

Jackson City Council
Minutes
Regular Meeting of November 28, 2005

COUNCIL MEMBERS PRESENT:

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

CITY STAFF PRESENT:

Michael Daly, City Manager
Tom Gibson, City Attorney
Scott Morrison, Police Chief
Gisele Cangelosi, City Clerk

COUNCIL MEMBERS ABSENT:

None

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

1. CEREMONIAL

Introduction of New Chaplain – Carolyn Oliver. City Police Morrison introduced Chaplain Carolyn Oliver and presented her with the Chaplain badge.

2. APPROVAL OF AGENDA.

**Moved by Councilmember Lewis, seconded by Councilmember Stidger, and
unanimously carried to approve the City Council Agenda dated November 28, 2005.**

Councilmember Lewis requested on future agendas more information be provided for the public as to what would be discussed in closed session.

3. PUBLIC MATTERS NOT ON THE AGENDA.

None.

4. CONSENT CALENDAR

- a. Approval of Minutes of May 23, 2005, meeting.
- b. Approval of Expenditure Report for the period of November the amount of \$59,185.71.
- c. Award of Bid – Patrol Car.
- d. Adopt Resolution for Amended Parcel Map No. 2428 – New York Ranch Center, Inc.

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

5. ADMINISTRATIVE REPORTS.

Police Chief Morrison reported on the following items:

1. Christmas Delights took place without any problems.
2. Earlier this year the City was awarded monies from the Indian Gaming Special Distribution Fund for a 2006 Ford Crown Victoria and he will be contacting New Jackson Ford/Mercury to

order this vehicle.

City Manager Daly reported between this meeting and the December 13 meeting the City will have its 100th anniversary as a city and there will be a celebration at the next Council meeting in recognition of that milestone.

DISCUSSION CALENDAR

6. Amador County Department of Agriculture - Vector Control District Formation.

Michael Boitano, Agricultural Commissioner was present to update the Council on the formation of the Amador County Vector Control District. He reported they have started the process to get a ballot initiative for the formation of a Vector Control District on the June ballot. He provided the City Council with a copy of the proposal that was submitted to the Board of Supervisors last week. He stated the Board accepted the proposal and part of that process was a resolution of application. He stated the Board would consist of one person from each of the cities and one person from the County. A public hearing has been scheduled for the regular Board of Supervisor’s December 13 Board meeting and he requested public participation.

City Manager Daly inquired if the proposal for the District would include the entire County and incorporated Cities. Mr. Boitano stated that was the proposal and the County wide district would be funded by a partial fee.

7. Amend Charges for Use of Community Room and Related Area of Jackson Civic Center.

City Clerk Cangelosi reported in March 1994 the City Council adopted a resolution establish the charges and rules for rental and usage of the Community Hall of the Jackson Civic Center.

Staff obtained the usage policy and fees for other facilities available in Amador County to determined a fair and reasonable increase. After performing a comparison of the usage policy and fee schedules from these facilities, staff recommends a category and fee schedule amendment for the rental of the Community Hall of the Jackson Civic Center.

Recommended Categories and Fee Schedules:

For Profit Private Organizations	Government	Private Individual Parties	Youth/ Recreation Events	Non- Profit Organizations and Churches
\$30.00	\$10.00	\$20.00	\$10.00	\$10.00

1. Fee: Calculated by an hourly rate for each category and not based on persons in attendance.
2. Minimum Use: A two-hour minimum use for the private and for profit category.
3. Set-up and take down: This time will be included in the calculation when determining the number of hours necessary for the event.
4. Cleaning Deposit: \$100.00 per event, and if clean up has been determined to be questionable or unsatisfactory, the City will retain all or part of the cleaning deposit.
5. Kitchen Use – Flat Fee: \$25.00 per event
6. Kitchen Clean Deposit: (Included in Rental - Cleaning Deposit)
7. Utility Fee - 3 hours or more: \$25.00 per event

Eugene Davidenas, Minister Jackson Lutheran Mission, thanked the City of Jackson in behalf of the Lutheran that worship at the Civic Center.

Moved by Councilmember Lewis, seconded by Councilmember Stidger, and unanimously carried to approve Resolution No. 2005-54 amending Resolution 94-14 Setting Charges for Use of Community Room and Related area of Jackson Civic Center.

8. Amend Fees and Charges for Municipal Services Relating to Administrative Services.

City Clerk Cangelosi reported in May 1996 staff requested that the City Council adopt a resolution to provide municipal services for the public because providing these services requires time and materials. The City Council adopted Resolution 96-22 at the May 1996 City Council meeting, which established the following fees and charges:

Miscellaneous Copies	Copied pages 1 – 10 free \$0.10 each copied page thereafter
Certified Copies	\$1.75 Each
City Council Agenda Packet	\$5 per packet – or - \$100 per year
Planning Commission Agenda Packet	\$2 per packet – or - \$20.00 per year

Resolution 96-22 does not address duplication of cassette tapes for the City Council and Planning Commission meetings. Because there is no established charge or fee to provide this service, staff has been charging \$1.04 per tape (the City’s previous cost for tape) or nothing if the person making the request provides the tape.

The California Public Records Act states each state or local agency, upon a request for a copy of records, shall make the records promptly available to any person upon payment of fees covering “direct costs” of duplication. Based on the labor rate for the City Clerk and the current \$1.12 per tape cost, a fee schedule of \$6.50 for the first tape and \$5.00 per tape for subsequent tapes on the same order should be established.

In August 2005, staff received a survey from the California City Clerks List Service regarding the results from a question that was pose to other City Clerks regarding charges and fees being charged at their municipality, this survey included a charge for audio tapes. The charges vary from as low as \$2.00 and as high as \$25.00.

Councilmember Lewis felt she was being singled out by this Council if a Councilmember has to start spending their own money to obtain information for the public. Councilmember Stidger stated it was smart business.

Mayor Pryor assured Councilmember Lewis that she was not being singled out. She felt the City Council stipend was to be used for expenses incurred such as request for xeroxing or copying audio tapes while performing her job and not salary compensation.

Councilmember Lewis felt the City Council should not be charged for public records requests that were for public benefit. She stated at a public meeting she expects there to be plenty of copies of items being discussed at the meeting.

Councilmember Lewis did not feel comfortable using the audio taping equipment. Councilmember Stidger felt the Councilmembers could be trained how to use the equipment.

Vice-Mayor Rodriguez suggested the City Council be exempt within reason and be allowed one copy of a document and/or audio tapes at no additional cost.

City Attorney Gibson stated he was not aware of any other city that set the City Council apart but that is something this Council may chose to do. He suggested the following option, if a Councilmember want a copy of the audio tapes they could make their own copy of the tape as long as the tape stays on the premises, they would avoid being charged the City Clerk time. He stated the resolution could be amended to include that City Councilmembers shall not be charged for the first set of documents or tapes that are covered by this fee schedule.

Moved by Councilmember Nunes, seconded by Vice-Mayor Rodriguez, and carried by a 4 to 1 vote (Councilmember Lewis dissenting) to approve Resolution No. 2005-55 amending Resolution 96-22 Establishing Fees and Charges for Municipal Services Relating to Administrative Services to include that City Councilmembers shall not be charged for the first set of documents or tapes that are covered by this fee schedule.

Councilmember Lewis was opposed to the motion. She felt the public should not have to pay for copies of documentation that would be discussed at a City Council meeting.

9. Selection of Mayor and Vice Mayor.

Moved by Councilmember Lewis, seconded by Councilmember Nunes, and carried by a four to one vote (Mayor Pryor Escamilla dissenting) to nominate Councilmember Nunes as Mayor.

Moved by Mayor Pryor Escamilla, seconded by Councilmember Nunes, and unanimously carried to nominate Councilmember Rodriguez as Vice-Mayor.

10. COUNCIL REPORTS.

Councilmember Stidger reported the League of Cities legislative briefing he and City Manager Daly attended last Wednesday regarding all the new bills going into effect on January 1, 2006 and a preview of the next year's State Budget was very informative. He stated he attended Christmas Delights and noted lots of positive comments were received.

Councilmember Lewis reported she attended Christmas Delights and the storeowners reported a great turnout.

Councilmember Rodriguez reported he attended Christmas Delights. He also attended a meeting of Planning Commission meeting regarding the Smart Code on the Zoning Ordinance that was presented by Suzanne Plasse.

City Manager Daly stated that presentation was good timing because the Planning Commission's review of the Zoning Ordinance. The subdivision portion contains a lot of the concepts and principles

that are in the Smart Growth Code and principles. Ms. Plasse and the Planning Commission had a good opportunity to share with each other what been happening with the zoning ordinance update and a lot of Ms. Plasse's suggestions were incorporated and amended into the work the Planning Commission is doing. The key concept the speaker mentioned was "smart growth was a democratic process of planning" that's the key in getting people to attend Planning Commission meetings when discussing the zoning ordinance.

Mayor Pryor reported on the following items:

1. Requested that Councilmember Lewis meet with her to discuss the next steps for the proposal to the County Air District for the walkway project.
2. Positive input has been received from individuals now renting at Kennedy Meadows affordable housing units.

Councilmember Rodriguez noted he had also received positive input from a substitute worker at the Post Office that is a single mother who rents there and it has helped her tremendously.

Councilmember Lewis requested that the public be informed as to why the City Council was going into closed session.

City Attorney Gibson stated he and City Manager Daly would work together to accommodate Councilmember Lewis's request for more information on the agendas. He stated in accordance of the Brown Act, this particular item could be publicly announced or on the agenda and that in the future it could be placed on the agenda. However, the purpose of this item is significant exposure to litigation relates to allegations concerning the City's compliance of the Brown Act in a closed session from several meetings ago with regards to then existing litigation item against the Amador Water Agency.

11. CLOSED SESSION.

a. Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: One Case.

12. ADJOURNMENT

Adjourn: 8:10 p.m.

ATTEST:

Gisele L. Cangelosi, City Clerk

Date Approved: May 8, 2006