



CITY OF JACKSON
City Council Meeting Minutes
 September 28, 2020

<p><u>Mayor and Council Members</u> Robert Stimpson, Mayor Connie Gonsalves, Vice Mayor Wayne Garibaldi, Council Member Keith Sweet, Council Member – via teleconference</p> <p>ABSENT: Marilyn Lewis, Council Member</p>	<p>John Georgette, City Clerk</p> <p><u>Staff Members:</u> Josh Nelson, City Attorney Yvonne Kimball, City Manager Bree Wilder, Acting Public Works Superintendent Debbie Mackey, Fire Chief Chris Mynderup, Police Chief Patti Ungaro, Administrative Assistant</p>
--	--

Mayor Stimpson called the meeting to order at 7:04 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG.

Mayor Stimpson led the Pledge of Allegiance.

1. APPROVAL OF AGENDA.

Motion to approve the City Council Agenda dated September 28, 2020 as presented. Moved by Vice Mayor Gonsalves, seconded by Councilmember Garibaldi, and carried by a 4 to 0 roll call vote:

- AYES:** Stimpson, Gonsalves, Garibaldi, Sweet
- NOES:** None
- ABSENT:** Lewis,
- ABSTAIN:** None

2. PUBLIC MATTERS NOT ON THE AGENDA.

Discussion items only, no action will be taken. Any person may address the Council at this time on any subject within the jurisdiction of the City Council. Please note – there is a three (3) minute limit.

Paul Jones, Jackson resident, offered prayer.

3. CONSENT CALENDAR.

Items listed on the consent calendar are considered routine and may be enacted by one motion. Any item may be removed for discussion at the request of a Council Member.

- a. Approval of the August 24, 2020 Meeting Minutes.
- b. Approval of the September 14, 2020 Meeting Minutes.
- c. Approval of Expenditure Report in the amount of \$170,174.12.

- d. Receive Treasurer’s Report for July 2020.
- e. Receive Jackson Building Department for Monthly Report for August 2020.
- f. Jackson Lion’s Club Halloween Parade Application for Special Event/Parade Permit.
- g. Acknowledgement of Jackson’s project submission to Amador County Countywide Economic Development Strategy (CEDS) study.

Motion to approve the Consent Calendar dated September 28, 2020 as presented. Moved by Council Member Garibaldi, seconded by Vice Mayor Gonsalves, and carried by a 4 to 0 roll call vote:

AYES: Stimpson, Gonsalves, Garibaldi, Sweet
NOES: None
ABSENT: Lewis
ABSTAIN: None

4. ADMINISTRATIVE REPORTS.

This section is to provide staff an opportunity to present oral status reports on issues. No legal action is expected to be taken by the Council.

Acting Public Works Superintendent, Bree Wilder

- They had a couple water main breaks; one at Westview and one at Sutter St.
- They have the Water Polo team at the swimming pool now every Monday-Wednesday-Friday.
- They have the new Maintenance Worker I, Tyke Woden, on board now, he’s very knowledgeable and working out well.

Fire Chief, Debbie Mackey

- On September 18 they were called to a fire at Terrace View in the landscape area of the development. The fire was on a hill towards a fence line with no one in attendance. She is reviewing footage and questioning residents; fire remains under investigation.
- On September 22 they responded to a fire at Les Schwab Tires. The fire was brought quickly under control from responding personnel. A suspect is in custody, this is in Amador Fire jurisdiction so they will be conducting the investigation.
- Chief Mackey is reviewing the Weed Abatement Ordinance with CM Kimball to give clear direction on what constitutes a fire hazard as well as a simplified enforcement strategy.
- Our personnel are back from the North Complex Fire, getting caught up on much needed rest and we are preparing for the next deployment.
- The arson case for Ernie Marier was scheduled for jury trial today, he plead guilty to a lesser charge.
- The arson case for Jay Walters has been vacated, he passed away while in custody.
- Evacuation Maps for City of Jackson are completed and will be mailed out with the water bills and mailed to those who are on e-bill.

Police Chief, Chris Mynderup

- JPD issued a press release on September 18th regarding the arrest of 33-year-old Nicholas Federman on an investigation they conducted who was in possession of thousands of images

relating to child pornography. He was arrested after a search warrant and arrest warrant were obtained. They searched both his vehicle and motorhome; several cellular phones and iPad type devices were collected that are being analyzed. JPD found out Mr. Federman was arrested in January 2012 for the same charge and selling marijuana in the cemetery. He received his registration status of 290 on that case and has this case against him. Depending on the number of photos found on the devices collected, he could be looking at a Federal charge.

- JPD participated in a drive-by birthday celebration on Thursday. We believe for the oldest City of Jackson resident, 105-year-old Vivian Fernandez.
- JPD also went out to monitor the Pro-Trump vehicle procession through Jackson. There were no issues, they were for the most part following the traffic laws, had a chat with a couple people on riding safely in a vehicle. A lot of honking and flags waving and they ended up at Mel's, who probably had a record-breaking Taco Tuesday!

City Attorney, Josh Nelson updated Council on the Bill mentioned last week, 80992 which amends the Brown Act which clarifies that public officials can use social media postings as long as no other member of the legislative body responds to the posting. That bill was signed by the Governor and will take effect January 01, 2021. Nice to have clarity from the Legislature on exactly how social media plays with the Brown Act.

City Planner, Susan Peters

- General Plan, the consultants are working on the baseline studies and existing conditions in the city. Once this is done, after the Elections, new Council and probably a changed Planning Commission, we can start the Community Workshops on General Plan Updates. The League of California Cities Conference is coming up and will have some classes on General Plan that would be beneficial for you at a low cost. In January, we will be hitting the ground running with the workshops beginning.
- For the Planning Department after this Rezone, the only application she has pending is a planned development amendment in Jackson View for a couple different lots requiring front yard setbacks.
- Working with Rosanne Chamberlain at LAFCO on some cleanup annexations. There is a property owner on Jackson Gate who submitted an application to fix a previous annexation as their lot is basically split by city boundaries and at the same time LAFCO will be working with the city to clean up four other locative county properties.

City Manager, Yvonne Kimball

- The Polar Bears swimming team sent a Thank You to the City Council and Staff.
- Working with ACT on a promotion plan.
- Working with Chief Mackey on a preliminary evacuation map that will be mailed with the water bills and posted to the website.

5. COUNCIL REPORTS.

This section is to provide Council members an opportunity to present reports on their activities and to request item be placed on future agendas.

Councilmember Sweet – nothing to report.

Councilmember Lewis – absent.

Councilmember Garibaldi – Nothing to report however, he did meet with Mayor Stimpson and Supervisor Pat Crew reviewing questions and concerns relating to the PERS Funding and Unfunded Liability and their consensus was to hold off for the time being. The Financing Plan was okay, the big issue was that even though they would be saving the City over \$1 million, one of the risks it entails is putting \$6 million in new money into PERS’ hands in Sacramento. In PERS, the return would be satisfactory. Their return in the latest year was 4.7% and they are charging COJ 7% which is part of the motivation in doing the re-financing. If we were to give PERS the additional \$6 million and the stock market and their investments happen to tank 10-15%, in which we are historically overdue for, we would be underwater another \$1 million. His personal suggestion to Yvonne and future Council’s would be when we go into a recession next time and the stock market tanks 15-20%, you can be patient. As history occurs, there will always be peaks and troughs. If we were to give the \$6 million, give it to them at a time where the earnings would be more than the 4.7-5% than they are currently getting and reduce the risk.

Vice Mayor Gonsalves – nothing to report.

Mayor Stimpson – nothing to report.

6. DISCUSSION CALENDAR.

For the record: Action minutes provide the necessary documentation of City Council actions and audio recordings are retained for those desiring more detail on particular agenda item discussion. These audio recordings provide an accurate and comprehensive backup of City Council deliberations and citizen discussion.

- a. Public Hearing: 2nd Reading Rezone / GP Amendment Old Court House. Resolution No. 2020-35 Amending the City of Jackson’s General Plan Land Use Designation and Zoning Map and Ordinance No. 718 Rezoning 108 & 204 Court St. and 42 Summit St.**

Councilmember Garibaldi excused himself due to conflict of interest.

City Planner, Susan Peters, provided overview for the 2nd Reading as presented in the Council Packet.

Mayor Stimpson opened for public comment, after no public comment Mayor Stimpson brought back to the council.

Motion to approve both Resolution No. 2020-35 and Ordinance No. 718 dated September 28, 2020 as presented. Moved by Vice Mayor Gonsalves, seconded by Councilmember Sweet, and carried by a 3 to 0 roll call vote:

- AYES:** Stimpson, Gonsalves, Sweet
- NOES:** None
- ABSENT:** Lewis
- ABSTAIN:** Garibaldi

b. Possible Acceptance of the 2020 Cost Allocation Study and Direction of Designating the additional fund for Specific Purposes.

City Manager, Yvonne Kimball, was pleased to present the 2020 Cost Allocation Study as this has been a long journey. The last study the city had done was in 2005 and now we have the 2020 completed as provided in the packet. There was a significant amount of time and work involved preparing the study as a lot of detailed information has to be verified. The end result is, should Council decide to adopt this plan, there will be additional transfer from water and sewer fund into the general fund as shown on the table (page 46 in the packet) that describes the differences.

Councilmember Garibaldi asked Mark Hildebrand to provide a summary overview on how he approached this study and what the results are. Mark Hildebrand followed with a brief overview of the study as requested. He explained that the study develops a methodology to equitably allocate all operational departments expenses back to the internal services and the study determines how much the internal service departments should recover from each department or fund. The internal services include expenses for administration, council and other overhead costs. In the end, the water and the sewer funds will transfer enough dollars to the General Fund to cover the burden that the utility funds put on the general fund.

Following the presentation, Mayor Stimpson asked Council for any questions. No questions were brought forth. Councilmember Sweet stated he was pleased with the way the study was presented. He looked at the numbers very carefully with Yvonne and agrees with her suggestion of how to proceed. Mayor Stimpson opened for public comment, after hearing no comments, he brought back to Council. CM Kimball asked for 2 motions; one to adopt the cost allocation study and secondly, if Council does not need any additional discussion, would be to go along with staff recommendation to set aside the allocated amount aside for special purposes. CM Garibaldi agrees but would like to agendize at a future meeting, before the end of year, to discuss how we set aside that money.

Motion to approve, accept, and adopt the 2020 Cost Allocation Study dated September 28, 2020 as presented. Moved by Councilmember Garibaldi, seconded by Vice Mayor Gonsalves, and carried by a 4 to 0 roll call vote:

AYES: Stimpson, Gonsalves, Garibaldi, Sweet
NOES: None
ABSENT: Lewis
ABSTAIN: None

Motion to set aside the additional funds resulting from the Cost Allocation to go into the General Fund and that we agendize at a future meeting to discuss how those might be earmarked dated September 28, 2020 as presented. Moved by Councilmember Garibaldi, seconded by Vice Mayor Gonsalves, and carried by a 4 to 0 roll call vote:

AYES: Stimpson, Gonsalves, Garibaldi, Sweet
NOES: None
ABSENT: Lewis
ABSTAIN: None

c. Possible Acceptance of CARES Act Fund Allocations Agreements with Amador County.

CM Kimball explained this was a project that involved a lot of team work, including from Mayor Stimpson who worked with the County to get the city additional CARES funding that the County received from the State. There are 2 agreements in the packet; one for the City of Jackson in the amount up to \$65,000 and one for Jackson Fire Department for up to \$10,000. Both agreements are substantiated with vendor quotes explaining planned expenditures. CM Kimball requests Council to enter into agreement with the County.

Council had brief discussion with CM Garibaldi reminding us that the expenditures have to be COVID related. VM Gonsalves asked whether County was okay with the proposed projects because they looked different than a few weeks ago. CM Kimball confirmed that the requested expenditures were approved by County. She also recalled how this discussion was initiated a few weeks ago. CM Garibaldi wanted to publicly thank the County and District 1 Supervisor Crew for the CARES Act funds for City of Jackson.

Mayor Stimpson opened for Public Comment. After hearing none and seeing none, he moved back to Council.

Motion to enter into agreement with Amador County regarding our proposal with CARES Act Fund Allocations for both City of Jackson and COJ Fire Department dated September 28, 2020 as presented. Moved by Vice Mayor Gonsalves, seconded by Councilmember Garibaldi, and carried by a 4 to 0 roll call vote:

- AYES:** Stimpson, Gonsalves, Garibaldi, Sweet
- NOES:** None
- ABSENT:** Lewis
- ABSTAIN:** None

Mayor Stimpson announced Regular Session will break at 7:50pm for Closed Session and return to Regular Session for last Discussion Item.

7. CLOSED SESSION.

- CONFERENCE WITH LABOR NEGOTIATORS
 Agency designated representatives: Yvonne Kimball; Josh Nelson
 Employee organizations: Jackson Police Officers Association, Jackson SEIU

8. DISCUSSION CALENDAR (CONT'D).

d. Possible salary adjustment for the city manager.

CA Nelson stated with consistent Council discussion that he respectfully requests a motion to authorize two (2) 5% salary increases for the City Manager. The first increase effective on her anniversary date, the second increase effective January 21, 2021. He also requests the Mayor be authorized to executive the 2nd Amendment to the City Manager’s employment agreement to clarify that Ms. Kimball will no

longer be eligible for the PERS Care medical health option. She will be eligible for the PERS Choice or equivalent and that practice being the most recent SEIU MOU. In doing so, the raises will effectively be cost neutral.


Motion to approve as stated by CA Nelson above dated September 28, 2020 as presented. Moved by Councilmember Garibaldi, seconded by Councilmember Sweet, and carried by a 4 to 0 roll call vote:

AYES: Stimpson, Gonsalves, Garibaldi, Sweet
NOES: None
ABSENT: Lewis
ABSTAIN: None


9. REGULAR SESSION ADJOURNMENT.

Mayor Stimpson adjourned the meeting at 8:31 p.m.

ATTEST:



John Georgette, City Clerk



Date Approved