

**CITY COUNCIL
CITY OF SONORA
SEPTEMBER 18, 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, Acting Police Chief Turu VanderWiel, and 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 4:45 p.m. on the 14th day of September, 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

Fire Chief New introduced and swore in Intern Firefighter Scott Burroughs. Burroughs' father pinned his badge, and he was welcomed by the Council.

PUBLIC COMMENT (Non-Agenda)

Bill Edwards, resident at 46 Summit Drive, requested that a Police Officer be assigned to monitor the intersection of Greenley Road and Mono Way while the intersection construction project is going on.

Yvonne Lyons thanked the Council for establishing the Homeless Task Force, and talked about her experiences being homeless.

Ryan Scheller asked the City to prepare an all-inclusive informational packet to distribute to anyone applying for special events to help streamline the process for applicants.

CONSENT CALENDAR

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

1. Approval of the Council Minutes for the Regular Session Meeting of September 5, 2017;
2. Approval to pay invoices for previously budgeted expenses on September 19, 2017, in the amount of \$88,056.08; and
3. Approval of disbursements in the amount of \$138,146.58 on September 15, 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

Mayor's Appointment to Homeless Task Force. The Council considered confirming Mayor Williams' appointment of Marianne Wright as the Business Member representative on the Homeless Task Force. Administrator Miller reported that six applications were received; one applicant did not meet the advertised requirements. The Mayor reviewed the eligible applications and selected Wright. **MOTION by Mayor Pro-Tem Garaventa, second by Councilmember Hawkins that the Council confirm said appointment.**

The Mayor asked for public comment. Jeanette Lambert asked if the Council would appoint Alternates, and she would like to have further discussion regarding Alternates. Administrator Miller responded that at the Council's last Meeting, it approved accepting Alternates for the two Agency categories; the Agencies will need to submit proposed Alternates for consideration, and it will be placed on the Agenda for consideration by the Council. Mayor Williams requested that setting the first Homeless Task Force Meeting be placed on the next Council Agenda, discussion regarding Alternates, and approving Alternates if applications are received.

The above MOTION passed unanimously.

PUBLIC HEARINGS

None.

NEW BUSINESS

Resolution No. 09-18-2017-A Re: Sonora High School Homecoming Parade. The Council considered approval of Resolution No. 09-18-2017-A which authorizes the closure of a portion of State Route 49 (Washington Street) and various other City Streets from 1:15 p.m. to 2:15 p.m. to accommodate the Sonora Union High School District Homecoming Parade on Friday,

October 13, 2017. Recommending approval, Acting Police Chief VanderWiel presented the request noting that the annual Homecoming Parade is held in conjunction with the School's Homecoming Football Game and festivities. There was no public comment.

MOTION by Mayor Pro-Tem Garaventa, second by Councilmember Segarini, and unanimously carried that said Resolution be approved and adopted as presented.

Mayor's Appointment to Planning Commission. The Council considered confirming the Mayor's appointment of Kevin Anderson to serve on the Planning Commission to fill the position vacated by Darren Eaton which expires on July 1, 2019. Recommending ratification, Community Development Director Kellogg noted that Kevin Anderson was the sole applicant. There was no public comment.

MOTION by Councilmember Segarini, second by Councilmember Plummer, and unanimously carried that the Council confirms the Mayor's appointment of Kevin Anderson to serve as Planning Commissioner to fill the term expiring on July 1, 2019.

Matters Re: Use of Coffill Parking Lot by Private Property Owner. The Council considered a request received from 55 Properties, LLC, to approve use by Green Street Beer, LLC, of the City's Coffill Parking Lot located on Green Street south of Stockton Road, to accommodate facilities/improvements to support the construction/operation of the Sonora Beer Garden. Said usage would include placement of a PG&E transformer and installation of the associated underground electrical utilities, installation of a grease interceptor, and placement of a bike rack. Recommending approval and noting the Public Works Committee recommendation for approval, Administrator Miller reviewed the request noting that in consideration for the City granting approval to accommodate said facilities/improvements, 55 Properties, LLC, will reconstruct the parking lot which would include re-grading the area, installation of aggregate base and asphalt concrete, replacement of the concrete curb at the planter on the East side of the parking lot and construction of a new concrete curb at the North end of the lot, installation of an access manhole into existing storm drain located under the parking lot, installation of two handicapped accessible parking stalls, installation of accessible sidewalk to the public way, and restriping. Redesign of the parking lot will eliminate two spaces and convert some of the regular spaces into compact spaces. The Applicant's proposal provides that parking lot improvements would be accomplished through review and approval of a construction plan, and excluded from the proposed Agreement

would be any underground water, sewer, electrical, phone, cable or gas utility connections that may encroach on City property; these underground utility connections would be permitted through a standard encroachment permit process. A preliminary cost of improvements is \$110,000. Miller noted that a separate Grant of Easement to PG&E is required which the City would need to approve. The proposed Agreement would be prepared by the City Attorney, and the applicant will provide a \$2,500 deposit for its preparation.

Councilmember Segarini asked if the placements were part of the original concept, and what the time frame is to complete the parking lot. Administrator Miller responded that the applicant would like to start as soon as possible in hopes of beating the weather; that he did not know how it compares to the original plan; he was not aware if they were considering placement on the City property when the original plan was brought forth with the exception of the condition that the existing manhole located inside the building would have to be made available, or they would have to move it to the parking lot. Community Development Director Kellogg responded that the Sonora Beer Garden Project was not subject to site plan review, it was strictly subject to design review, and there would be no indication of where the items would have been placed. Mayor Williams asked if restriping is included. Miller confirmed that it is.

Mayor Williams asked for public comment. David Morgan, Sonora resident, commented that the Agenda indicates that Green Street Beer, LLC, is seeking use, but the Memorandum states that the request was received from Trado Restaurant Corp representing 55 Properties, LLC, and he voiced numerous concerns about the City's potential approval to allow private use of the City-owned lot. Mr. Morgan submitted a letter with his written concerns to the Council which is attached hereto as Exhibit "A", and made a part hereof, and to which further reference is made.

Rubin Churnside of Land and Structure appearing on behalf of 55 Properties, LLC, commented that he was available for questions. Councilmember Hawkins asked about the current condition of the lot. Churnside replied that trenchwork has been patched, striping is not new and worn out in areas, there is an existing TUD sewer line running through the lot, and existing electric lines running underneath, alot of of curbs along the landscape area are broken and cracked. Churnside confirmed that two ADA accessible spaces will be added, and an ADA sidewalk will be installed. He noted that the delay was due in great part to the time it has taken for PG&E to put forth its requirements. Administrator Miller stated that approximately one half of the current spaces are under permit, and that the ADA spaces will be

available for daily parking use by the public without a City permit.

A member of the public asked about a point of order that the Agenda refers to Green Street Beer, LLC, but now the City is saying that 55 Properties, LLC, is the entity that made the request. Attorney White responded that he did not see a problem, and it could be clarified by minute action; all the entities are specifically linked. Barbara Dressler asked if the liabilities and responsibilities between the multiple entities are linked; she heard that 27 spaces have been leased or rented to the applicants in perpetuity; asked if parking has been slated; noting that trash bins show they will be placed on Bank of America property, and will they want that. Dressler commented that she has never heard of a development this large and any other businesses in town having this latitude in getting this far without having these things pinned down.

Administrator Miller responded that the Applicant went through the City's required process which is design review. They obtained their building permit and they are under construction. The issues referred to would typically be addressed in a site plan review process, but that was not a requirement, so they have their design review approval and are complying with Planning Commission approval and conditions.

Dressler added that they are being granted an easement after the fact without charging them for the use of it; she understands what has been said about the parking lot, but it is no worse than the Bank of America parking lot, and the lot is being used every day. Feeling that the parking lot does not need that much improvement, she thinks the \$100,000 should come to the City for the use of the easement to help with the City's estimated One Million Dollar budget deficit in 2020-2021 general fund. Mayor Williams commented that the Applicant is paying for the improvements, and the City will benefit from it. Dressler stated that it is probably going to come down the way where the Applicant will need parking, and that if they do end up using the lot for its parking to meet requirements, the City should be paid.

Larry Coombs, City resident, said that he has walked through the lot and feels it is in pretty good shape, and noted his concern about a potential loss of permitted parking fees that would result with the proposed lot changes; he feels that there will be a need for more permitted spaces, and all the spaces will be valuable in the future. David Morgan asked about his letter being read into the record. The Mayor closed public comment.

Administrator Miller noted that the permitted fees amount to \$270 per space annually, and there are 14 spaces that are currently permitted, and the Council has entertained the idea to consider converting all of them to public parking which is something that is being considered for all parking lots in the City, which is an assignment that Staff has to bring back to the Council.

Attorney White noted that should the Council decide to give its approval, the Motion should provide for, "55 Properties, LLC, or Green Street Beer, LLC,".

MOTION by Councilmember Segarini, second by Mayor Pro-Tem Garaventa, and unanimously carried that the City Council authorizes the Mayor to execute the Grant of Easement to PG&E subject to the City Engineer's review of the legal description.

MOTION by Councilmember Segarini, second by Councilmember Hawkins that the City Administrator be authorized to execute an Agreement between the City of Sonora and 55 Properties, LLC, or Green Street Beer, LLC, as prepared by the City Attorney, to allow installation, operation and maintenance of the PG&E transformer, grease interceptor, bike rack, and sewer, water, electrical and propane service lines/laterals as needed.

Mayor Pro-Tem Garaventa asked Attorney White to confirm that the Motion is proper in regard to its wording on the Agenda and on the request. Attorney White responded that he feels comfortable with it; they are all the same groups. He also commented that it was not necessary to read Mr. Morgan's letter into the record. Clerk Cassinetta asked for confirmation on the **MOTION'S** wording as it relates to the Applicant entity names, and Attorney White confirmed that the word "or" should be used.

The above MOTION was confirmed as stated above and passed unanimously.

Presentation of 2020 General Plan. Noting that no action was necessary and that the matter is a presentation item only, Community Development Director Kellogg introduced the 2020 General Plan. City Planner Paula Daneluk presented the 2020 General Plan - 2017 Comprehensive Amendment noting that the proposed Plan eliminates a tremendous amount of redundancy, that Redevelopment Law has been deleted, and that completed items have also been deleted. Daneluk reviewed proposed Land Use Element changes noting removal of the Specific Plan preparation requirement, and reviewed CEQA provisions. Daneluk reiterated that no action was required at this time, and that the Plan will come back to the Council for final approval at a future date.

The Mayor asked for public comment. A member of the public asked how many people participated in the public process because she attended the meetings and did not see others there. Community Development Director Kellogg responded that three Planning Commission Meetings were held with each being noticed as required by law giving the public the opportunity for input, and that the City Planner met with each of the landowners affected by the proposed Land Use Element changes. There was no further comment.

No action taken; presentation only.

Proposed Sale of PG&E Rule 20A Underground Funds. The Council considered the possible sale of up to \$500,000 of its \$1,226,284 in PG&E Rule 20A undergrounding funds. Administrative Services Director Callaway reviewed background information noting that Staff reached out to five cities within the Bay Area to seek a buyer to purchase said Rule 20A credits, to which there were no takers, but a call was received from a different city interested in the purchase. After negotiation by Staff, both parties agreed to present to their Councils the purchase at a rate of \$0.50 per credit, up to \$500,000; this would result in the City of Sonoma receiving \$250,000 in one-time funds. This amount would provide sufficient funding to complete the Farmers Market restroom project, and leave more than half of the accrued credits for the City to have sufficient credits to complete approximately 700 feet of undergrounding. Callaway added that the sale does not eliminate receiving future grants, and the City will continue to accrue credits of \$29,992 per year. Staff and the Finance Committee have recommended approval. The Mayor asked for public comment, and there was none.

MOTION by Councilmember Segarini, second by Councilmember Plummer, and unanimously carried that the sale of up to \$500,000 in PG&E Rule 20A credits at \$0.50 for every \$1.00 in value be approved as presented.

Administrator Miller noted that Staff will bring the Purchase Agreement back to the Council for approval, and upon receipt of the monies, Council can decide how the funds should be spent.

Resolution No. 09-18-2017-B Re: Use of Firing Range. The Council considered adopting Resolution No. 09-18-2017-B approving a Weapons Firing Range Agreement with the California Department of Forestry and Fire Protection (Cal Fire) for use of the Firing Range owned and operated by the City, and authorizing and directing the Chief of Police, or Designee, to sign the same

on behalf of the City. Recommending approval, Acting Police Chief VanderWiel presented the matter and reviewed Range history. Mayor Williams asked if neighboring residents could be notified when the Range is used. The Mayor asked for public comment.

Larry Coombs, adjacent neighbor, said that his residence predates the Range, that usage heavily impacts nearby residents, that the range is used by other than the Sonora Police Department, that there has been firing on Wednesdays until 8:30 p.m., that heavy munitions are being used, the windows vibrate, you cannot go outside without being heavily invaded, that neighbors are never notified when range matters are on the Agenda and not notified when the range is going to be used, and notification would help. Coombs also said that Sonora needs an indoor range, and looking towards a more appropriate facility would be a good track to take. There was no further public comment.

Acting Chief VanderWiel reviewed the number of personnel at Cal Fire who would be using the Range, and approximate number of times it would be used by Cal Fire and City Police. He also noted that Cal Fire used the Range in previous years, but is not currently using it for training. Administrator Miller stated that presently Cal Fire does perform fire maintenance at the range but not training, that this is a reinstatement of a prior Agreement, that use by Cal Fire will not be a significant increase in range activity, and that no explosives, explosive targets, heavy munitions or fully automatic weapons have been used during the time he has been Administrator, and are not planned to be used.

MOTION by Councilmember Hawkins, second by Councilmember Plummer, and unanimously carried that Resolution No. 09-18-2017-B be approved and adopted as presented.

Mayor Williams commented that if the Police Department can find a way, that the neighbors be notified of firing times, and encouraged the public to come forward if they have issues in the future.

Temporary No-Parking Zones to Allow Transit Stops. The Council considered establishing two temporary no parking zones to allow for transit stops on the north and south sides of Stockton Road near Green Street for the Unruly Brew & Que Festival on September 30, 2017, between the hours of 12 Noon and 10 p.m. Administrator Miller reported that the request was made by Tuolumne County Transit, and Staff supports the request

subject to Transit Staff posting the no parking areas 72 hours in advance.

Mayor Williams asked if any consideration was given for the pickups to be done in the Bank of America parking lot, and if Tuolumne County Transit talked to the restaurant owner at the proposed north side pick-up location. Tuolumne County Transit Agency representative Tyler Summersett reviewed the proposed stops and trolley movement, and responded that Transit did not speak to the restaurant owner, but would be happy to do so. Councilmember Segarini suggested that the no parking area be moved further north/east closer to the Sonora Inn. Administrator Miller noted that north of Green Street would not allow the trolley to safely negotiate pulling into that spot, and suggested that it be moved west of the westerly driveway which would not impact the space in front of the restaurant. Tyler said that would be fine, stating that if restaurant owner objects to the location requested, it will be moved further west. There was no public comment.

MOTION by Councilmember Hawkins, second by Councilmember Plummer, and unanimously carried that said request to establish two no parking zones to allow for transit stops be approved; if the restaurant owner objects to the location of the stop as it was requested, transit will move the stop.

MONTHLY REPORTS

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

No public comment.

VISION SONORA COMMITTEE REPORT

None. The Mayor noted that the September 14, 2017, Meeting was cancelled. The next Meeting will be held on October 5, 2017, at 9 a.m. in the Council Chambers. No public comment.

COMMUNICATIONS

None - No public comment.

COUNCILMEMBER/DEPARTMENT HEAD REPORTS

Fire Chief New and Acting Police Chief Vanderwiel reported that the Red Cross is hosting a Blood Drive Challenge at its Sanguinetti Road location between the Sonora Fire Department and the Sonora Police Department from 9 a.m. to 4 p.m. from September 26, 2017, through October 3, 2017, on Tuesday, Friday and Saturday. **Attorney White** noted that he would be bringing the Council up to date on the League of California Cities

Meeting actions and related matters after its Annual Conference. **Administrator Miller** gave an update on the Mono Way/Greenley Road Project and noted that there would be some unavoidable traffic impacts until the project is completed. **Mayor Pro-Tem Garaventa** reported on his attendance at 2nd Saturday Art Night, the Planning Commission Meeting, Personnel Committee Meeting, Sierra Conservation Center Public Affairs Committee Meeting, Parking and Traffic Commission Meeting, Tuolumne County Transportation Council Meeting, Yes Partnership Meeting, and the Board of Supervisors Transportation Committee Meeting. **Councilmember Segarini** reported that he attended the Vision Sonora Marketing Committee Meeting, the Planning Commission Meeting, and the Tuolumne County Chamber Government Affairs Meeting. **Mayor Williams** noted that she was Newsmaker of the Day on last Sunday's local radio broadcast, she did a ride along with the Police Department, attended the Marijuana Working Group Meeting, the Tuolumne County Economic Development Authority Board Meeting, 2nd Saturday Art Night and following concert in Coffill Park, the Vision Sonora Design Committee Meeting, the Tuolumne County Chamber Transportation Committee Meeting, the City Finance Committee Meeting and the Public Works Committee Meeting.

ADJOURN

There being no further business to come before the Council at this time, the Regular Session Meeting was adjourned at 7:35 p.m. to the next Regular Session Meeting on Monday, October 2, 2017, at 5:00 p.m. in the Council Chambers at City Hall.

Marijane Cassinetto, City Clerk Date

**Minutes
Subject To
Council Approval**

Honorable Mayor, City Council Members,

City Council Meeting 9/18/2017

Subject: Coffill Parking Lot

I would like to make some comment about the City Of Sonora executing an agreement for an easement to allow the installation of a Grease Interceptor, P.G and E transformer, bike rack, and water, sewer, electrical and propane service lines/laterals as needed to P.G and E

- (1) P.G and E is not in the Bike rack, grease interceptor, sewer and propane business so I am assuming that the easement is actually for the benefit of 55 Properties LLC. a private company.
- (2) The letter to you from Mr Miller City Administrator mentions under "In benefit to the City of Sonora " the fact that 55 Properties LLC will be paying for the updating of the present city parking lot known as Coffill Parking Lot. I pass by that lot every day and have parked in it frequently when attending Stage 3 Productions. Until the restaurant construction began the parking lot was in near perfect condition. Any present damage to it must be as a result of the construction and I think the contractor or owner should shoulder the expense to restore it to original.
- (3) I believe that 55 Properties LLC. Is receiving a substantial monetary benefit from the proposed easement and the \$100,000 that they claim to be paying for parking lot improvements are solely for their benefit as they are the proximate users of that parking lot and the beneficiaries of any business income from the Beer Garden.
- (4) As an example of the lost revenue to the City they and or their contractors have been using the City Permit parking lot daily since 3/17 without any payment of permit fees. The city administration said that because of staffing issues "they have not been billed for the last 6 months". What surprises me about this is that the City has a parking enforcement person and I am assuming that he/she has not been giving tickets for "unpermitted parking" as I would imagine that paying for permits is cheaper than paying for tickets. This leads me to believe that all City Permit parking is free of charge or is this preferential treatment of a private business? This in a time when the City Administrator was quoted as saying the "future projections show the city running a nearly \$1 million deficit in the general fund by 2021"
- (5) As far as I can determine from my conversations with city employees 55 Properties does not at present have the required parking for their restaurant use and will ultimately have to come to the city or a private landowner to lease parking. The Coffill Parking is the obvious choice, which furthers my argument that any upgrading to the lot will benefit 55 Properties disproportionately.
- (6) On the plans presently on file at the City of Sonora Building department, the propane tanks and garbage enclosures for the restaurant are shown on the same area of the parking lot as the Electrical transformer is shown to go. Where will these now be placed? I have been in the

EXHIBIT "A"

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construction business for 40 years and have been following this project since its inception. I am surprised and aghast that the City allowed it to move forward without plans showing basic electrical, plumbing, garbage disposal and propane provisions. It appears to me that 55 Properties always assumed that they would get unfettered access to City Property to finish their project, and that the City Building Department knew many months ago that this project could not go forward without costly concessions from the City. Some of which are being addressed now but more will be needed in the future. Now is not the time to give them something with no return to City Taxpayers.

- (7) I notice that on June 23rd 1965 Mrs. Coffill sold the property to the City I would be interested if this sale was to install a parking lot and if there were any restrictions on its use.
- (8) In conclusion I believe that awarding this easement to P.G and E but actually for the benefit of a private party without benefit to the City is not in the best interests of the City of Sonora or its citizens. I would request that the City of Sonora Attorney rule on the legality of this transaction and/or that this item on the agenda be postponed until a more equitable deal can be negotiated.

While I appreciate the City Staffs effort to work cooperatively with potential businesses that would like to set up within City Limits I do not believe that one business should get use of City property for no cost while other businesses have to pay their fair way.

Your truly

David W Morgan

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Sonora

Ca95370

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