

Jackson City Council  
Minutes  
Regular Meeting of May 14, 2007

Rosalie Escamilla  
Connie Gonsalves  
Al Nunes  
Andrew Rodriguez, Vice-Mayor

Michael Daly, City Manager  
Scott Morrison, Police Chief  
Mark Morton, Fire Chief  
Susan Peters, City Planner  
Gisele Cangelosi, City Clerk

**COUNCIL MEMBERS ABSENT:**  
Drew Stidger, Mayor

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Vice-Mayor Rodriguez called the meeting to order at 7:00 p.m.

**1. CEREMONIAL.**

- a. Proclamation Honoring Retiring City Employee Richard Sickels for 18 Years of Service. Councilmember Nunes presented Richard Sickels a proclamation for 18 years of service. Richard Sickels stated he appreciated his years of service for the City.

**2. APPROVAL OF AGENDA.**

**Moved by Councilmember Gonsalves, seconded by Councilmember Escamilla, and unanimously carried to approve the City Council Agenda dated May 14, 2007 as presented.**

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

Thornton Consolo, Jackson, stated the following concerns:

1. His second warning to the City Council regarding the disrepair of the Jackson Creek Plaza parking lot. Noted he personally contacted the property management company regarding this problem and felt the City should hold the property owner responsible for the maintenance of this parking lot.
2. He stated Planning Commissioner Garibaldi should have recused himself from the May 7 Public Hearing regards the Jackson Hills Project being that he is employed by the Bank of Amador and has more than one conflict of interest.

Jack Georgette, Jackson, stated in the past, Councilmembers, the City Manager and the City Planner have recused themselves from discussion on various projects. At the May 7 Planning Commission meeting he made reference to a document provided in the agenda packet submitted by the "Jackson Hills Support – Jackson Residents and Businesses" dated January 2007. His concern with the document was on page two where Larry Standing's name was listed. He expressed Mr. Standing was the President of Bank of Amador and felt Commissioner Garibaldi as an employee of said bank and should recused himself. He felt the Assistant City Attorney

Drivdahl before giving her ruling should have clarified Commissioner Garibaldi reasons for not recusing himself. Mr. Georgette was adamant a conflict of interest still exists.

He inquired if City Attorney Gibson wanted to comment on this matter. City Attorney Gibson had nothing to add regarding this specific situation. Mr. Georgette inquired if City Council could consider rescinding the Planning Commission vote. City Attorney Gibson stated there was no consideration to rescind the vote.

Shirley Dajnowski, Jackson, thanked Councilmember Escamilla for facilitating the Oro de Amador public workshops. She also thanked City Manager Daly and the other Councilmembers for attending the workshops. She attended two to the workshops and great suggestions were received from the public.

Bud Lewis, Jackson, stated the following concerns:

1. Concurred with Mr. Consolo's concerns regarding the Jackson Creek. He stated Consent Calendar Item h. Reject Claim - Dansereau was a claim regarding the Jackson Creek Plaza and by rejecting this claim it gives the Dansereau's the right to sue the City. He suggested the City consider a counter claim against the Jackson Creek Plaza for neglect.
2. Concurred with Mr. Georgette's comments regarding the conflict of interest concerns.
3. He said bias is also a significant issue discussed previously by the City Attorney. It was his opinion, a bias procedure was resolved by disclosing the contacts/matters discussed and then and only then with an indication of the board member could they entertain a favor decision based on the information presented at that public hearing. He stated that was not done.
4. Should any litigation commence for the Jackson Hills project it would require judicial review of what occurred during that meeting. That review would involve the City Attorney making dozens of thousands of dollars on defending the litigation. He believes the City should entertain hiring different counsel to litigate decisions of the City Attorney. He felt his concern should be place on the next agenda and a decision be arrived at.

City Attorney stated he wanted to clarify Mr. Lewis's opinion remarks regarding the bias issue. He did not believe the City Council intended to state or had overstated the potential for bias; bias is a due process issue. If there is a concern for bias there is no requirement to disclose it and then make a decision it's okay to continue. It is frequently good advice to disclose it, let the people know the individual is aware of the issue and is comfortable with proceeding forward. But it is not a legal requirement to disclose or make any kind of statement.

#### **4. CONSENT CALENDAR.**

- a. Approval of Minutes of June 12, 2006 meetings.
- b. Approval of Expenditure Report for the period of April the amount of \$439,290.41.
- c. Approval of Salary related items for April the amount of \$277,022.80.
- d. Accept March, 2007 Treasurer's Report and Sales Tax Report.
- e. Receive Jackson Police Department Monthly Report for April 2007.
- f. Receive Jackson Fire Department Monthly Report for April 2007.
- g. Receive Building Department Monthly Reports for April 2007.
- h. Reject Claim - Dansereau.

- i. Adopt Resolution Closing Out Miscellaneous CDBG Fund Accounts.
- j. Adopt Resolution Closing Out Assessment District Fund Accounts.

**Moved by Councilmember Nunes, seconded by Councilmember Escamilla, and unanimously carried to approve the Consent Calendar as presented except for:**

- 1. Vice-Mayor Rodriguez abstaining on the approval of Check 227317 in the amount of \$35.00 for Terri Works.**

#### **5. ADMINISTRATIVE REPORTS.**

Fire Chief Morton reported the Jackson Fire Department responded to 71 calls last month, 9 traffic accidents, 8 fire related calls, 8 public assists and 46 medical aid which was an average of 2.7 calls per day. He noted 65 percent of the calls were medical aid calls and 13 percent of the calls were outside of the city limits for automatic aid to the AFPD. The fire season began today and staff has started to receive calls regarding weed abatement.

Police Chief Morrison reported on the following items:

1. Total calls for service the month April was 581.
2. The Gold Country Cruise Car Show will be held Saturday, May 19.

City Planner Peters reported on the following items:

1. Staff has been working on the draft letter regarding the Draft Environmental Impact Report (DEIR) for the proposed Wicklow Subdivision.
2. The public notice for the Notice to Develop will be held at the May 21 Planning Commission meeting. Their recommendations will be forwarded to the City Council at the May 29 meeting.
3. The Planning Commission has made their recommendation with regards to the adequacy of the environmental impact report and the merits for the Jackson Hills project and will be forwarded to the City Council at the June 25 meeting.

City Attorney Gibson stated he had nothing to report.

City Manager Daly reported on the following items:

1. The Oro De Amador planning process workshops were well attended with about 40 people attending. Staff is compiling the information for the next City Council meeting to discuss the next planning steps. The funding announcements for the Environmental Protection Agency Brownfield grant is anticipated in May.
2. The City has been awarded a grant from the California Air Resource Board in the amount of \$75,000 for replacement of a backhoe.
3. The Gold Country Cruise Car Show will be held this Saturday and the City's new downtown parking lot restrooms will be open for the event. Office of Emergency Services will be providing parking information/transportation radio broadcasting on Channel 530 AM during the event.
4. The Amador County Fire Protection Authority has tentatively rescheduled a meeting for the 2<sup>nd</sup> week in June to discuss fire service through out the County.

Councilmember Gonsalves informed Fire Chief Morton the Fire Safe Council has grant money set aside to assist families in need of help for weed abatement. Fire Chief Morton stated he recently received information from some companies offering services for weed removal and the 100-foot setback required by Cal Fire and brochures were available at City Hall.

**6. COUNCIL REPORTS.**

Councilmember Escamilla reported on the following items:

1. Helped facilitate the three Oro de Amador workshops.
2. Tickets are available for the 3<sup>rd</sup> Annual ACRA Barbeque Fundraiser being held on Thursday, May 31 at the Kennedy Mine Foundation.

Councilmember Gonsalves attended the community workshop for the Oro de Amador Property Planning held May 8, which was productive and very creative.

Councilmember Nunes reported on the following items:

1. Attended the Oro de Amador workshop.
2. Attended the Jackson Cemetery Committee meeting and the Amador County Historic Society donated monies for restoration of old gravesites.

Vice-Mayor Rodriguez reported he attended several meetings:

1. All three of the Oro de Amador workshops and walked the site.
2. The Kennedy Mine Foundation meeting.
3. The Air Quality Control Board at which the Board approved the purchase of a new bus for the Jackson School District that would put out 85 percent fewer emissions.
4. The May 7<sup>th</sup> Planning Commission meeting for the Jackson Hills project.
5. A portion of the ACRA meeting.
6. A planning workshop for the Old Court House.
7. The Amador County Planning Commission Wicklow Way public hearing.

City Manager Daly report Mayor Stidger was absent due to Sheriff's business.

**DISCUSSION CALENDAR**

**7. Amador Water Agency's Proposed 22% Rate Increase.**

City Manager Daly reported the draft Financial Plan and Water Rate Study was received from the Amador Water Agency on May 1, 2007. The rate study details the financial needs of the AWA for the next three years and provides a proposed increase in water rates.

The City of Jackson began purchasing treated water from AWA in 1999. As a treated wholesale water customer, the City of Jackson is uniquely identified in the rate study. According to the water usage statistics used in the report, the City's average water charge would increase by approximately 22% on August 1, 2007, then increase by 12% each of the next two succeeding years.

The average rate increase for all customers in the Amador Water System is 12%, with some customer classifications receiving higher rate increases than others. The water rate study

evaluates the rates based on the type of customer based on meter size, highest demand for water and general service retail and industrial water users. The rate chart also includes ditch customers and flat rates for both treated and untreated water customers.

The City's charge for service is based on a flat rate monthly service charge and a commodity rate based on the amount of water used each month. The City's monthly service charge is proposed to increase by 91.3% the first year and 12% each of the next two years. The commodity rate increases by 6.8% the first year, then 11.7% the second year and 12.4% the third year.

City Manager Daly reported Jim Abercrombie, General Manager of the AWA was not able to attend tonight meeting and the AWA public hearing for the proposed rate increase is scheduled for Thursday, June 28 at 9:00 a.m. at the AWA Board Office.

It is recommended that the City Council consider appointing a subcommittee to meet with AWA representatives to review the proposed increases in greater detail to ensure that City of Jackson water customers are being treated fairly in relation to other AWA customers.

Vice-Mayor Rodriguez opened public discussion.

The following individuals spoke against the Amador Water Agency's Proposed 22% Rate Increase: Kathy duBois, Bud Lewis, Shirley Dajnowski, Thornton Consolo, Marie Louise-Solaja, Russ Evitt and Marilyn Lewis. The following concerns were noted:

1. The city has does a great job in the past with workshop and community regarding water issues and requested a public forum be scheduled to get the word out.
2. Amador Water Agency gets the water free and inquired why the increase was so high.
3. The water and sewer rates will continue to increase for the next 20 years.
4. The public should not be surprised since AWA provided these same figures when the pipeline was proposed.
5. Wants AWA to spell out the whole picture as to why the City of Jackson's rate will increase from \$9,000 to \$17,000.
6. Requested the public provide beneficial information to the City Council and not complaints.
7. Felt a representative from the Amador Water Agency should have been in attendance tonight.

City Manager Daly stated the analysis was in the Amador Water System Financial Plan and Water Rate study, which was available for public review.

Vice- Mayor Rodriguez closed public discussion.

After considerable discussion among the City Council and staff the following action was taken. The City Council appointed Councilmembers Escamilla and Nunes to a subcommittee to review the information from the AWA in greater detail to ensure that the City of Jackson and its water customers were being treated fairly.

**7. Wicklow Subdivision Draft Environmental Impact Report Comment Letter.**

City Manager Daly stepped down and left the Council Chamber due to a conflict of interest.

Vice-Mayor Rodriguez stated this item was to review the provided letter to the Amador County Planning Department regarding the adequacy of the Draft Environmental Impact Report for the proposed Wicklow Subdivision and provide staff with authorization to execute and send.

City Planner Peters reported on March 30, 2007 the Draft Environmental Impact Report (DEIR) for the proposed Wicklow Subdivision was released, initiating the 45 day review period required by the California Environmental Quality Act (CEQA). The City Council reviewed the DEIR and provided staff with comments at the April 23, 2007 meeting. Staff was directed to incorporate their comments into a letter to the Amador County Planning Department. Additionally, the Council directed staff to request the County to extend the comment period to 60 days to allow for additional review time. Staff attended the April 24, 2007 Amador County Planning Commission hearing regarding the proposed project and requested and was granted the time extension. The comment period will now close on May 29, 2007.

Subsequent to the Amador County Planning Commission hearing, staff has had a series of meetings with County planning staff. These meetings were consistent with the Memorandum of Understanding between the City of Jackson and the County of Amador regarding the review of the Wicklow Project. Staff was encouraged by the County's willingness to work collaboratively on this project.

The City Council was provided the draft letter to the County of Amador Planning Department, which summarizes the concerns of City staff that have been expressed to date regarding the adequacy of the DEIR along with comments from the City Council from the April 23, 2007 Council meeting.

City Planner Peters stated the County's Housing Element does not include a requirement for inclusionary affordable housing and she would include a request that would be consistent with the City's inclusionary housing ordinance.

Vice-Mayor Rodriguez opened the public discussion.

Thornton Consolo, Jackson, had three concerns: the need for additional Police Officers and a School Resource Officer due to increased traffic, undeveloped commercial land in the project area should be annexed to the City and the protection historic Main Street.

Frank Tremaine, Jackson, felt Amador County needed to improve their fire protection plan and requested the mitigation for Fire Protection Services be similar to that of Sacramento and Stockton.

Marie Louise Solaja, Jackson, stated this project first came up when she was on the City Council and the County approached the City regarding annexation. At that time the City Council stated they would be interested in annexing the project if the annexation would include Wal-Mart and

Kmart. The Board of Supervisor stated absolutely not, they only wanted the annex the housing portion of the project and the City told them no thank you.

Vice- Mayor Rodriguez closed public discussion.

After considerable discussion among the City Council and staff was directed to incorporate the following revised comments regarding the adequacy of the DEIR from the City Council into a letter to the Amador County Planning Department.

Land Use Consistency: The Existing Land Use section of the DEIR's Land Use, Population and Housing chapter incorrectly describes the City of Jackson Land Use Element designation of the project site. The DEIR states that the project site is designated as a Special Planning Area when, in fact, there is no designation for this site because it is not within the City's Sphere of Influence. The City of Jackson's proposed minimum lot size for single-family residential is 8,000 square feet per dwelling unit. The single-family residential lot sizes proposed for this project are significantly smaller. To be consistent with the existing development in the area (Westview Bluffs) and the City's new General Plan Land Use Element, the project should be redesigned with minimum single-family residential lots no less than 8,000 square feet.

Noise: Mitigation Measure 2.8-8 – Hours of operation for construction activities should, at a minimum, meet the City of Jackson Noise Ordinance standards – Monday through Friday 7:00 am to 8:00 pm, Saturday 8:00 am to 7:00 pm, and Sunday and holidays 9:00 am to 5:00 pm.

Law Enforcement Services: The DEIR does not address the fact that the City's Police Department does respond to emergencies within the County adjacent to the City limits. Due to this fact, the DEIR should analyze the need for additional City of Jackson Police Officers and the potential impact on the existing equipment and facilities.

Fire Protection Services: The DEIR should acknowledge that the City of Jackson Volunteer Fire Department will likely be the first to respond to fire and medical emergencies to the Wicklow Subdivision because of the close proximity of the City's Fire Station No. 2 and the Automatic Aid Agreement with the Amador Fire Protection District. Calls generated from the proposed project would require additional equipment, which could not be housed at the -Station No. 2 due to site constraints. For this reason Mitigation Measure 2.9-2 should include construction of a new station, a minimum of one acre in size, located near the commercially zoned property on Wicklow Way. This station should be constructed to accommodate a rescue (medical) unit and an engine. Additionally, Mitigation Measure 2.9.2 should be amended to require an additional annual assessment than what is currently required by the Community Facilities District to fund two full-time paid positions to man the recommended new station.

Recreational Facilities: The DEIR fails to adequately address the need for active parklands in the project vicinity. Additionally, the proposed 18.24 acres of parkland includes open space drainage areas which may prove difficult to utilize for recreation purposes and should not be considered parkland. Mitigation should be added to require some active park features. Additionally, because of the project's proximity to the City's Detert Park and City Pool, the City will likely experience the greatest recreational impact. For this reason the City requests that the

project be require to pay the City's parkland fee of \$8,670 as opposed to the County's fee of \$4,300 and that the City receive a portion of these funds.

Water Supply: The DEIR is incorrect in that it claims that the proposed project is within the service area of the Amador Water Agency when in fact, it is within the service area of the City of Jackson. Additionally, the DEIR does not acknowledge that the project applicant will be required to pay participation fees to the City of Jackson for each single family or equivalent residence above the meter fee required by the Amador Water Agency. Finally, in accordance with Senate Bill 610 a water supply assessment must be prepared and incorporated into the DEIR for the proposed project. The water supply assessment would address the water service issues discussed above and provide clarity regarding the long-term supply of water to the proposed project.

Traffic and Circulation: Overall, the analysis of impacts to traffic and circulation are inconsistent with traffic analysis in the Jackson Hills and Sutter Amador Hospital Draft and Final EIRs and the Draft EIR for Home Depot (to be released in June). Additionally, the traffic analysis proposes mitigation which is not consistent with the City of Jackson's Circulation Element of the General Plan. Specifically, Mitigation Measure 3.10-1a requires the reconfiguration of the eastbound approach of Hoffman Street to SR 49. Regardless of the fact that the separate (unmarked) left and right turn lanes already exist, the City's objective is to remove the majority of traffic from Hoffman by extending Sutter Street to Hoffman/Stony Creek Road. Mitigation Measure 3.10-2 requires the applicant to pay the Regional Mitigation Fee towards improvements to roadway segments including SR 49 from SR 49/88 intersection to Argonaut Lane, and SR 49 from Argonaut Lane to Hoffman Street. Despite the regional traffic fee, the necessary improvements are not fully funded. For this reason, the participation in the regional fee does not fully mitigate the impact to a level of insignificance. The residual impact should be shown as "Significant and Unavoidable." Also, the proposed traffic mitigation will likely impact emergency response vehicular traffic. Mitigation Measure 3.10.1 requires operational changes to the SR 88/Martell Cut-off, SR 49/Jackson Gate Road, and SR 49/88 Argonaut Lane intersections which will hinder emergency access. This mitigation should be reviewed further to determine its impact to emergency service providers. Finally, the DEIR does not address vehicular, bicycle, or pedestrian traffic between the proposed subdivision and Westview Drive. Separation of these two subdivision will require residents to utilize Argonaut Lane, SR 49/88 and Stony Creek Road, further impacting intersections and road segments which are currently operating at low levels of service. The project should be redesigned to, at a minimum, allow for pedestrian and bicycle traffic between the two subdivisions.

Affordable Housing: While the County's Housing Element does not include a requirement for inclusionary affordable housing, a development of this size should offer housing at a variety of costs. The developer should be required to provide a minimum of ten percent inclusionary affordable housing. Five of the ten percent should be offered at the very-low income level with the other five percent offered at the low-income level. This requirement is consistent with the City's inclusionary housing ordinance.

Fiscal Impacts: Because of the services that the City of Jackson will need to provide to the proposed project, the fiscal impact to the City is anticipated to be significant. For this reason the

City requests that the DEIR include a Fiscal Impact Analysis to address the fiscal impact issues related to this application and to explore potential annexation options.

Councilmember Escamilla suggested consideration on a future agenda regarding formation of an Ad Hoc committee to address revenue sharing and fiscal impacts to the City with regards to annexation related to this application and to explore potential annexation options. City Planner Peters reiterated a Fiscal Impact Analysis for this project would serve as a good example because the City would handle the majority of the services and receive none of the revenue.

City Planner Peters noted she would also include specific language regarding Jackson Gate and Main Street left turn issue and the potential for a development agreement requiring that Sutter Street extension be constructed as part of the project.

Vice-Mayor Rodriguez called for a recess at 9:02 p.m. Vice-Mayor Rodriguez reconvened the meeting at 9:15 p.m.

City Manager Daly returned to the dais.

#### **8. Presentation on Essentials of Redevelopment.**

City Attorney Gibson disclaimed he was not a redevelopment lawyer. He stated the presentation would be a brief overview of the surface level of redevelopment because there are eight different levels of complexities. The City Council was provided a complete copy of the presentation.

In terms of process the issue of potential redevelopment for the City has come up during the formation of the City's Economic Development Committee. Redevelopment is a complex issue, but it is used successfully in municipalities throughout California to enhance economic development within their communities.

Redevelopment agencies exist in every community but are dormant until the City Council or the Board of Supervisors enacts an ordinance declaring a need for the agency to function. Redevelopment agencies remain active indefinitely until the legislative body adopts another ordinance declaring that there is no need for the agency to function.

The City is at the preliminary stage and would have to appoint and employ temporary and permanent officers and employees. The finding of blight Redevelopment plans and projects established only in "blighted" areas which are characterized by both "predominantly urbanized, physical and economic conditions that cause blight as set forth in Health & Safety Code section 33031 (a) and (b). He stated there are six tools of redevelopment:

1. Property acquisition and assembly
2. Property disposition
3. Brownfield development
4. Site development
5. Public improvements
6. Low and moderate income housing

If the Council deems it appropriate, the first step would be to contact a redevelopment consultant and have either the City Manager or City Planner drive them around town to see the blighted areas. The consultant could come before the City Council with an understanding of what needs to be done to make the findings of blight and to create the redevelopment area. With that information they could determine how much money could be generated and what could be done with the money specifically. The City Council would direct staff to work with the Economic Development Committee and the City Attorney to further explore this option.

It was the consensus of the City Council to accept City Attorney Gibson's presentation regarding the essentials of redevelopment and referred the concept to the Economic Development subcommittee consisting of Mayor Stidger and Councilmember.

#### **9. Discussion of Measure E Funding Program.**

City Manager Daly reported following the approval of Measure E in November 2002, the City Council appointed an advisory committee to provide recommendations for the expenditure of the additional transient occupancy tax funds generated by Measure E. As stated in Resolution No. 2002-30, "The Council hereby declares that the first priority expenditure of the additional two percent (2%) of the transient occupancy tax funds collected by the City as a result of the ballot measure shall be tourism and business promotion, economic development, and downtown revitalization."

The committee developed a review procedure for funding requests to utilize the Measure E funds to implement programs in the subject areas approved by City Council. It involved a Request for Proposal process and has succeeded in generating well written proposals from a variety of organizations in the community.

Last year, the Measure E Advisory Committee membership included Stan Lukowicz, Paul Molinelli Jr., Tom Peyton, Keith Sweet, Michael Clausen and Tracey Berkner. A copy of the Request for Proposals used last year was provided. In 2006, a total of approximately \$67,000 was generated by the additional 2% transient occupancy tax. Now is the time to confirm the membership on the advisory committee and determine if the City Council prefers to pursue the same use of these funds as in previous years.

Councilmember Gonsalves inquired if some of these funds could be set aside for economic development. City Manager Daly stated setting aside funds for economic development was at the discretion of the City Council and a specific use for those funds would have to be provided.

**Moved by Councilmember Escamilla, seconded by Councilmember Gonsalves, and unanimously carried to approve the following motion:**

- 1. City Council review the request for proposal process previously utilized by the Measure E Advisory Committee for recommending use of the additional two percent transient occupancy tax collected in 2006.**
- 2. Setting aside \$30,000 of the funds for economic development.**
- 3. Remaining \$37,000 for the request for proposal process.**

Closed Open Session: 9:40 p.m.

**11. CLOSED SESSION**

- a. **Conference with Real Property Negotiator.** (Pursuant to Government Code Section 54956.8). 149 Main Street, Jackson, APN 020-241-008, Strohm. Agency Negotiator – Michael Daly, City Manager.
- b. **Conference with Labor Negotiator.** Agency Designated Representative: Michael Daly, City Manager. Employee Organization: Jackson Police Officers’ Association.

Reconvened to Open Session at 10:10 p.m. Vice-Mayor Rodriguez stated there was no reportable action taken.

**12. ADJOURNMENT to Tuesday, May 29, 2007**

Adjourn 10:10 p.m.

ATTEST:

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Gisele L. Cangelosi, City Clerk

Date Approved: Draft