

**CITY COUNCIL
CITY OF SONORA
December 15, 2014**

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 5:04 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, Engineer Gerard Fuccillo, Attorney Byron Smith, Community Development Director Rachelle Kellogg, Interim Finance Director Bijan Sadeghian, Police Chief Mark Stinson. Absent: Interim Fire Chief Mike Noonan.

PRESENTATIONS/PROCLAMATIONS/COMMENDATIONS

Mayor Pro-Tem Williams presented a Proclamation to Team Captains Leah Dambacher and Savannah Lawrence recognizing the Sonora High School Volleyball Team State Championship.

Police Chief Stinson introduced new Police Officer Naomi Kneip, administered her Oath of Office and officially pinned her badge. Stinson also welcomed back part-time Community Service Officer Char Logan. Both Kneip and Logan were welcomed by the Council.

CONSENT CALENDAR

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

1. Approval of the following Council Meeting Minutes:
 - a. Special City Council Meeting - Retreat of November 24, 2014;
 - b. Special City Council Meeting Closed Session of November 24, 2014;
 - c. Regular City Council Meeting of December 1, 2014; and
 - d. Closed Session City Council Meeting of December 1, 2014.
2. Approval to pay invoices for previously budgeted expenses on December 16, 2014, in the amount of \$504,626.30;
3. Approval of disbursements in the amount of \$152,928.98 on November 26, 2014, and \$171,326.12 on December 12, 2014, for payroll, inclusive of employee salaries, employer and employee taxes and retirement contributions, annual uniform allowance on December 12, 2014, only, and miscellaneous voluntary employee deductions; and
4. Approval to grant the City Administrator a 2.0% Cost of Living Adjustment (COLA), consistent with previous approvals for other City Employees.

The foregoing Motion passed 4 to 1 by the following vote: Ayes: Stearn, Williams, Canning, Garaventa; Abstain: Segarini (due to his absence at the Council Mini Retreat), Noes: None

CITY CLERK'S REPORT ON POSTING OF AGENDA

City Clerk Cassinetto advised Council that at 11:28 a.m. on the

11th day of December, 2014, the Agenda for the City of Sonora Council Meeting scheduled for this date was posted outside City Hall for public view.

PUBLIC APPEARANCES

None.

PUBLIC APPEARANCES (Non-Agenda)

None.

PUBLIC HEARINGS

State Community Development Block Grant (CDBG) Program.

This was the time and place set for a Public Hearing for the purpose of soliciting citizens' views on activities for potential submission of Program Income Supplemental Activity applications under the CDBG Program. Community Development Director Kellogg reported that an audit performed by the U.S. Department of Housing and Urban Development (HUD) on the rules for the State Program Income and Revolving Loan Accounts found those Accounts out of compliance with CDBG Federal statute and regulations. As a result, the changes to the State's Program that were required by HUD are significant, and required a full restructuring of its Program Income policies and regulations. Therefore, it will have an impact on the City's management of its Program Income. The most significant rule change is that Program Income on-hand must be used prior to drawing down any awarded grant funds. As of November 30, 2014, the City's Program Income fund balance was \$262,228.58. There was discussion regarding eligible and non-eligible projects.

The Public Hearing was opened at 5:40 p.m. Beetle Barbor, Amador Tuolumne Community Action Agency Director of Housing Programs, reported that ATCAA had an open grant with Tuolumne County to provide homeless services, and ATCAA was able to present its project as fundable, and the County moved program reuse money through a waiver process which allowed its project for homeless services. Hazel Mitchell, representing the Give Someone a Chance Committee, requested Program Income funding for lease of a building, and associated costs, for homeless needs. The Public Hearing was closed at 5:43 p.m.

Community Development Director Kellogg will come back with a proposal. She noted that if monies are already being received for service agencies from Tuolumne County, the City designated Program Income funds cannot be designated for such uses.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Resolution No. 12-15-2014-A. The Council considered adopting Resolution No. 12-15-2014-A which authorizes the temporary closure of State Route 49 (Washington Street) and specific City Streets on Friday, December 19, 2014, to accommodate the Sonora High School Commendation Parade between

1:20 and 1:45 p.m. for its Volleyball Team's State Championship. **MOTION by Councilmember Segarini, second by Mayor Pro-Tem Williams, and unanimously carried that said Resolution be approved and adopted as presented.** Sonora High Associate Principal Ben Howell thanked the Council, and stated that he is proud to see the community rally together in support of the Team's victory. Administrator Miller reported that the Parade will not conflict with the Pop Hudson Sing event that will be held downtown on the 19th as well.

Traffic Impact Mitigation Fund Report. The Council considered adopting the City of Sonora Traffic Impact Mitigation Fund Report for the Fiscal Year ended June 30, 2014, which is required pursuant to California Government Code Title 7, Division 1, Chapter 5, Section 66006. Administrator Miller reviewed said Report which was submitted by the Interim Finance Director and City Engineer. Said Report is on file in the Office of the City Administrator for public review. There was no public comment. **MOTION by Mayor Pro-Tem Williams, second by Councilmember Canning, and unanimously carried that said Report be approved and adopted as presented.**

Ordinance No. 820, Establishing Camping Restrictions. The Council considered the reintroduction and waiving the first reading of Ordinance No. 820, an Urgency Ordinance adopted by the Council at its Meeting of July 21, 2014, pursuant to Government Code Section 36931, et. seq., establishing camping restrictions in the City of Sonora. Administrator Miller reported that there is still a need to regulate camping for the reasons cited at the time of its original adoption; until there is a suitable replacement, Staff recommends that the current Ordinance be reintroduced. As a non-emergency measure, the Ordinance will require introduction at this Meeting, adoption at a second meeting, and become effective thirty days thereafter. Under this procedure, the Ordinance can be introduced and adopted by a majority vote of the Council.

Miller additionally noted that an ad hoc committee has been meeting to address the homeless issue, and there has been a suggestion to form a committee of judicial, legal and law enforcement personnel to review the ordinance and suggest possible revisions; neither activity has come to a conclusion at this point.

Police Chief Stinson stated the need for the Ordinance. Mayor Stearn asked for public comment.

Beetle Barbor, ATCAA Housing Resources Director, and a member of the Homeless Steering Committee, asked that the Council reconsider adopting said Ordinance; she would like to see a continued discussion for homeless solutions. Barbor feels that the Ordinance has put a target on the homeless, and they have been disenfranchised which has resulted in some homeless being assaulted and beaten. Hazel Mitchell, member of the Advisory Committee that reports to the Steering Committee, urged that the Ordinance not be approved at this time to give homeless advocates a chance to show that homelessness can be handled as

a community, and allow the opportunity to work with the Police Chief. The Steering Committee is trying to solve immediate needs and is looking for a building that can be used to house the homeless from 7 p.m. to 7 a.m., with supervision, to keep them out of the cold of the night. Mitchell additionally noted that sweeping camps becomes a vicious and costly circle for homeless advocates because everything has to be replaced which causes great setback. Both Barbor and Mitchell agreed that there is a criminal element that should be arrested and dealt with accordingly, but that there are also homeless who have lost everything and prior to losing everything were responsible workers and business owners, they are not involved in any criminal activity, and should not be criminalized.

Police Chief Stinson spoke to the beatings saying that he knows for a fact that they are not the result of the Ordinance, but rather they are victims of juvenile delinquents who do "bum beating" which is occurring in many communities now, and the beatings are posted on You Tube.

Donald Sullivan, a board member of Lighthouse Ministries, stated that private property owners have also been criminalized under the Ordinance; those who were allowing homeless on their property have now evicted them so that they will not be in jeopardy of breaking the law. Sullivan feels much of the Ordinance has merit, but it has made a criminal out of a good Samaritan, and he does not see justice and mercy in this. He hopes that more time will be given to come up with a solution for the homeless, and a solution for private property owners who want to help the homeless by allowing them on their property.

Mayor Stearn spoke to the serious fire danger and thefts, and the necessity to provide public safety for businesses and citizens. Councilmember Canning stated that the illegal campers who have been sent out of the City by the Police were felons, and he receives numerous calls from business owners and homeowners who report unacceptable behaviors and actions. Canning talked about an incident with vacationing shoppers where they felt endangered by the slurs of homeless downtown, that will prevent those shoppers from coming to Sonora again, and an incident where two homeless people murdered a city resident.

Lloyd Schneider stated that homelessness has many causes, one of them being low pay, and he asked that the Ordinance not be adopted for six or seven months to seek a prevention plan to camping in non-designated places, and to consider a more progressive plan of raising low end pay to a life sustaining wage.

Jeanette Lambert, Peggy Kingman, Kathryn Driver and Lee Kimball asked that the Ordinance not be adopted at this time to allow the community time to work together for better solutions, to address the need for an emergency seasonal shelter, to come up with solutions for those in need and not adopt the Ordinance

without a plan in place, to commit resources to the people who need assistance.

Scott Richards from Lighthouse Ministries suggested an alternative be sought before passing a blanket Ordinance criminalizing the homeless, and suggested camp ground type housing. Larry Bramlett from Lighthouse Ministries suggested that the process be started over to solve the situation with a community effort, and requested that the Ordinance not be passed at this time. Wayne Sparks from Lighthouse Ministries described a homeless program in place in Chico, California, which has been administered by the City of Chico with the involvement of the community, and it has helped a great deal with the homeless, and recommended that the program in Chico be looked into.

Hazel Mitchell made available a copy of a 53-page document entitled *Constructive Alternatives to the Criminalization of Homelessness* which is a U. S. Inter Agency Council on Homeless publication, suggesting the Council review if they would like to. Mitchell also referred the Council to the County of San Benito homeless program which is having good results. Rita Weiss noted that there is a program entitled Tiny House Community that is working in a number of cities which the City may find helpful. Marlo Rumbaugh, Sonora resident, read a quote of a Virginia Senator encouraging governmental and community cooperative efforts to help the poor, homeless and the hungry, and Rumbaugh emphasized the necessity for government to join with the community to work together to find solutions.

Mayor Pro-Tem Williams noted that since the Ordinance was first introduced in July 2015, that a City/County Steering Committee was put together to look at the homeless issues, with representatives from law enforcement and advocates for the homeless, and an Advisory Committee has been formed with the County Health Officer and many members of the community serving the homeless, and it has submitted short, mid and long term needs to the Steering Committee, and the Committee is actively meeting. Williams asked if any people have been arrested under the current Ordinance, and are they in jail today, and what happens to them. Police Chief Stinson responded that Sonora Police have not arrested anyone in violation of the Ordinance, and he summarized the eviction process, reporting that as part of the process, if they are still camping after having been given a third notice in writing, then they were issued a Notice to Appear in court. For those who showed up, the judge sentenced them to 16 hours at the day reporting center; no fines issued, no jail time, and an assistance program was made available to them. For those who did not show up in court, they were issued a bench warrant for their arrest. Stinson noted that those who have stolen merchandise, and have been identified by surveillance cameras have been arrested, and also those who have assaulted others have been arrested.

Councilmember Segarini asked if the Ordinance is working, and

what can be changed; and if the Ordinance is not renewed at this point, does it make sense to start it up again at fire season. Stinson responded that the Ordinance has helped, especially in regard to store thefts. A number of tents were vacated and the tents were back-filled by other campers that have not yet been talked to about the Ordinance. Stinson stated that it is a difficult thing to decide to renew or not renew the Ordinance; if not renewed there may be a rise in store thefts again; it is a vicious circle with no simple answer.

Councilmember Garaventa noted that when he recommended the sunset clause, he did it with the hope to get something going.

He would like to see that not all homeless be treated the same way. He has no problem with extending the sunset clause until fire season comes, suggesting May 31, 2015; he wants to continue to keep the impetuous going. He would like to see absentee land owners who allow campers on their property, have their property cleaned up, and possibly receive a penalty if they do not.

Mayor Pro-Tem Williams agreed with extending the sunset clause but asked that something is in place so that the Police Department has something enforceable when they need it. She suggested a possible study session on the Ordinance to work through it. She would like to see that a warning with the time limit spelled out to get items collected and removed. She felt that the amount of money and the time served for first violation is possibly a little heavy based upon what a misdemeanor is in the Ordinance Code. She would like to see a penalty for the private property land owner; possibly that a private property owner would have to get a permit to allow the homeless on their property which would include provision for some type of small shelter with some type of sanitary facilities. She suggested that the City look at the legality of the Ordinance based upon the Constitution. She is in agreement with a sunset clause until the committees have more time to come up with more solutions, and so the Police Department can have an enforceable document in place for public safety. Canning encouraged the public to work together as a group for solutions and then bring them to the City to ask for help. He suggested a sunset at least through fire season; the end of November.

Attorney Smith commented in regard to extending the sunset, that the Ordinance was adopted as an urgency Ordinance; it had not been agendaized specifically with extending an ordinance that was adopted as an urgency ordinance. It is not properly agendaized with that intention; so the public has not been given the proper notice that was a possibility of what the Council might do tonight. The agenda item has indicated a first reading. He does not believe that the proper Brown Act notice has been given to take that action with the Ordinance that is expiring within a few days.

Administrator Miller noted the item on the Agenda tonight as a

regular Ordinance requires a majority vote, instead of an urgency ordinance that requires a 4/5ths vote. Given that it had a sunset provision built into it, it was brought back to adopt as a regular ordinance. That would take an introduction, second reading, and 30 days to become effective. The Council could set a specific time that it was effective. Attorney Smith reiterated that it could also be brought back next time as an urgency ordinance.

Mayor Pro-Tem Williams, in regard to P.3 of the Ordinance, the last paragraph under Unlawful Camping on Public Property, asked if "City owned property" should be added, or does "public property" cover and mean City owned property. Administrator Miller responded that it was adequate as written.

Miller noted that the Ordinance has been patterned after a Santa Barbara Ordinance which was upheld by the court as being legal. If Council wants to adopt tonight, Staff needs to know the changes; if not going to adopt tonight, it will be brought back either as urgency ordinance or a regular ordinance.

Administrator Miller outlined Council action options. (1) The Ordinance can be introduced as originally enacted, with an expiration date; (2) If the Council can describe the changes it wants as part of the motion, it can amend the Ordinance as originally written, and introduce it with amendments; or (3) Tell Staff what they would like to see changed, and Staff will re-write it and bring back at a future meeting.

Mayor Stearn stated that the Council is elected to protect the City and its residents. He does not know how the homeless issue can be solved and wished he knew the answer.

Motion by Councilmember Canning to waive the first reading and proceed to adopt the Ordinance as presented. This Motion failed for lack of a second. **MOTION by Councilmember Segarini, second by Mayor Pro-Tem Williams, and unanimously carried that said Ordinance No. 820 be introduced with the first reading waived as is, with a sunset date of November 1, 2015, and in the meantime the appropriate Council committee get together to look at amendments/changes to the Ordinance.**

Cancellation of Council Meeting. The Council considered cancelling the January 5, 2015, regularly scheduled City Council Meeting and approving the payment of invoices for previously budgeted expenses on January 6, 2015. Recommending approval, Administrator Miller presented the matter noting that the Christmas and New Year holidays fall mid-week, and with employee and staff taking time before and after each holiday, it makes it problematic to prepare for the Meeting. Miller also noted that there are no urgent items that need to come to the Council at this time. There was no public comment. **MOTION by Councilmember Garaventa, second by Mayor Pro-Tem Williams, and unanimously carried that the Regular Council Meeting of January 5, 2015, be cancelled, and that the Council approves the payment of previously budgeted expenses on January 6, 2015.**

WRITTEN STAFF REPORTS - November 2014

1. From Community Development Director Kellogg for the Planning/Building Department.
2. From Public Works Supervisor Bill Seldon for the Public Works Department.
3. From Police Chief Stinson for the Police Department.
4. From Interim Fire Chief Noonan for the Fire Department.

COMMUNICATIONS - Information Only

1. City of Sonora Summary Sales for July 2013 to June 2014.
2. From Comcast providing the City with advance notice of certain changes to customer bills.

COUNCILMEMBERS AND DEPARTMENT HEADS

Community Development Director Kellogg and **Police Chief Stinson** wished everyone a Merry Christmas and Happy New Year. **Engineer Fuccillo** gave an update on the Mono Way Widening Project. **Fuccillo** and **Councilmember Canning** discussed the puddling and storm water issue at the intersection of Fir Drive and Mono Way. **Clerk Cassinetto** wished a very Merry Christmas to all. **Mayor Pro-Tem Williams** thanked the Public Works Department for the retrofitting for new lights in Coffill Park, and wished a Merry Christmas and a wonderful and safe holiday season to all.

Councilmembers Canning, Garaventa and **Segarini** also wished everyone happy holidays. **Councilmember Segarini** reported that he attended the Tuolumne County Chamber Governmental Affairs Meeting at which Kristen Olsen was present, and she reported on a new ADA business compliance program which may be helpful to those businesses that may have compliance issues. **Mayor Stearn** also noted his attendance at the Governmental Affairs Meeting, and that he asked a PG&E representative if lighting at crosswalks could be improved. **Administrative Miller** also wished all a happy holiday and reminded everyone of the Pop Hudson Sing at 12:45 p.m. on Friday, which will be followed 1:30 p.m. by the Parade honoring the Sonora High Girls Volleyball State Championship. **Attorney Smith** also wished everyone Merry Christmas and safe holidays.

ADJOURN

There being no further business to come before the Council at this time, the Meeting was adjourned at 7:42 p.m. to the next Regular Council Meeting on Tuesday, January 20, 2015, (January 19, 2015, is a National Holiday) in the Council Chambers at City Hall.

Marijane Cassinetto, City Clerk

Date