

**CITY COUNCIL  
CITY OF SONORA  
AUGUST 21, 2017**

A Regular Meeting of the City Council of the City of Sonora was held this date in the Council Chambers at City Hall, 94 North Washington Street, at 5:00 p.m. The following members were present: Mayor Connie Williams, Mayor Pro-Tem Jim Garaventa, Councilmembers Matt Hawkins, Mark Plummer, George Segarini; City Administrator Tim Miller, City Clerk Marijane Cassinetto, Administrative Services Director Jennifer Callaway, City Attorney Douglas White, Fire Chief Aimee New (present at 5:02 p.m.), Acting Police Chief Turu VanderWiel, Community Development Director Rachelle Kellogg. Absent: Interim City Engineer Gerard Fuccillo.

Mayor Williams announced that there was no Closed Session Meeting.

**CITY CLERK'S REPORT ON POSTING OF AGENDA**

City Clerk Cassinetto advised Council that at Noon on the 18th day of August, 2017, the Agenda for the City of Sonora Council Meeting scheduled for this date was posted outside City Hall for public view.

**APPROVAL OF THE AGENDA**

No changes.

**PRESENTATIONS**

None

**PUBLIC COMMENT (Non-Agenda)**

City Attorney White reviewed how the public should appropriately present input. He stated that they should direct their statements to the Council with no discussion with the audience. If they are addressing an agenda item, that all comments must be directly related to the agenda item. The Mayor may admonish anyone being disruptive and ask them to leave the Chambers; if the disruptive person is not cooperating, the Mayor may ban them from future physical participation at Council Meetings, and they may only participate by submitting their comments in writing.

**Doris Grinn** asked if the homeless camping ordinance was on the Agenda. Attorney White responded that the urban camping Ordinance is on the Agenda, and that the homeless matter will be on the Agenda at the next Council Meeting on September 5, 2017, and that at this time she can speak on any matter not on

tonight's Agenda. Grinn said that she is currently a Sonora resident, and has lived in the County for 20 years. She said that she believes homelessness is the result of an economy that needs revisions. She suggested that a homeless camp be established, and that they be assessed. She said that she has more details that she can provide, and that she is going to submit an application to be on the Homeless Task Force. **A member of the public** said that the City Attorney's comments were off putting, and it is the right of anyone sitting in the Meeting to say what they have to say; this is a public meeting. **A member of the public** who is a resident on Truckenmiller Road said that the homeless public safety problems in that area are getting worse; that since the recent fire, an RV has moved in, the trash is getting worse, and it is noisy. He said he has pictures on his cell phone, and asked that somebody please do something about it. Mayor Williams said that she will follow up with the Police Department. **A member of the public** who also lives on Truckenmiller Road said that there is an even bigger problem there than before; her truck has been ruined out of retaliation. She said the Police Officers said they cannot do anything. She said that residents there cannot sleep, are up tight and upset. She pleaded that the problems be addressed quicker. She said that the people living up there are on drugs, and they do not care; she cannot walk out into her front yard because of the excessive garbage and stench; she suggested using the old Tuolumne General Hospital building to help.

### CONSENT CALENDAR

MOTION by Mayor Pro-Tem Garaventa, second by Councilmember Hawkins that the Consent Calendar be approved as follows:

1. Approval of the Council Minutes for the Closed and Regular Session Meetings of August 7, 2017;
2. Approval to pay invoices for previously budgeted expenses on August 22, 2017, in the amount of \$560,438.03; and
3. Approval of disbursements in the amount of \$151,198.57 on August 18, 2017, for payroll, inclusive of employee salaries, employer and employee taxes and retirement contributions, and miscellaneous voluntary employee deductions. There was no public comment, and the Motion passed unanimously.

### UNFINISHED BUSINESS

Ordinance No. 840 Regarding Permit Procedures for Electric Charging Stations. The Council considered waiving the second reading and adopting Ordinance No. 840 which adds Chapter 15.11 to the Sonora Municipal Code relating to expedited permitting procedures for electric vehicle charging stations. Recommending approval, Community Development Director Kellogg reported that

said Ordinance will bring the City's Code into State mandated compliance, with its purpose to promote and encourage the use of electric vehicles. There was no public comment. **MOTION by Councilmember Segarini, second by Councilmember Hawkins, and unanimously carried that the second reading of Ordinance No. 840 be waived, and the same be adopted as recommended.**

Ordinance No. 841 Regarding Urban Camping. The Council considered introducing Ordinance No. 841 by title and waiving the first reading. Said Ordinance will add Chapter 9.56, Unlawful Camping, to the Sonora Municipal Code. Administrator Miller introduced the matter noting that the Ordinance is a regulation on behavior, not a regulation on people; that it includes modified enforcement provisions from the prior Ordinance, and applies to public and private property. The Ordinance has codified police enforcement and infraction provisions. Miller also noted that an appeal process to the City Administrator has been added if a person can make a case that the only reasonable course they have is to camp on private or public property.

Attorney White stated that Staff has reviewed case law and what other cities cases have done which have been used as a model for Ordinance No. 841 which provides a comprehensive policy to address issues the City is facing with camping. He stated that its provisions are constitutional and legal and provide the City with authority to act. White reiterated that an appeal process to the City Administrator has been included in said Ordinance.

Council and Staff discussed the provisions of the Ordinance. Attorney White commented that in regard to the appeal process, Staff drafted the Ordinance following other city models and case precedents. It was also noted that by authority given in other City regulations, the Police can cite for things like public urination and defecation.

Mayor Williams asked for public comment. Jeanette Lambert asked for clarification regarding sleeping in a vehicle on private property. Administrator Miller responded that a self-contained unit can be parked in a driveway for seven days. Mary Lynn Ashburn asked if there was a sunset provision, and about the words "with the owners permission" being removed from the prior Ordinance provisions. Administrator Miller clarified by reading Section 9.56.040. Councilmember Hawkins explained WalMart's policy on allowing overnight vehicle camping. Ashburn added that fines will not be a motivation, and had concern that unpaid penalties will show on individuals' records, and also asked if passage of the Ordinance will help deal with the issues on Truckenmiller Road. Attorney White responded that unpaid fines

will show up as debts, and Administrator Miller said that adoption will help with the Truckenmiller issues.

Doris Grinn said that in theory she supports the Ordinance and wants to see public and private places protected but feels it is only half the solution; that "We need to provide a place where they can go . . . the concept of a fire camp with facilities to deal with this emergency".

A member of the public said that the people who are involved with the homeless should be looked to for solutions, making laws is not going to fix anything; camping laws will not make a difference. Mayor Williams responded that establishment of a Homeless Task Force is on the Agenda for the Council Meeting of September 5, 2019. A member of the public said that she has sympathy for the problems that are being caused; she attended a meeting in Jamestown where the Tuolumne County Sheriff said that the homeless cannot be painted with the same brush, and said that cameras could be set up to take pictures of those causing problems.

Mary Anne Wright, downtown business owner, said that her family has lived and had businesses in Sonora for five generations, and have helped homeless people by letting them live on their property and given them jobs; she gave examples of how social services can or cannot help, and can sometimes interfere with people who want to help, and also said that many people help in ways that may not be advantageous. She said, "If we as homeowners and business owners have to adhere to regulations, the homeless should have to as well". ". . . my parents live in a little house on Knolls Hill built by Sonora High School students in 1915, and homeless build fires on the base there, and they shouldn't have candles, and my dad shouldn't have to be up there cleaning up the camps".

Arthur Schmidt, owner of the Grocery Outlet, said that the prior Ordinance came as a result of merchants and business owners having problems, and that Ordinance No. 841 has come back because of these continuing problems. He said that Ordinance No. 841 is not attacking the homeless, but if the City wants to grow and prosper, and have the City be an appealing place for tourists and its residents, it needs a tool like the Ordinance which will help.

There was no further public comment. Mayor Pro-Tem Garaventa said that the Ordinance was reinstated as a result of the Merchant/Townhall Meetings because there are problems downtown by people who are mostly homeless; it would not be on the table if there was not a homeless issue. He wants to see more

definition on the parameters of the appeal process; said that merchants' complaints can be corrected with other laws already on the books; homeless issues have many facets; if they are forced from the City, they will move to the County; he is in favor in theory as long as there are alternatives to deal with the situation; and feels it is still criminalizing homeless as a class; he cannot vote for the Ordinance until there is a more comprehensive solution. Councilmember Plummer asked what Mayor Pro-Tem Garaventa would suggest to deal with the problems like at Truckenmiller; that he has been there and found it threatening and scary, and "those poor people have to live there". Mayor Pro-Tem Garaventa asked if it would help to impose a fine if they are destitute, and they have already been kicked out and they are back. Councilmember Plummer said that watering down the penalties is probably a good thing; but what can we do; for most people who are indigent, the financial penalties should carry some weight; they get their financial aid; he does not want to see using jail space; if penalties are not enough to pass this, they can be made stiffer; the lightest burden is probably the best way to start; and he thinks the Ordinance is a good way to start. Garaventa disagreed and commented that for those in debt already, it is just another number; people hang out downtown, and go through downtown for services, and he does not see this Ordinance helping with that. Plummer asked for his suggestions.

Attorney White stated that homelessness is another issue by itself, and asked the Council to decide if it wants urban camping in Sonora; Ordinance No. 841 will not end homelessness, and there are many other issues dealing with that which the Council will need to address.

Councilmember Plummer felt the City needs to prioritize the health and safety of our community, our homeowners, people who invest and put down roots and improve the community. There is repeated behavior of people camping and building fires; they can walk away, we have to rebuild. He feels this is a humane start to try to deal with this very serious problem.

Councilmember Hawkins said he is in favor, and hopes through the process some will go to the drop in center. He said the Council wants to make a difference and hopes that it can make small steps to help at least some of the homeless. He does not see anything he does not support in the Ordinance.

Councilmember Segarini said that Sonora is not unique in this situation. He said the merchants and Police Chief felt it helped downtown when the last Ordinance was in effect; he is in favor of the Ordinance. Mayor Williams said she has been to the

homeless camps, helped organize clean ups, seen that extra food has gone to the homeless, and has been up to the Truckenmiller property which has trash and health and safety issues, and those issues are also other places. We need to have some type of tool to encourage people to find other ways to help homeless house themselves; there are rules in regular campgrounds that campers obey; the former Ordinance did help; we need to give safety personnel the tools they need to protect everybody. She is in support of the Ordinance.

**MOTION by Councilmember Segarini, second by Councilmember Plummer that Ordinance No. 841 be introduced by title and the first reading be waived.**

The Mayor asked for public comment. Jeanette Lambert said that she is not opposed to the Ordinance, that it will be a great step; it can be one step. She will give the effective date to the homeless and hope they will clean up their messes and put the garbage up on Stockton Road. She suggested an outhouse be set up; she hopes we can all work on what we can do. There were no further comments.

**MOTION passed four to one as follows: Ayes: Williams, Hawkins, Plummer, Segarini; No: Garaventa.**

#### **PUBLIC HEARINGS**

**Resolution No. 08-21-2017-A Raise in Refuse Rates.** This was the time and place set for a Public Hearing to consider adoption of Resolution No. 08-21-2017-A approving a three percent cost of living adjustment, and the addition of a \$25 commercial bin overcapacity assessment charge to the refuse collection rates for Cal Sierra Disposal/Waste Management. Recommending approval and noting the increase request from Waste Management Public Sector Manager Joe Cadelago, Administrator Miller presented the Resolution reviewing the rate increase charts and background information for the overcapacity charge request. For a typical residential subscriber, the current rate will increase by \$0.74, from \$24.58 per month to \$25.32 per month. Councilmember Hawkins noted that he would not be able to vote for the Resolution due to the \$25 overcapacity charge because when the contract was entered into in 2010, Waste Management said that there would be no increases except for cost of living.

The Mayor opened the public hearing at 6:27 p.m. A member of the public said that she empathizes with Waste Management, but that there needs to be more public outreach regarding what is trash and what is recycle; she feels Waste Management should

meet with business owners and do education before charging the \$25. A member of the public agreed that there needs to be more information available about trash and recycle; she has gone on line and cannot find sufficient information. Joe Cadelago said he appreciates the good feedback, and that Waste Management can do more outreach; he said that the business owners will not be charged the assessment fee until Waste Management meets with them and discusses right size bins. In addition, Cadelago said that Waste Management wants to be a part of the homeless cleanup and is happy to donate time and equipment. He also stated that Waste Management would like to discuss with the City about getting recycle cans to go alongside the garbage cans downtown, and will pay for the cans.

Councilmember Hawkins reiterated that he supports Waste Management, but will vote no on the Resolution because of the additional \$25 fee. Mayor Williams thanked Cadelago for offering to pay for the recycle cans and invited him to the next Merchant/Townhall Meeting; she hopes there can be a container placed for "urban dwellers" to be able to bring their trash. There was no further public comment, and the Public Hearing was closed at 6:48 p.m.

**MOTION by Councilmember Segarini, seconded by Mayor Pro-Tem Garaventa, that said Resolution No. 08-21-2017-A be approved and adopted as presented. The Motion passed four to one as follows: Ayes: Williams, Garaventa, Plummer, Segarini; No: Hawkins.**

Community Development Block Grant #13-CDBG-8946. This was the time and place set for a Public Hearing to solicit public input regarding accomplishments of Community Development Block Grant#13-CDBG-8946 which included the Residential Fire Flow Project, Historic Resources Inventory Project and Stewart Street Multi-Family Housing Project. Noting that no action is required, Community Development Director Kellogg reviewed the funded Projects, and passed out a sign-up sheet. Mayor Williams opened the Public Hearing at 6:51 p.m. A member of the public said, "I think we got a lot of bang for our buck". There being no further comments, the Public Hearing was closed at 6:52 p.m. No action taken.

Use of Community Development Block Grant Funds. This was the time and place set for a Public Hearing to solicit public input regarding the use of Community Development Block Grant funds that may be available under the upcoming Notice of Funding Availability. Community Development Director Kellogg stated that there was a narrow window of opportunity and reviewed eligibility requirements. She reported that up to \$5,000,000

may be funded for one shovel-ready project. A sign-up sheet was passed out.

### RECESS AND RECONVENE

The Council recessed at 7:00 p.m. for the videographer to make an adjustment, and reconvened at 7:04 p.m. into the Public Hearing.

### PUBLIC HEARING cont.

A member of the public said that she hopes there will be a chance to apply for the monies. There being no further public comment, the Mayor closed the Public Hearing at 7:05 p.m. No action taken.

### NEW BUSINESS

Revised Special Event Permit Application. The Council considered approving the revised Special Event Permit Application. Recommending approval, Community Development Director Kellogg presented the revisions noting the addition of Yaney Street from Washington to Green Streets as a preapproved street for closure, the addition of Fire Department regulations and an increase from \$25 to \$50 to cover Staff time needed to process applications. Councilmember Plummer asked why there is an additional charge for Staff time. Administrator Miller responded that the services are outside of the general scope of services. Mayor Pro-Tem Garaventa requested that the language "properly and legally disposed of" be added to Item 10 regarding the removal of garbage.

Mayor Williams asked for public comment. A member of the public said that she filed complaints with the Special Events Coordinator that vendors dumped their garbage into City cans, and that she has many concerns about closing Yaney Street between Washington and Green Streets one of which is the location of public transit. Community Development Director Kellogg responded that public transit is relocated onto Washington Street when there are special events. There was no further comment.

**MOTION by Councilmember Hawkins, second by Mayor Pro-Tem Garaventa, that said amended Special Event Permit Application be approved as presented with the addition of the language stated above requested by Mayor Pro-Tem Garaventa. Councilmember Segarini had concern that there already are a number of streets on the approved closure list, and additional closures should come before the Council. The above MOTION passed four to one by**



the following vote: Ayes: Williams, Garaventa, Hawkins, Plummer; Noes: None; Abstain: Segarini.

Designation of Delegates to League of California Cities Conference.

The Council considered designating a voting delegate and alternates to attend the annual League of California Cities Conference to be held in Sacramento on September 13 through 15, 2017. Administrator Miller reviewed the League's request. Mayor Williams noted that due to budget restraints, the City would not be sending representation to the Conference. Mayor Williams suggested that a letter of concurrence be sent to the League in regard to its proposed Resolution to call for the Governor and Legislature to amend AB 109 with regard to felons and their prison release, and its proposed Resolution to ask the Governor and Legislature to work with the League to amend G.C. Section 38611 regarding local control and authority for local officials to determine emergency service levels.

Attorney White suggested that consideration of the letter be placed on the next Council Meeting Agenda. Staff will do so.

MONTHLY REPORTS

1. Community Development Department
2. Fire Department
3. Police Department
4. Public Works Department

VISION SONORA COMMITTEE REPORT

The Mayor read the Vision Sonora Committee Report which is attached hereto as Exhibit "A", and made a part hereof for reference. The next Meeting is on September 14, 2017, at 9 a.m. in the Council Chambers.

COMMUNICATIONS

None - No public comment.

COUNCILMEMBER/DEPARTMENT HEAD REPORTS

**Acting Police Chief VanderWiel** reported that the Police Department and California Highway Patrol will be participating in a Pedestrian Safety Awareness Program at the corner of Stockton Road and Washington Street. **Mayor Pro-Tem Garaventa** reported that he attended the Fair Review Board Meeting, the Second Saturday Art Walk, the Tuolumne County LAFCO Meeting, the downtown Chamber Mixer at Bradford Place, and the rededication of the wall at the Jewish Cemetery. **Councilmember Segarini** reported that he attended the TCTC Meeting, the Vision Sonora Committee Meeting, the Vision Sonora Marketing Committee

Meeting, the Finance Committee Meeting, the Chamber Mixer and the Visitors Bureau Board of Directors Meeting.

**ADJOURN**

There being no further business to come before the Council at this time, the Regular Session Meeting was adjourned at 7:43 p.m. to the next Regular Session Meeting on Tuesday, September 5, 2017, at 5:00 p.m. in the Council Chambers at City Hall (Monday, September 4, 2017, is Labor Day).

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Marijane Cassinetto, City Clerk      Date

**Minutes  
Subject To  
Council Approval**

## Vision Sonora Committee Meeting Report - August 10, 2017 @ 9am

By Councilmember Connie Williams, Chair, Vision Sonora Committee

The Vision Sonora Committee was called to order at 9am on August 10th in the Council Chambers at City Hall...committee members present were Tim Miller, Georgi Segarini, Connie Williams and Darin Grossi. A quorum was established.

Minutes of the July 13th meeting were approved.

Discussion Items included project updates from city staff which included:

1. Stockton/Washington Transit Project - RFP is being created to start the preliminary engineering, environmental analysis and final plan/design of the project. Proposals are due the end of August.
2. Red Church/Snell Street intersection project - staff previously submitted a \$700,000 Active Transportation Plan grant application to Caltrans which was not awarded to the city but scored very high. Caltrans has "opened" another opportunity for this application to be re-submitted for funding. The application will be submitted by the end of July.
3. Action Item - E Linoberg Paseo - traffic study results were discussed. The committee voted to recommend to the Sonora City Council acceptance of the traffic study and implement steps to close E. Linoberg as proposed in the Vision Sonora Plan.
4. \*Stewart Street Restrooms - Staff noted the City of Sonora was not selected for the \$100,000 Lowe's Community Partners Grant for this project. As of right now no funding is available to complete the project.
5. Stockton Road - West Gateway Corridor - a \$5.9m Urban Greening Grant was submitted to Caltrans the end of June. It will be October before any announcements are made by Caltrans.
6. Washington Street Benches - all of the newly created benches have been installed. All of the existing green metal benches have been removed for repair and black powder-coating.

Subcommittee Reports included:

1. Connie Williams, Chair of the Vision Sonora Community Design Committee, reported the group has been working with the Tuolumne County Master Gardener's over the last couple of months to create a plant & tree suggestion guide for the City of Sonora in conjunction with the Vision Sonora Revitalization Plan. The first planting area that will be upgraded in the fall will be the Fountain Lot at the corner of Church & Washington Street. The design and projected costs are being updated by the Master Gardener's and the committee. Lowe's Community Partners program has selected this project. Lowe's will be supplying \$2,000 in wholesale product plus volunteers to complete the planting currently scheduled for the end of October. The Committee is still looking for a service club, church, gardening club or any other entity that would like to "adopt" this garden for care and feeding. The committee is also working on the following projects until funding sources are identified for the larger Vision Sonora Projects:
  - a. Parking Lot Wayfinding Signs
  - b. Coffil Park - ADA upgrade & hanging of steel door
  - c. City of Sonora Service Club sign replacement on Stockton Road (working with Sierra Conservation Center)
  - d. East Linoberg Paseo (waiting on City Council direction)
  - e. VS Award of Excellence recipients for October were selected by the Design Committee and will be presented to the VS Committee at the September meeting
  - f. Historical building plaque example was presented and approved by the committee
  - g. Next meeting is Tuesday, September 12th @ 1:30pm @ City Hall
2. George Segarini, Chair of the Marketing, Public Outreach and Branding Committee, reported the next meeting is Monday, August 14th @ 2pm @ City Hall.
3. Sherri Brennan, Chair of the Finance, Transportation and Mobility Committee was absent. The August 8th meeting was cancelled. Next meeting is Tuesday, September 12th @ 3pm @ City Hall.

The historical plaques example was presented to the committee by Laurie Lehman. John Banke, Sonora Florist owner, offered to create a window at the floral shop to show off all of the created plaques. John has donated \$150 to create three (3) larger plaques for the window. All of the plaques will be available for sale.

It was also noted by Laurie Lehman there was a very "bad" smell coming from the trash dumpster near Coffil Park during the 2nd Saturday event. It was determined it was from a close restaurant. Mr. Miller said he would contact Waste Management to see if that dumpster could be removed on a periodic basis for cleaning.

Laurie Lehman also requested that the sidewalks in downtown Sonora be cleaned. She stated the area by the Aloft Gallery continues to be plagued with "vomit" especially on the weekends. Mr. Miller noted Tuolumne County is still under a water conservation order from the state. Those in attendance encouraged business owners to clean the sidewalks in front of their businesses.

The next meeting of the Vision Sonora Committee will be September 14th @ 9am in the Council Chambers at City Hall.

\*Stewart Street Restroom Project is estimated to be \$240,469. TCTC has allocated \$51,682 for sidewalk improvements.