards to the Pine Meadows Subdivision - Parcel Map 2664 Boundary Line Adjustment and Proposed Development Changes, Pete Poggio, Sandy Nurse, Harry Vela, William Bassett and Warren Carleton. The following concerns was discussed:

1. Performance Bond to protect neighboring property owner's culverts and roads from runoff from the retention basin.
2. One-Time payment of \$1,500 to offset the increase in future water costs.
3. Monitoring and maintenance of the retention basin.
4. Lack of open space or park area for children in this subdivision and request that Parcel D be designation for that use. Request no further amendment to Pine Meadows Subdivision - Parcel Map 2664 until this matter has been resolved.
5. Children from this subdivision would play at local businesses in that area.
6. Tentative Parcel Map dated April 2003 had an area marked park and disappeared when it became

Parcel.

7. Public concerns are being ignored and there has been a lack of response or comment in writing.
8. Request that the City Council not approve the proposed amendments until the civil issues regarding the retention basin have been resolved.
9. Neighboring property owners have been harmed and City Council should make them whole.
10. Request an engineer certificate stating the retention basin will operate properly.
11. Request a water pump be installed to pump the surplus water to the other side of the hill toward Scottsville Boulevard.
12. Dereliction of engineering staff which resulted in harming the neighboring property owners with pollutions.
13. Mud and debris affect on neighboring property owners.

Gene Purser, Construction Manager representing Mr. Hix, was present to answer questions of the City Council. He stated once the asphalt streets are in place, the sidewalks completed and they know where the slabs will be, most of the water will go away. The water will be channeled down the concrete as opposed to through mud, which would mitigate that situation. He stated the new offsite retention basin was roughly 1-½ times bigger than the originally designed pond. He reiterated tonight's proposed changes to Final Subdivision Map No. 55 - Pine Meadows Subdivision did not include the retention basin. It was his understanding that no building permits would be approved until all of the improvements have been completed.

Hearing no further comments from the public, Mayor Pryor Escamilla closed the public hearing.

There was considerable discussion among the City Council and staff. The following items of concerns were discussed:

1. Delay of the extension of City water and installation of backflow prevention devices to Pete Poggio, Harry Vela, and Bob Vela which appears to be resolved and moving forward on the timeframe selected by the recipients.
2. Effectiveness of the retention basin as approved on the Final Subdivision Map and reassurance for the neighboring property owners if the retention basin does not function after being accepted by the City.
3. Neighboring property owners have made it very clear that they've been harmed since the first subdivision that was built ten years ago and believe they have been harmed every year thereafter.
4. Concern that these issues have not been resolved and was once again before the City Council for consideration.
5. Time limit with regards to the written agreement between Mr. Bassett and the Pine Meadows Subdivision and the Jackson View Estates Subdivision developers regarding the shared retention.
6. Shortage or lack thereof a play area, open space and parkland in this subdivision and whether it was possible to approve elimination of Parcel B and make it conditional on the allocation of open space on the adjacent subdivision.
7. Whether a home could be sold in Pine Meadows Subdivision or the Jackson View Estates Subdivision before the City has approved and accepted the retention basin as being adequate.
8. Reassurance for the neighboring property owners if the retention basin does not function after being accepted by the City.

City Planner Peters provided the following comments and answers to questions posed by the public and City Council:

1. The detention basin was designed for runoff from the subdivision; it was not designed to contain runoff from construction. Once the area is paved and the surface secured, it is designed to handle that amount of runoff. The basin was not designed to handle all the mud and debris as a result of the heavy rains.
2. The drainage calculations for the retention basin plan for Parcel D were reviewed and approved by City Engineer Weber and was included as part of the City Council's approval of the final map in 2004 and that the developer might still choose to develop the retention basin onsite.
3. The retention basin has not been dedicated to City of Jackson. The City Engineer would have to accept the retention basin and submit a report to the City Council for dedication.
4. As part of the Subdivision Development Agreement the developer posted a bond and a portion of that amount was earmarked for construction of the onsite retention basin should the developer failed to do so.
5. There is a three-year maintenance guarantee for the retention basin however staff would have to research to determine if it would cover damages as a result to failure.
6. The extension of City water to Pete Poggio, Harry Vela, and Bob Vela, installation of backflow prevention devices have almost been completed. These individuals need to contact Mr. Hix regarding the one-time payment of \$1,500 to off-set the increase in future water costs.
7. During the tentative and final map process of this subdivision the developer did not include a park.
8. The developer submitted a notice of intent to develop and was awarded an allocation for a subdivision directly adjacent to this subdivision that did include a park.
9. The Engineering and Building departments would not release building permits until the improvements promised for the water, sewer and roadways were completed.

City Attorney Gibson provided the following answers to questions posed by the City Council:

1. It was his understanding the drainage issue was not to be discussed tonight and remains as recorded on the final subdivision map. He understood there could possibly be a change in the future, but as it stands, the drainage issue was not before the City Council tonight.
2. If the neighboring properties are flooded as a result of the retention basin, they could have potential civil remedies against the parties responsible. He stated there are situations under which cities can be held liable for drainage issues caused by their actions. There are other remedies that involve up slope versus down slope property owners.
3. Typically most conditions of a tentative map have to be satisfied before the final map is approved and lots can be sold. However in this case he was not aware how it was arranged, whether a subsequent point by which the retention must be put in. He did not know if that could be enforced by the City building permit stage (certificate of occupancy), but with a final map approval, lots could be sold.
4. If the retention basin was part of the improvements covered by the Subdivision Development Agreement then there would be a performance bond in place that the City could call on to ensure completion of the retention basin.
5. With regard to open space, Mr. Hix's has two subdivisions with are separate and their requirements should be treated separately.

Robert Hix, applicant, was present to answer questions of the City Council and clarified the following items:

1. Pine Meadows Subdivision - Final Subdivision Map No. 55 was approved at the June 15, 2004 City Council meeting. At that time the final map depicted the retention basin on Parcel D, however the City's Engineering department determined that a single retention basin should be constructed to accommodate drainage from the Pine Meadows Subdivision and the Jackson View Estates Subdivision. He agreed to this arrangement after being informed there would be no additional cost to him and that Parcel D remains in title to him.
2. Three engineers designed the basin and that he has to rely on their expertise that it will function adequately and that the City's Engineer had also reviewed the design.
3. He was not aware of any litigation problem and felt he was being treated unjustly, the items relative to the agreement with Mr. Bassett are being taken care of, however they have not been completed at this time.
4. Heavy rains delayed the extension of City water to Pete Poggio, Harry Vela, and Bob Vela.
5. A \$1.2 million dollar bond has been posted and interest is paid monthly and it would behoove him to complete these conditions as quickly as possible.
6. Reiterated he has a final map for Pine Meadows Subdivision and has every intention of completing this project and did not appreciate some of the accusations made.

Mayor Pryor Escamilla requested the City Council and the public to keep in mind the City Council Meeting Ground Rules. She stated it was not the intention of the City Council to make accusations, but to uncover and work through the issues.

Councilmember Lewis felt all of the information on this matter has not been provided and that she could not make an intelligent and accurate decision at this time. She requested the City Council defer further discussion on this item pending further research by the City Attorney. She also requested that the City Engineer be in attendance to answer questions of the City Council.

**Moved by Councilmember Stidger, seconded by Councilmember Rodriguez, and carried by a three to two vote (Councilmembers Lewis and Nunes dissenting) to adopt Resolution 2005-35 approving Parcel Map 2664 Boundary Line Adjustment for the proposed changes to the Pine Meadows Subdivision as follows:**

1. **The Public Facility Easements and Public Utility Easements at the rear and side yards of lots 31 through 36, per Final Subdivision Map No. 55, are abandoned in accordance with Section 66499.20 of the Subdivision Map Act.**
2. **Five foot wide Public Facility Easements and Public Utility Easements are provided along the frontages of lots 29 through 40.**
3. **Adjustments to the building setbacks on proposed Parcel Map No. 2664 for lots 29 through 40, which were also reviewed and approved by the Fire Chief and Building Inspector.**
4. **Parcel B is terminated and incorporated into lots 38 and 39.**
5. **The street name of "Elderberry Way" shall be changed to "Tunnel Hill Drive."**

**7. Scoping Hearing for Environmental Impact Report for Sutter Amador Hospital, Planned Development Amendment to Construct a Support Services Building, 200 Mission Blvd. (APN 020-400-045).**

City Planner Peters stated the purpose of tonight's public hearing was to provide the public, along with responsible agency representatives, an opportunity to publicly comment on issues to be addressed in the Sutter Amador Hospital Planned Development Amendment.

She stated the Notice of Preparation was sent to interested individuals and responsible agencies, is intended to announce the preparation of an Environmental Impact Report (EIR) and give the opportunity to individuals and responsible agency representatives to comment on what issues should be addressed in the EIR.

The Sutter Amador Hospital (SAH) submitted the proposed amendment for their Planned Development to allow for construction of a two story, 47,000 square foot Support Services Building at their existing Sutter Amador Hospital campus. The intent of the project is to create space for the existing overcrowded hospital functions. The City Council at their February 12, 2005 City Council meeting directed Sutter Amador Hospital to prepare an environmental impact report as a result of traffic impacts. A scoping hearing was held and not significant issues were brought up as a result of this hearing. The project consultant and architect that are preparing the environmental impact report were present to address any concerns regarding the Notice of Preparation. The review period for the Notice of Preparation is 30 days, which began on June 1, 2005 and will close on July 1, 2005.

Mayor Pryor Escamilla opened the public hearing. Hearing no comments from the public, Mayor Pryor Escamilla closed the public hearing.

City Planner Peters stated no action was required and this would be an opportunity for the City Council to comment on the adequacy of the Notice of Preparation.

Councilmember Nunes commented the three significant environmental factors potentially affected that were discussed in the Initial Study were; Air Quality, Hydrology/Water Quality and Transportation/Traffic.

**8. Public Hearing – Confirm Required Park Features for Gold Country Estates (Woodside Homes).**

City Planner Peters stated during the improvement plan phase of Gold Country Estates staff reviewed a number of park plans for consideration. All park plans included parking, play areas, and improvements, including a play structure, which qualified the park as "active" thus allowing staff to reduce the park in-lieu mitigation fee by fifty percent.

After staff's determination that the park was "active," the park plan apparently changed again. The new park plan, which was shown to prospective buyers of the subdivision, did not include a play structure. Subsequently, staff has received comments from neighborhood residents both in favor and in opposition of a play structure. Those in favor are requesting that there be a play structure for their children's enjoyment. Those opposed feel the play structure would block their views and potentially decrease their property values.

She stated in an attempt to consider all aspects of this issue, staff placed this issue on the Council agenda and has noticed all property owners in the Gold Country Estates Subdivision of this meeting. Staff is requesting that the City Council take public comment, review the following options, hold a public hearing, and provide direction to staff regarding the improvements to the park for Gold County Estates. Staff provided four options for consideration:

1. Direct the Public Works Department to purchase and install, at Woodside Homes' expense, a play structure for the park at Gold Country Estates.
2. Direct the Public Works Department to purchase and install, at Woodside Homes' expense, a play structure at a location to be determined by the City Council.
3. Direct the Planning Department to collect \$19,312 from Woodside homes to be placed in the park dedication fee fund.
4. Determine that the half-basketball court at the park satisfies the "active" park requirements and relieve Woodside Homes of any further park improvement obligations.

Councilmember Lewis requested clarification as to why Woodside Homes was not responsible for the walking trails and parklands that were agreed to with R.C. Duncan. She also thought the park was to be handled by the association and not dedicated to the City.

City Planner Peters clarified that when the map was ready to expire there was a lawsuit and a stipulation of the lawsuit incorporated the conditions of approval. She stated originally there was to be a park, a meandering sidewalk to preserve the trees along French Bar Road and an open space to preserve the drainage. However as a result of the extension of the map, staff reviewed the original map and determined it would be impossible to build the subdivision as it was originally designed. Staff felt if the map was to be extended it should be altered to better fit the land, that the drainage be left in private ownership and the park moved from the retention basin drainage area to the east side of the park. All of these concerns were addressed when the map extension occurred and was incorporated in the settlement agreement. She stated when the final map was approved the park was dedicated to the City and the homeowners pay an annual assessment with their taxes for the maintenance of that park. She stated at the recess she get the project file with the conditions of approval for further reference.

Councilmember Stidger inquired when the play structure was removed from the final map. City Planner Peters stated the play structure was removed from the map submitted last year.

Mayor Pryor Escamilla opened the public hearing.

Mike Kitchell, Woodside Homes representative, stated the developer purchased this property during the final stages of the improvement plans being completed and the final map being finalized. He read into the record conditions of approval number 27 of the tentative map in 1996 that refers to a small park being developed.

Condition of Approval #27: A small park shall be developed, constructed and dedicated per City approval as a public park for continued City maintenance. Such small park design shall achieve durable low or no maintenance facilities consisting of landscape, native trees and shrubs, and both active and

passive recreational facilities pursuant to a site development plan. This dedication and these improvements shall be in lieu of, and shall satisfy all other requirements of the Quimby dedications and/or fees upon showing of an estimate of value is less than Quimby Act requirements, Developer will contribute the difference in cash or improvements to the park.

He stated in 1999 during the map extension process there was an additional condition added: Condition of Approval #1: The park site shall be left as natural as possible. He stated during this process he met with staff for clarification on the language for “passive” and “active”. Staff determined they wanted picnic tables and half a sports court, which is represented on the landscape drawing submitted for approval in February 2004. He stated this was the one and only map submitted by Woodside Homes and any other maps or drawing were submitted by the previous owner. Woodside Homes expanded on the original plan by added additional features such as some barbeque pits and a drinking fountain to make the park site a little more desirable for the neighborhood. He stated at no time was there any mention of any playground equipment and they completed the park as according to the approved plans. They received a reduction in the park fee for approximately 50% percent or \$38,000, which was to go toward the development of the park and to date they have spent \$139,000 and have met their obligation for the approved plan.

The following individuals spoke in favor of the play structure for Gold Country Estates (Woodside Homes): Steve Rowan, Ashley Hale, Chris Floyd, Ryan Dorris, Mike Gangnebin, Tracey Towner-Yep, Danise Kaps, Harmon Higgins and Matt McCombs.

The following individuals spoke in opposition the play structure for Gold Country Estates (Woodside Homes): Gustaf Wolfle, Derek Galli, Nelson Farwell, James Church, Jean Farwell. The following concerns were discussed: Vandalism, curfew implementation, bad element, parking, lack of privacy to adjacent home, leash law and animal control issues and no gate locks.

Mayor Pryor Escamilla asked Tracey Towner-Yep, ACRA Director, if there was a fixed criteria that separates a passive park from an active park. Ms. Towner-Yep stated the basketball court and play structure are considered active and walking trails, open space, barbeques, picnic areas are considered passive.

Hearing no further comments from the public, Mayor Pryor Escamilla closed the public hearing.

Mayor Pryor Escamilla called for a recess at 9:30 p.m. Mayor Pryor Escamilla reconvened the meeting at 9:37 p.m.

There was considerable discussion among the City Council and staff. The following items of concerns were discussed:

1. Tonight’s action was to discuss options for the park previously approved on Gold Country Estates, Subdivision Map No. 81.
2. The final map was approved with Condition of Approval #1- stating the park site shall be left as natural as possible.
3. The age range of the youth that would be using park would be infants, toddlers and children in the

- age group of 8 to 10 years, which typically are not considered bad elements by law enforcement.
4. Public comments that Woodside Homes may have misrepresented the description of the park depending on the interested buyers.
  5. Review noise ordinance to address park hours and curfews options.
  6. Public Works reviewed a variety of play structures and determined the structure could be low and unobtrusive to the view.
  7. The gates were installed so that Public Works can maintain the trees planted outside of the fence. Those gates will only be unlocked when Public Works has to access the outside perimeter.

Mayor Pryor Escamilla inquired if the City was with legal rights to revert to previous plans and maps with regards to the park.

City Attorney Gibson requested clarification because it was his understanding what was signed off by the Planning Department was a landscape plan. City Planner Peters stated it was presented at the time along with the street landscaping plan and it was an oversight on her part not to see it was also a park plan. However it was reviewed for landscaping purposes.

City Attorney Gibson it was his understanding that the previous park plan that included a play area element formed the base for the reduction in the park fees and in to the extent that the final plan approved vary from that fee than the fee can be reviewed and reassessed based on the evaluation of the final approved plan.

**Moved by Councilmember Stidger to approve Option 1 - Direct the Public Works Department to purchase and install, at Woodside Homes expense, a play structure for the park at Gold Country Estates. The motion died for lack of a second.**

**Moved by Councilmember Nunes to approve Option 3 - Direct the Planning Department to collect \$19,312 from Woodside Homes to be placed in the park dedication fee fund. The motion died for lack of a second.**

**Moved by Councilmember Stidger, seconded by Councilmember Rodriguez, and unanimously carried direct the Public Works Department to purchase and install, at Woodside Homes expense, a "low profile "play structure for the park at Gold Country Estates.**

#### **9. Review Rate Increase from ACES Resulting to Landfill Closure Costs.**

City Manager Daly reported the City's franchise solid waste hauler, ACES Waste Services, Inc., has submitted a request for a rate increase based on a transfer station fee being imposed by Amador County to fund the post-closure costs at the Amador County landfill and the household hazardous waste program. ACES is also requesting a CPI increase for abnormal rises in fuel costs that have occurred over the past six months. The cost associated with the landfill closure are calculated at either 6.76% or 7.90% and the fuel surcharge request is for an additional increase of 1.25%.

The City Council was provided a copy of a report prepared by R3 Consulting Group for the Amador County Waste Management Department that detailed the funding issues at the Amador County landfill and the household hazardous waste program, as well as other operation costs associated with the

regional agency formed to manage compliance with the AB 939 recycling requirements. The County Waste Management Department operates under an Enterprise Fund, similar to the City’s water and wastewater funds. Fees generated by the landfill are intended to fund the operations.

When the landfill was closed in 2004, the major revenue source for the landfill, tipping fees, was greatly reduced. However, costs associated with the closure of the landfill, commonly referred to as “post-closure” costs, as well as other programs that benefit all cities and the County such as the household hazardous waste program, are now projected to have a funding gap of approximately \$366,000 per year. The report by R3 Consulting Group analyzed several potential revenue options and determined that a transfer station fee at both ACES transfer station in Pine Grove and the Amador Disposal transfer station at the landfill was the most equitable alternative. The amount of this fee to generate the necessary revenue was calculated to be \$7.40 per ton at each of the transfer stations.

The worksheets attached to the ACES request letter provide for two calculations. The first sheet assumes that none of the City of Jackson’s waste will be delivered to the transfer station at the landfill operated by Amador Disposal. Therefore, the net cost is based only on the additional \$7.40 per ton needed by Amador County to balance the Waste Management Enterprise Fund. The second worksheet assumes that just over one-third of the City’s waste is delivered to the transfer station at the landfill, where the tipping fee is projected to increase by \$10.75 per ton. This scenario is included due to an obligation that ACES has with Amador County to provide a minimum amount of tonnage to this facility. The City’s contract does not contain a “flow control” provision to direct where its waste should be delivered, however, that does not prevent the City from basing its rate increases on the most cost-effective option for its residents. Based on the lower increase resulting from delivery of all the City’s waste to the ACES transfer station in Pine Grove, it is recommended that an increase of 6.76% be approved to fund the \$7.40 per ton surcharge proposed by the County.

ACES also requested a CPI increase of 1.25% to help cover increased fuel costs. If approved, this would be the second CPI adjustment for ACES within six months, a deviation from the language in the franchise agreement that calls for one CPI increase per year, normally requested in the last quarter of the calendar year and effective on January 1. The CPI increase granted effective January 1, 2005, was 2.1%.

Paul Molinelli, Sr., President, was present to answer questions of the City Council. He stated there were two issues, ACE’s request of 1.25% increase and the Amador County’s request for either 6.76% or 7.90% increase. He stated the increase of 1.25% was to help cover increased fuel costs. He noted the Amador County Board of Supervisor would be addressing this item at their meeting tomorrow.

**Moved by Councilmember Lewis, seconded by Councilmember Nunes, and unanimously to approve a Rate Increase Request from ACES Waste Services in the amount of 7.90% increase for cost associated with the landfill closure and 1.25% increase for fuel surcharge for a total of a 9.15% Increase.**

<u>Regular</u>	<u>(7.90% + 1.25%)9.15% Increase</u>
20 gallon cart	\$ 5.15/mo.
96 gallon cart	\$11.80/mo.

Senior	
20 gallon cart	\$ 4.70/mo.
96 gallon cart	\$10.65/mo.

#### **10. Automatic Aid Agreement with Amador Fire Protection District.**

City Manager Daly stated the ensuing discussions between the City, AFD and the Sutter Creek VFD have resulted in a tentative agreement to present to each of the respective legislative bodies for the three organizations. The agreement provides for an initial compensation of \$105 per call for 2005 and increases annually for five years until it reaches \$150 per call in 2009. In addition, it is also understood that AFD will compensate the City of Jackson at the \$105 rate for all calls for service in the Jackson response area from July 1, 2003 through December 31, 2004.

He stated the new agreement also includes a “good faith effort” clause intended to memorialize the current efforts to bring full-time fire protection to the Jackson-Martell-Sutter Creek corridor. This work is already underway through the efforts of the Amador Fire Protection Authority, the joint powers authority recently formed to explore opportunities for regional collaboration to evaluate the paid staffing costs and identify and develop potential new revenue sources that will be necessary to support paid staffing.

**Moved by Councilmember Nunes, seconded by Councilmember Stidger, and unanimously to approve a motion authorizing the Mayor to sign the Agreement of Automatic Fire Protection Aid between the City of Jackson and the Amador Fire Protection District (AFPD).**

#### **11. Review of Draft Tribal Environmental Impact Report (TEIR) Buena Vista Rancheria of Me-Wuk Indians of California Flying Cloud Casino Project.**

City Manger Daly stated the Buena Vista Rancheria of Me-Wuk Indians of California are proposing a 15-acre Gaming and Entertainment Facility located in the southwestern portion of Amador County, south of Highway 88 near Buena Vista in the Jackson Valley. On May 11, 2005, the tribe released a Draft Tribal Environmental Impact Report (DTEIR). The DTEIR has a 45 day review period with comments due to the tribe by June 24, 2005. The City Council was provided a copy of a draft comment letter which staff proposes to submit to the tribe for inclusion in the Final Tribal Environmental Impact Report.

He stated the letter essentially addresses the need for impacts to the City of Jackson, particularly traffic and housing impacts, to be analyzed in the DTEIR. The County conducted a public hearing on June 8, 2005, to encourage comments from the community. The County is mounting a serious challenge to the proposed casino through the federal courts and is also encouraging the tribe to withdraw the DTEIR document due to the serious deficiencies in the document. The DTEIR is available on Amador County’s website at “www.co.amador.ca.us” as well as at the Amador County Public Library in Jackson.

City Planner Peters stated even though this is a Draft Tribal Environmental Impact Report, the Buena Vista Rancheria of Me-Wuk Indians of California will have to respond to the City ‘s comments and our hope is that their respond by increasing the study performed to expand the traffic impact to a larger area with mitigation recommended that would offset the impacts being created. She stated Caltrans and

Amador County Transportation Commission are also submitting letter with the same request.

After considerable discussion among the City Council and staff, the City Council authorize the Mayor to sign and forward the letter to the Buena Vista Rancheria of Me-Wuk Indians of California. The strongly recommended that the DTEIR address the following:

1. Traffic impacts to the City of Jackson from patrons and employees traveling from the east and southeast.
2. Traffic impacts to State Route 49 and 88 within the City of Jackson resulting from casino patrons migrating between the proposed Flying Cloud Gaming and Entertainment Facility and the Jackson Rancheria Casino.
3. Workforce housing impacts to the City of Jackson's already impacted housing stock.
4. Impacts to services including public safety (police and fire), schools and recreational opportunities resulting from increased population.

## **12. Membership Qualifications for Cemetery Committee.**

City Manager Daly stated at the last meeting Councilmember Marilyn Lewis requested that the Cemetery Committee membership requirements be reviewed by the City Council to consider opening eligibility to non-residents. When the Cemetery Committee was officially established in the Jackson Municipal Code (Chapter 2.37) in 1996, the membership eligibility was restricted to "resident and qualified electors of the city." It was one of the main discussion points in the minutes from the City Council meeting when the ordinance establishing the committee was first introduced on April 22, 1996. This qualification requires any committee appointee to be a resident of the City of Jackson. However, when the ordinance was codified, the City Council allowed Arlie Crew) a non-Jackson resident serving on the Cemetery Committee to serve until the term expired, but future members were required to be residents of Jackson.

Since this committee is only advisory in nature and the City Council would have the discretion to appoint either residents or non-residents if the membership requirements are amended to allow non-residents, this issue is strictly a matter of policy and can be changed by the City Council as desired. The change would require adoption of an ordinance to amend the Municipal Code section pertaining to eligibility on the Cemetery Committee.

Councilmember Lewis stated you don't have to be a resident of Jackson to be buried in the Jackson City Cemetery and the City should not be limiting our resources just because they live in the city limits of Jackson.

Gordon Miller, previous Cemetery Committee member, agreed with Councilmember Lewis and suggested the City Council reconsider the membership qualifications.

Warren Carleton, Cemetery Committee, stated he would appreciate it if the City Council would send this recommendation to review the policy to the Cemetery Committee and have the committee make a recommendation to the City Council.

It was the consensus of the City Council that the Cemetery Committee review the information in the

staff report regarding the policy for membership qualifications for Cemetery Committee and make a recommendation at a future City Council meeting.

**13. COUNCIL REPORTS.**

Councilmember Lewis reported on the following items:

1. Attended the Amador County Waste Management meeting and nothing substantial happened.
2. The next Amador County Air District meeting is scheduled for June 15 and she will be asking about funds for the walkway from Rollingwood.

Vice-Mayor Rodriguez stated he would be attending the Highway 88 Corridor Planning Project Oversight Committee (POC) on Thursday, June 23 at 5:00 p.m. City Manager Daly stated Councilmember Stidger is the alternate for this committee.

Councilmember Stidger reported on the following items:

1. Attended the Airport Land Use Commission meeting on June 6, the commission approved the Martell Business Park after it was restructured with offices rather than retail business because it was determined the retail would be located in Safety Zone 2.

Mayor Pryor Escamilla stated the Amador County Recreation Agency (ACRA) barbeque is scheduled for Thursday, June 16 at 4:00 p.m. at the Kennedy Mine Foundation.

City Manager Daly introduced the City's new employee Candy Collins who will be taking over for Sandie Sproviero and will start on June 20.

**14. ADJOURNMENT**

Adjourn: 10:55 p.m.

ATTEST:

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Gisele L. Cangelosi, City Clerk

Date Approved: January 9, 2006