

**CITY COUNCIL
CITY OF SONORA
FEBRUARY 1, 2016**

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 Ronald Stearn, Mayor Pro-Tem Connie Williams, Councilmembers Bill Canning, George Segarini and Jim Garaventa; City Administrator Tim Miller, City Clerk Marijane Cassinetto, Interim Finance Director Bijan Sadeghian, Contract City Attorney Byron Smith, Community Development Director Rachelle Kellogg, Police Chief Mark Stinson, Fire Chief Aimee New. Absent: Interim City Engineer Gerard Fuccillo.

CITY CLERK'S REPORT ON POSTING OF AGENDA

City Clerk Cassinetto advised Council that at 3:00 p.m. on the 28th day of January 2016, 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 FORUM (Non-Agenda)

A member of the public noting that February is Teen Dating Violence Awareness and Prevention Month, gave statistics in regard to domestic violence, sexual assaults and child abuse, and suggested that the Council consider a Proclamation supporting the teens in our community, and she submitted a sample Proclamation; she reported that the Mountain Counties Water Resources Association (MCWRA) has written a letter to the State Water Resources Control Board commenting on the proposed regulatory Emergency Regulation for Statewide Urban Water Conservation framework which will be considered for adoption on February 2, 2016, and submitted a copy of the MCWRA letter and suggested a letter of support be written to the MCWRA; additionally, she stated that she believes that the Brown Act requires a roll call vote, even if unanimous, in any Closed Session action.

CONSENT CALENDAR

Motion by Mayor Pro-Tem Williams, second by Councilmember Segarini, and unanimously carried that the Consent Calendar be approved as follows:

1. Approval of Minutes for the Closed and Regular Council Meetings of January 19, 2016;

2. Approval to pay invoices for previously budgeted expenses on February 2, 2016, in the amount of \$114,061.50; and
3. Approval of disbursements in the amount of \$139,128.36 on January 22, 2016, for payroll, inclusive of employee salaries, employer and employee taxes and retirement contributions and miscellaneous voluntary employee deductions.

PUBLIC HEARINGS

Introduce by Title and Waive First Reading of Ordinance No. 834. This was the time and place set for a Public Hearing to consider introducing by title and waiving the first reading of Ordinance No. 834 which would amend Chapter 17 of the Sonora Municipal Code prohibiting marijuana dispensaries and regulating marijuana cultivation. Attorney Smith reviewed his Staff Report and the contents of said Ordinance noting that it is important to keep in mind that this is a land use regulation ordinance establishing reasonable land use regulations, it would expand and permit a limited amount of cultivation in the City, and it does not in any way address the right to possess or use marijuana, and is drafted with the presumption that a person who applies for a cultivation permit has met State requirements to use and possess marijuana.

Mayor Stearn opened the Public Hearing at 5:12 p.m., and there being no public comments, the Hearing was closed at 5:13 p.m. Councilmembers and Staff engaged in questions and answers for clarification of the Ordinance provisions as drafted.

MOTION by Mayor Pro-Tem Williams, second by Mayor Stearn that Ordinance No. 834, as presented, be introduced by title and the first reading be waived. Council and Staff continued discussion. A roll call vote was taken and said **MOTION passed by a three to two vote as follows: Ayes: Stearn, Williams, Segarini; Noes: Canning, Garaventa; Absent or Abstain: None.**

UNFINISHED BUSINESS

Waive Second Reading, Adopt Ordinance No 836. The Council considered waiving the second reading and adopting Ordinance No. 836 which amends Chapter 10.08.040, Parking and Standing, of the City Municipal Code by Adding Parking Zone N which prohibits parking between the hours of 3 a.m. and 5 a.m. at certain locations on certain days. Police Chief Stinson recommended approval. **MOTION by Councilmember Garaventa, second by Councilmember Segarini, and unanimously carried that the second reading be waived, and said Ordinance be approved and adopted as presented.**

NEW BUSINESS

Additional Funding for Vision Sonora Street Furniture and Vision Sonora Committee Report. The Council considered approving additional funding of \$13,000 from the Economic Development Fund for the Vision Sonora Trash Receptacle and Bench Project. Community Development Director Kellogg presented the request recommending approval. Currently the City has allocated \$20,000 for the Project, and the Vision Sonora Committee has received a commitment from Tuolumne County to provide \$5,000. Staff noted that the development of an "Adopt a Bench" program will help to reimburse the Economic Development Fund for the cost of new benches. **MOTION by Councilmember Canning, second by Mayor Pro-Tem Williams, that: (1) the Council allocate an additional \$13,000 from Economic Development Fund 374 for the Vision Sonora Trash Receptacle and Bench Project, and (2) the City Administrator be authorized to execute an agreement with MDT Welding to complete the Project.**

Mayor Stearn asked for public comment. Elena Linehan, downtown property owner and employee, and former Main Street Manager, stated that this cost overrun is due to lack of planning and oversight, and we will see more of these down the line. Linehan stated that this is being driven by the Design Committee, and as she understands it, the Economic Development Committee has not even met. She said that looking to places like Murphys, where there is a good market blend and a really good approach of how they are serving their customers, is dangerous, and this is what seems to be driving Vision Sonora as opposed to considering economic development and how we can grow business.

The above **MOTION passed unanimously.** Mayor Pro-Tem Williams presented the monthly Vision Sonora Committee Report. A copy of said Report is attached hereto as Exhibit "A" and made a part hereof by and for reference. Councilmember Canning said that he received a call from the Sierra Business Council letting him know that there are grant monies available strictly for connectivity which could be used for trail projects that have environmental impact studies completed.

Set Date and Time for Special Study Session. The Council considered setting the date and time for a Special Study Session to review the Recurring and Special Assignments Work Plan and establish Council priorities. Administrator Miller suggested that it be set for 3:00 p.m. on Tuesday, February 16, 2016, prior to the Council's Regular Meeting at 5:00 p.m. Councilmember Garaventa suggested that it be held during the Regular Meeting or at a time that allows working constituents to attend, and would like it to be televised. Councilmember Canning would like to see status reports on projects before prioritizing. **MOTION by Mayor Pro-Tem Williams, second by Councilmember Canning, that a Special Study Session to consider**

said Work Plan be held on February 16, 2016, at 3:00 p.m., and that it be televised.

Mayor Stearn asked for public comment. Elena Linehan stated that she would like to see it integrated into the Regular Meeting time of 5:00 p.m. so that those who work can attend.

THE MOTION as stated above passed four to one by the following vote: Ayes: Stearn, Williams, Canning, Segarini; No: Garaventa; Absent or Abstain: None.

Letter Objecting to Yosemite National Park Name Changes.

The Council considered sending a letter to Jonathan B. Jarvis, Director of the National Park Service, objecting to the Yosemite National Park name changes. Administrator Miller presented the draft letter which was prepared at the request of Mayor Stearn. The issue is that according to the National Park Service, DNC Parks & Resorts at Yosemite, Inc., (DNC) a subsidiary of the Delaware North Companies, or its predecessor, previously trademarked or service-marked several properties in the Park without the Park Service's agreement. DNC has now sued the Federal Government for \$51 Million for this intellectual property and trademarks. Councilmember Segarini noted that he received an e-mail from DNC asking the Park to continue using the existing names until such time that the court makes a decision one way or the other whether they are legal or not legal in pursuing their trademark. Administrator Miller noted that the Park Service announcement says that the new names will be changed March 1, 2016, and that the offer to use them until settled in the courts has been declined by the Park Service.

Mayor Stearn asked for public comment.

A member of the public stated that she does not want the City to write a letter as it is a contract dispute between two parties, and it does not involve us as the City of Sonora. Mayor Stearn stated that we are the only incorporated City and 65% of the Park is in Tuolumne County.

Councilmember Garaventa said would love to see the names stay with the Park and thinks it may be premature to send the letter at this time; we do not support DNC but stated that if the letter is sent as is, it may help DNC. If DNC has the trademark, they have the rights to the names and will make money off the names. Mayor Pro-Tm Williams asked Attorney Smith if it was premature to send the letter at this time. Smith responded that he does not believe it is premature; to do now is fine. Garaventa suggested that a letter be sent to DNC as well asking them to drop the court proceedings.

A member of the public stated that DNC owns the names, and they can move the names anywhere should they choose to do so; he cautioned the Council not to choose sides at this time as it is possible that the Park Service may ask the City to appear with them and help with their point of view.

MOTION by Councilmember Canning, seconded by Mayor Stearn to send the letter as drafted. The MOTION was amended to include sending a copy to DNC. The Motion as amended passed three to two by a roll call vote as follows: Ayes: Stearn, Canning, Segarini; Noes: Williams and Garaventa. Abstain or Abstain: None.

MONTHLY REPORTS

None

COMMUNICATIONS

None

COUNCIL MEMBER/DEPARTMENT HEAD REPORTS

Councilmember Garaventa noted that he attended the Chamber Mixer at the Heart Rock Café after the last Council Meeting, attended the County Planning Commission Meeting, attended the Mother Lode Martin Luther King, Jr., celebration at the Sonora High School Auditorium, attended the Mother Lode Fair Board Meeting on Wednesday and its Entertainment Committee Meeting on Saturday, attended the Ribbon Cutting Ceremony at the Oak Valley Community Bank downtown Sonora Branch. **Councilmember Segarini** put on Facebook his desire to get the City together with downtown merchants to discuss downtown issues, and that he had a tremendous positive response. He congratulated Public Works on the fencing done on Snell Street over Woods Creek by the High School; **Administrator Miller** commented that new Public Works employee Matthew Lewallen has welding skills and along with another employee did a very nice job. **Segarini** also attended the Central Sierra Economic Development Meeting on January 21, 2016. **Segarini** asked clarification on removal of parking spaces in the parking lot by Heusers Furniture. **Police Chief Stinson** clarified. **Mayor Pro-Tem Williams** attended the Tuolumne Stanislaus Integrated Regional Water Management Authority Meeting on January 20, 2016, with a presentation by Columbia College on its newly created Water Educational Vocation and Training course, and she would like to see it presented at City Hall; Calaveras County Water District is trying to obtain a Warren Act Contract with the U.S. Bureau of Reclamation for access to storage at New Melones Dam; Calaveras would also like to partner with other local agencies to store water under the District's existing water rights. **Williams** also attended the League of California Cities Policy Committee Meeting on January 21, 2016, noting that the League is developing a Health Benefits

Marketplace which may benefit Sonora in looking at opportunities that can be more cost effective for health benefits for employees. **City Clerk Cassinetto** reported that the filing period for nomination papers for City Council seats begins on February 15 and runs through March 11, 2016.

ADJOURN

There being no further business to come before the Council at this time, the Meeting was adjourned at 7:00 p.m. to the next Regular Council Meeting on Tuesday, February 16, 2016, (Monday, February 15, 2016, is Presidents Day) at 5:00 p.m. in the Council Chambers at City Hall.

Marijane Cassinetto, City Clerk Date