

**CITY COUNCIL  
CITY OF SONORA  
DECEMBER 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 Cassinetta, 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 this date.

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

City Clerk Cassinetta advised Council that at 3:00 p.m. on the 15th day of December, 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 ITEMS)**

**A Member of the Public** commented that she would like to see the following matters placed on the Council's Agenda for discussion which are concerns of the downtown merchants and residents: Parking issues, trash collection and the lack of recycling with representatives from Waste Management present, and discussion on the City's public outreach. Mayor Williams commented that the parking and trash collection discussions should go to the Merchants/Townhall Meeting before coming to the Council.

**A Member of the Public** asked when the next Merchants/Townhall Meeting would be. Mayor Williams responded that the next Meeting is set for January 24, 2018, at 8 a.m. in the Council Chambers.

**CONSENT CALENDAR**

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

- 1. Approval of the Council Minutes for the Regular Council Meeting of December 4, 2017;**
- 2. Approval to pay invoices for previously budgeted expenses on December 19, 2017, in the amount of \$223,525.54; and**
- 3. Approval of disbursements in the amount of \$150,218.27 on December 8, 2017, for payroll, inclusive of employee salaries, employer and employee taxes and retirement contributions, and miscellaneous voluntary employee deductions.** The Mayor asked for any public comment. A member of the public asked for clarification as to the disbursement amount. Administrator Miller responded that the amount included the cost for uniforms for officers. **The Motion passed unanimously.**

### **UNFINISHED BUSINESS**

**Ordinance No. 843 Regarding Home Occupations.** The Council considered waiving the second reading and adopting Ordinance No. 843 which amends Section 17.59.020 of the Sonora Municipal Code, Criteria and Conditions, for a Home Occupation, and Section 17.59.030, Application - Filing, to Revise Application Information, Fee and Eliminate Posting Requirements; and Amending Section 17.59.050, Appeals, to Clarify the Appeal Process. Community Development Director Kellogg recommended approval.

There were no public comments. **MOTION by Councilmember Segarini, second by Councilmember Hawkins and unanimously carried that the second reading of Ordinance No. 843 be waived, and the same be approved and adopted.**

**Ordinance No. 844, Non-Conforming Uses - Use Permit Procedure; Amendments to Sonora Municipal Code.** The Council considered waiving the second reading and adopting Ordinance No. 844 titled Nonconforming Uses - Use Permit Procedure: Deleting Section 17.58.010, Applicability; and Adding Section 17.58.010 Purpose, to Define the Purpose of the Chapter; and Amending Section 17.58.030, Reconstructing, Restoring, and Moving Prohibited - Exceptions, to Provide a Process to Restore Residential Use Through a Use Permit; and Amending Section 17.62.030, Application - Notice of Hearing, to Revise Notification Requirements; and Amending Section 17.62.040, Hearing - Decision by Commission, to Establish Hearing Time and Delete Denial Provision; and Amending Section 17.62.080, Effective Date, to Modify Effective Date for Permit; and Amending Section 17.62.100, Appeal to Council, to Revise Notification Requirements; and Section 17.62.110, Revocation or Modification, to Allow Modification Request; and Adding Section

17.62.111, Revocation, Voluntary, to Provide for a Voluntary Revocation Process; and Adding Section 17.62.112, Minor Modifications, to Allow the Community Development Director to Approve Minor Modifications.

Community Development Director Kellogg recommended approval. There was no public comment.

**MOTION by Mayor Pro-Tem Garaventa, second by Councilmember Plummer, and unanimously carried that the second reading be waived, and Ordinance No. 844 be approved and adopted.**

**Ordinance No. 845, Wireless Telecommunication Facilities; Amendments to Sonora Municipal Code.** The Council considered waiving the second reading and adopting Ordinance No. 845, Wireless Telecommunication Facilities: Deleting Chapter 17.50 Poles, Chimneys, Towers and Utility Lines; Adding Chapter 17.50 Wireless Telecommunication Facilities, to Establish the Regulations for Wireless Telecommunication Facilities; adding Section 17.04.355, Wireless Telecommunication Facilities, to Define These Facilities; and Amending Section 17.60.030, Uses Permitted in Any Zone with a Conditional Use Permit, to Allow Wireless Telecommunication Facilities Within Any Zoning District Subject to Regulations under Chapter 17.50; and Amending Section 17.60.030, Uses Permitted in Any Zone with a Conditional Use Permit, to Allow a Building or Structure to Exceed Thirty-Five Feet Subject to Specific Findings; and Amending Section 17.40.40, Uses Permitted in Specific Zones to Address Minor Clean-up Language.

Community Development Director Kellogg recommended approval. There was no public comment.

**MOTION by Councilmember Hawkins, second Councilmember Segarini, and unanimously carried that the second reading of Ordinance No. 845 be waived, and the same be approved and adopted.**

**Ordinance No. 846, Site Plan; Amendments to Sonora Municipal Code.** The Council considered waiving the second reading of Ordinance No. 846, Site Plan, Amending Section 17.52.010, Applicability, to Include the Purpose of the Chapter and Expand Projects Subject to Site Plan Review; and, Section 17.52.020, Exemptions to Revise Exemptions to Site Plan Requirements; and Adding Section 17.52.035, Underground Utilities, Establishing the Requirements for the Undergrounding of Utilities.

Community Development Director Kellogg recommended approval. There was no public comment.

MOTION by Councilmember Plummer, second by Mayor Pro-Tem Garaventa, and unanimously carried that the second reading be waived and Ordinance No. 846 be approved and adopted.

PUBLIC HEARINGS

Ordinance No. 847 Relating to Personal Cannabis Cultivation. This was the time and place set for a Public Hearing to consider introducing by title and waiving the first reading of Ordinance No. 847 amending Chapter 8.35 of the Sonora Municipal Code, Personal Cannabis Cultivation Regulation, relating to personal cannabis cultivation. Recommending approval, Attorney White reviewed background information and the provisions of the Ordinance. Staff and the Council discussed the same. Mayor Williams had concerns regarding the provision that cannabis plants and anything produced by the plants could be stored upon the grounds of the residence stating that she wants that provision removed, and also concern regarding the disposal of fertilizers and other related materials into the water system. There was discussion regarding detached outside buildings and security. Interim Police Chief VanderWiel commented that secure outbuildings may be better for the safety of children but possibly not theft.

The Public Hearing was opened at 5:50 p.m. **Jeremy** said he was not in favor of indoor residential growing stating that water and electricity are a bad combination; he suggested secure greenhouses that are easy to inspect with the growing blocked from sight with unbreakable glass and 6' concrete walls, and said "To deny people the ability to safely cultivate in a greenhouse seems foolish." **Jeff Musio** said that he would like the maximum of 6 plants to be raised to 12 plants to accommodate two people, and feels the Ordinance is reasonable in its other provisions. **Elena Linehan** commented on verbiage regarding the provision for lockable doors for grow rooms, suggesting the wording, "the room required to be secured with lockable doors". **David Peters** stated his opposition to allowing cannabis use noting that the cost will be huge requiring thousands of hours of work complying with the State regulations, and said that the City has no idea of what it is getting into. **A member of the public** said that she was against adopting tonight because of the amount of discussion, and there are other community issues that warrant discussion. **Chuck Lacamp** said that he had 45 years of experience in San Francisco watching all the steps which were a fiasco, and said it is a really bad idea in the first place. Stating numerous reasons, he said he is "absolutely opposed to anything that puts marijuana on the streets in any form in Tuolumne County and Sonora". **Attorney White** responded that we

are in California and have to follow the State laws; we do not have the ability to prohibit it, we can only regulate it.

Mayor Pro-Tem Garaventa said he feels a secured detached structure is a better way for safety and for inspection, and a motion detector alarm could be required. Councilmember Hawkins agreed with Garaventa. Mayor Williams commented that it was the Working Group's conclusion that the grows should be inside the residences, and she is against doing anything outside in a detached anything. Councilmember Plummer said that he could vote for it either way; he does not see a problem with a secured structure.

**MOTION by Councilmember Segarini that said Ordinance No. 847 be introduced by title with the first reading waived, and approval for the clerical changes as to the number of plants to indicate "more than six", add the provision for the lockable door, and no changes to Section 8.35.060(B) which allows anything produced by the plants to be kept upon the grounds of the residence. The Motion died for lack of a second.**

**MOTION by Mayor Pro-Tem Garaventa and second by Councilmember Hawkins that:**

1. Ordinance 847 be introduced by title with the first reading waived;
2. Add to Section 8.35.060(d)1 the provision to additionally allow cultivation in a permitted detached structure;
3. Clerical change in wording be made in Section 8.35.030(G)4 to provide for the room to be secured with lockable doors;
4. Clerical change in wording be made in Sections 8.35.040(A) and 8.35.050(B)1 to read, "more than six" cannabis plants; and
5. Add to Section 8.35.060(D) the provision for a permitted motion detection alarm.

**The above MOTION was amended by Garaventa with consent of Hawkins to add authorization for any amendments necessary to conform the Ordinance to these changes.**

There was Staff and Council discussion in regard to the definition of a permitted detached structure and code requirements. Garaventa said he could withdraw his Motion and refer the matter to Staff. Attorney White recommended that it might be more appropriate to take a more narrow view so that most of this is on the books for compliance, and to bring it back later to solve the detachable building/structure issue. Administrator Miller suggested the wording "detached garage or permitted accessory building".

The above MOTION was amended by Garaventa with the consent of Hawkins as follows: 2. Add to Section 8.35.060(D)1 the provision to additionally allow cultivation in a "detached garage or permitted accessory building".

MOTION as amended passed three to two as follows: Ayes: Garaventa, Hawkins Plummer; Noes: Williams, Segarini; Absent/Abstain: None.

Ordinance No. 848 Relating to Cannabis Businesses. This was the time and place set for a Public Hearing to consider introducing by title and waiving the first reading of Ordinance No. 848 amending Chapter 8.36 of the Sonora Municipal Code relating to cannabis businesses. Recommending approval, Attorney White presented his Staff Report. He noted that the revenues received from commercial business will provide the revenue source for training and for dealing with the companies currently servicing the area. White also reported that the contents of the Ordinance represent the recommendations of the Working Group.

Mayor Williams suggested that provisions be added to prohibit minors from being in a commercial cultivation site and a testing laboratory. White agreed with Williams but noted that prohibition could not be attached to a dispensary, although there could be a provision to provide that minors under the age of 21 need to be accompanied by an adult but not limited to a qualified patient or a caregiver. Mayor Williams confirmed with White that in the Development Agreement and Use Permit process, if Council wanted, it could prohibit anyone from entering a dispensary if they do not have a doctor's recommendation and are under 21 unless accompanied by a parent or caregiver.

The Public Hearing was opened at 6:45 p.m. **Jeff Musio** commented that 650' setbacks from parks would create a big zone of dead area for the City, saying, "It makes more sense to take away the parks". **A member of the public** agreed with Musio about the parks, agrees with separating out each business category for discussion, and would like to see delivery allowed. **David Peters** said that children use parks as well as adults, he does not agree with allowing any cultivation, and maybe to allow dispensary and delivery for those who really need it medically. He asked that the decision on manufacturing be put off to allow time for more discussion in regard to fire and health dangers.

Interim Police Chief VanderWiel stated that he and all local public safety personnel are against introducing the cannabis business into the community. He said the Council, "needs to really consider the safety of the community", reiterating that

the County Sheriff, City Fire, Cal Fire and all local schools are against it.

**Elena Linehan** said that an intense university study on marijuana and alcohol use indicated that when the two were combined, the marijuana stayed in a person's system much longer, and said the study is worth looking at. **Jeremy** said that life itself is a dangerous proposition; that without the revenues received through the State from cannabis business, there will be no funds to deal with everything that is coming.

The Public Hearing was closed at 7:00 p.m.

Administrator Miller noted that all of the concerns put forth were heard and evaluated by the Working Group. Attorney White noted that he had just gone on line and found 24 entities that are currently illegally servicing our area.

Council and Staff discussed each business category. Council consensus was as follows:

Commercial Cultivation: Not to allow - leave out (3/2)

Cannabis Manufacturing: Allow - leave in (3/2)

Cannabis Testing Laboratory: Allow - leave in (unanimous)

Cannabis Dispensary: Allow - leave in (unanimous)

There was discussion on where to allow dispensaries. It was Council consensus that dispensaries not be allowed in Downtown Zone A. Staff and Council discussed considerations in regard to manufacturing and testing and reiterated the consensus to leave both in the Ordinance.

**MOTION by Councilmember Plummer, second by Mayor Pro-Tem Garaventa that Ordinance No. 848 be introduced by title with the first reading waived, that all references to allowing Commercial Cultivation be removed, and that dispensaries be limited and excluded from Downtown Zone A. The MOTION passed four to one as follows: Ayes: Garaventa, Hawkins, Plummer, Segarini; No: Williams; Absent/Abstain: None.**

**Statement of Qualifications and Interest Relating to Cannabis Business Pilot Program.** This was the time and place set for a Public Hearing to consider approving a Statement of Qualifications and Interest (SQI) to select candidates for participation in a Cannabis Business Pilot Program (PP). Recommending approval, Attorney White reviewed background information and the provisions of the Ordinance. White commented that the preparation and circulation of the SQI would allow the Council to gauge interest in the PP, and which licenses individuals may seek to operate in the City. The SQI

goal is to elicit cannabis business proposals from the cannabis proprietors themselves.

Administrator Miller commented that if the Council approves the SQI, a three-phase process follows which includes the solicitation of interested parties, the Request for Proposals (if applicable), and the Permit or Development Agreement procedure.

The Public Hearing was opened at 7:50 p.m.

**A member of the public** said that she is okay with it. **David Peters** commented in regard to the current illegal entities that are delivering to our area, that they will continue to deliver. He stated that he is opposed to the Pilot Program. **Jeff Musio** said that it was a great idea to do a Pilot Program.

The Public Hearing was closed at 7:55 p.m.

**MOTION by Councilmember Hawkins, second by Councilmember Segarini, and unanimously carried that the Council approves the Statement of Qualifications and Interest to solicit interest from qualified candidates seeking to operate a cannabis business in the City of Sonora.**

#### **NEW BUSINESS**

**Resolution No. 12-18-2017-A, Multi-Jurisdictional Hazard Mitigation Plan.** The Council considered adoption of Resolution No. 12-18-2017-A which adopts the updated Multi-Jurisdictional Hazard Mitigation Plan including Annex A, and approves the City Administrator as the authorized signatory and to make any minor, non-substantive changes on the Final Plan. Recommending approval, Administrator Miller presented background information.

Mayor Williams asked for public comment. A member of the public said that she was in favor of adopting the Resolution.

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

**National Parks Proposed Increase in Entrance Fees.** The Council discussed direction to Staff to prepare a letter for the Mayor to sign objecting to the proposal by the National Park Service to raise the entrance fee at 17 of the most highly visited National Parks, including Yosemite, from \$30 per vehicle to \$70, during the five-month peak visitor season. Administrator Miller presented a letter that the County of Tuolumne has sent



to the National Park Service which opposes the increase to \$70 during the five-month peak visitor season and proposes a compromised solution of a 25% increase during said peak season resulting in an increase to \$40 per car, and proposing an off season entrance fee reduction by 59%, from \$30 to \$15 per vehicle.

#### **RECESS AND RECONVENE**

The Council recessed at 8:10 p.m. to allow the videographer to change tapes, and reconvened at 8:15 p.m.

#### **National Parks Proposed Increase in Entrance Fees CONT.**

Council discussion continued on considering sending a letter to the National Parks Service regarding its proposed fee increases. Mayor Williams asked for public comment.

**Jeremy** commented that the letter is a good idea saying the increase is obscene, and there should be no change at all. **A member of the public** commented that the letter should mention the increases, should contain something specifically on how increases will affect Sonora, and mention that the free days not be cut down.

**MOTION by Councilmember Segarini, second by Mayor Pro-Tem Garaventa, and unanimously carried that Staff draft, and the Mayor sign, a letter to the National Park Service opposing the fee increase, not including the County's thoughts on the fee increase, but emphasizing the impacts on small businesses in the City of Sonora, and opposing the reduction in free days.**

**Cancellation of 1<sup>st</sup> Meeting in January.** The Council considered cancelling its first Regular Session Meeting which would be held on January 2, 2018. Administrator Miller explained that City Hall will be closed for the Christmas holiday on Monday and Tuesday, December 25 and 26, 2018, which creates a short week for assembly of the Council packet. Staff suggests that the first Meeting in January be cancelled. **MOTION by Councilmember Hawkins, second by Councilmember Segarini, that the first Meeting in January be cancelled, and approval is given to pay invoices for previously budgeted expenses on January 3, 2018.**

The Mayor asked for public comment. A member of the public said that she was opposed to the cancellation and suggested that a meeting in a townhall forum setting be held to discuss the items that she mentioned earlier at tonight's Meeting.

There was no further comment, and the above **MOTION passed unanimously.**

#### **MONTHLY REPORTS**

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

No public comment.

#### **VISION SONORA COMMITTEE REPORT**

The Mayor read the Vision Sonora Committee Report for its Meeting of December 14, 2018, which is attached hereto as Exhibit "A", and made a part hereof by reference. The next Meeting is scheduled for January 11, 2018, at 9:00 a.m. in Council Chambers. Elena Linehan asked where Grigsby Park is located. Mayor Williams responded that it is the Park next to the Sonora Police Department.

#### **COMMUNICATIONS**

1. Memo from Interim City Engineer Fuccillo regarding Greenly Road Mono Way Intersection Project status.

No public comment.

#### **COUNCILMEMBER/DEPARTMENT HEAD REPORTS**

**Fire Chief New** reported that Engine 752 with four personnel are out on the Thomas Fire in Southern California which is now the third largest California fire in history, and presently at 45% containment. **Community Development Director Kellogg** wished a "Merry Christmas to all, and to all a good night!" **Administrator Miller** reported the Street Light Conversion Program with PG&E will begin soon, and he is still soliciting feedback on the types of lights, and to let him know right away. **Mayor Pro-Tem Garaventa** reported that the next Homeless Task Force Meeting will be held on January 11, 2018, at City Hall, and stated that he agrees with the member of the public that there should be Council study sessions on the issues she mentioned. **Councilmember Hawkins** wished all a Merry Christmas and Happy New commenting that there is so much to be thankful for, and encouraged everyone to be kind because kindness goes a long way. **Councilmember Plummer** thanked Staff for all their hard work over the year wishing them a Merry Christmas, and wishing a Merry Christmas to everyone. **Mayor Williams** thanked Staff for its work on the Education Center and the positive visual impact coming into the City, gave special thanks to videographer Kathleen Conneau who is retiring as videographer for the City and thanked her for her years of service, thanked everyone with the City for all the work they do, and wished everyone a wonderful and safe holiday season.

**ADJOURN**

There being no further business to come before the Council at this time, the Regular Session Meeting was adjourned at 8:35 p.m. to the Regular Meeting on January 16, 2018, at 5:00 p.m. in the Council Chambers at City Hall. (January 15, 2018, is Martin Luther King Day, a National Holiday.)

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Marijane Cassinetto, City Clerk      Date