

**CITY COUNCIL
CITY OF SONORA
SPECIAL MEETING
OCTOBER 30, 2017**

A Special 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 5:02 p.m. The following members were present: Mayor Connie Williams, Mayor Pro-Tem Jim Garaventa, Councilmembers Mark Plummer and George Segarini; City Administrator Tim Miller, Community Development Director Rachelle Kellogg, City Attorney Robin Baral, Fire Chief Aimee New, Interim Police Chief Turu VanderWiel, Interim Engineer Gerard Fuccillo. Absent: Councilmember Matt Hawkins, City Clerk Marijane Cassinetta, Administrative Services Director Jennifer Callaway.

CITY CLERK'S REPORT ON POSTING OF AGENDA

In the absence of the City Clerk, Administrator Miller advised Council that at 2:00 p.m. on the 25th day of October, 2017, the Agenda for the City of Sonora Special Council Meeting scheduled for this date was posted outside City Hall for public view.

APPROVAL OF THE AGENDA

No Changes

PUBLIC FORUM (Non-Agenda)

None

UNFINISHED BUSINESS

None

NEW BUSINESS

Resolution No. 10-30-2017-A Adopting Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Washington Street/Red Church Pedestrian and Circulation Improvement Project. The Council considered adopting Resolution No. 10-30-2017-A which incorporates the appropriate findings and adopts the Mitigated Negative Declaration (MND) and the Mitigation Monitoring and Reporting Program (MMRP) for the Washington Street/Red Church Pedestrian and Circulation Improvement Project which Project is a part of the Vision Sonora Plan adopted by the Council on December 2, 2013. Recommending approval, Community Development Director Kellogg provided background information noting that the Project includes landscaped pedestrian bulb outs, sidewalk replacements, curb ramps along North Washington/Highway 49 at the Snell Street intersection and realignment of the Snell Street leg geometrically, pedestrian amenities and small pocket park/landscaping. Kellogg noted that the action requested is

required to apply for Active Transportation Program augmentation funding.

Paula Daneluk, City Planner, presented the CEQA review and requirements including the master responses in the Staff Report to 16 comment letters received from the public with concerns on a number of issues. Daneluk noted that there were not any comments received that would point quantitatively to a significant adverse impact to the environment, nor raised a new environmental issue that was not already analyzed in the document and the analysis, and also noted that the funding of this Project does not trigger an analysis of the overall Plan. Community Development Director Kellogg reviewed the timelines for the application process, preliminary engineering and final design process, and the construction completion timeline requirements.

Mayor Pro-Tem Garaventa asked for clarification that the recommended approval tonight does not force the Project to be done. Daneluk reiterated the recommended action is a requirement, and must be done to go forth with the funding application and meeting the required deadline, but does not say that the City has to move forward in any other way. It says that the City has looked at the environmental impacts of the Conceptual Plan and agrees that the analysis has been adequately done and certifies the document that says that. Daneluk also confirmed that an EIR is not required for the entire Vision Sonora Project, is exempt from CEQA, and that typical EIR's run from \$125,000 to 300,000.

Council and Staff had discussion. Stating that comments should be directed to the MND and MMRP, Mayor Williams asked for public comment.

Jerry Fuccillo, City Interim Engineer but speaking as a member of the public, commented on his 45 years as a registered State of California engineer, residency in the City of Sonora since 1970, and 36 years of service as the City Engineer. Fuccillo stated he reviewed the Concept Plan and the Negative Declaration, and he disagrees with the characterization of the Project as an improvement to traffic flow as well as to pedestrian safety, and feels the opposite is true, and said that more conflicts in the intersection will be created and degrade safety. He referred to his comment letter that he submitted on October 20, 2017, as part of the public review process which contained his suggested mitigation measures for the Project.

Galen Gritz, a local civil engineer, stated he had the same concerns as Fuccillo. He added that under the traffic section, there is no analysis, there is no data in the MND. Under the section that says No Impact, it says "The intersection may slightly improve traffic thereby improving the level of service".

Gritz said that "may slightly improve" is very subjective. The level of service is how many vehicles can get through an intersection, and if purposefully slowed down by adding crosswalks and changing lanes, it reduces or potentially reduces, the level of service. He referred to the Less Than Significant Impacts section, which states that the Project is intended to improve conditions at this intersection, therefore the Project will create beneficial impacts, and he commented that the best intentions do not always pave the way to better improvements. He also said that it has been his experience that the lack of response from Caltrans is pretty normal; he has had Caltrans responses at the 11th hour; Caltrans always cites safety concerns, so that trumps all lack of meeting their deadlines; also they will not accept a design without a traffic study. He referred to the Consultant's response letter stating that the number and type of lanes will not be changed on Washington Street, but that the merge lane heading south on Snell changes its character, and a bulb out on the eastern side of Washington at the Rothers Corner location will eliminate the portion of that north Washington Street lane where people pull over to accommodate a right turn onto Elkin to backtrack to downtown, and if the bulb out is put there, traffic will slow which changes the level of service.

David Morgan, City resident, asked for clarification on the return of monies if the Council approves tonight, and later decides not to do the Project. Community Development Director Kellogg stated that the amount paid for the preliminary engineering and design is \$76,000; if the Council does not move forward with the Project and the City spends these monies, then whatever final design is approved, that is what has to be constructed. Kellogg stated, "I can't say for sure, but every grant I've ever worked with, you have to move forward with the Project, unless you owe them the money".

Barbara Dressler commented on concerns that the Plan adds safety hazards rather than mitigates them, that having a second crosswalk heading south will create a bottleneck and be a recipe for disaster for hitting somebody especially with the landscaping in the bulb out possibly impairing vision. She asked for clarification as to what would be considered minor changes. Kellogg responded that the concept has to improve pedestrian safety and circulation; this is what the City has to deliver as part of the Project. The Project can morph if there is an appropriate way to make it safer or a turning conflict that needs to be adjusted. These type adjustments can be made during the preliminary plan development. This funding source requires that the environmental be done before the engineering design can be started, so it is a little more awkward. Kellogg confirmed the Plan can be altered as long as it provides for pedestrian safety and better circulation. Dressler commented that she got a quote

of \$6,000 each for traffic flashers that are embedded in crosswalks, uninstalled.

Chet White, Director of Transportation at Sonora High School, said the turning radius is not adequate for school buses because it forces the bus into the other lane; the park area becomes an attractive nuisance; there are sightline issues, merging issues; and State relief point footage requirements for buses adds to turning radius issues. He asked for clarification of EIR documents. Daneluk that an EIR is only required if there is significant environmental impact that cannot be mitigated to a less significant impact through mitigative measures; after the analysis in this case it is not necessary. White asked what would environmentally would have to be done if there are issues when the dirt is disturbed. Daneluk commented that there are mitigating measures for the disturbance of the ground if something is disturbed; the ground area is paved from right-of-way line to right-of-way line; these things were taken into consideration.

Sharon Marovich representing the Tuolumne Heritage Committee said that major Projects within the Vision Sonora Plan need to be looked at in a comprehensive overall manner; she believes doing a MND is piecemealing Vision Sonora, and the entire Project should have an EIR just as an EIR was required for the General Plan.

Elena Linehan, downtown property owner, noting that she has worked in downtown revitalization in three cities, urged the City to reject the MND stating the City has not done the preliminary work to take on a Project of this scale. The Project has significant potential impacts and requires further study in seven key areas: (1) Esthetics; the MND shows a less than significant impact, and the City should go through the standard procedures to assess the impact; (2) Air Quality; the MND shows a less than significant impact; and the traffic snarl caused by the proposed changes will have a profound effect on the air quality and warrants further study before proceeding; (3) Cultural Resources; The Project degrades the historic look of downtown and could have an impact and it should be discussed further; (4) Geology and Soils; The MND does not discuss the abandoned mines below the intersection, and the report was written as though there was no knowledge of previous cave ins there that impact traffic, and it is irresponsible to claim less than significant impact when there has been no discussion on this; (5) Greenhouse Gas Emissions; the traffic snarl created by these changes will increase emissions, and the MND only gives it lip service; (6) Public Service; Schools were not informed and were not included in the discussion, how can the document claim no impact for schools when they are not asked for their input, when they will be severely impacted; (7) Traffic; Dale Batchelor has a presentation with a visual examination of how this intersection works; it is not difficult to project the damage

caused by the proposed Project, and yet the City claims no impact or less than significant impact; how can that be when it has not been reviewed by the Parking and Traffic Commission or the City Safety Committee.

Linehan commented that neither the building owners nor the business owners have not been included in the discussion. She said she mentioned this to the Council at its May 16, 2016, Meeting, and no outreach has been made to these groups, or the schools, or the residents that drive down Snell Street every day. Linehan added that the proposed Plan does not address the safety issue at the intersection which is the vehicle and pedestrian collisions at the Elkin Street crosswalk; the proposed changes do nothing to correct this, it only places a park on the opposite side of the street, and appears that the Project will take away the one part of the intersection that seems to work well. She said, "Connie Williams says this Project is not being rushed, but here we are with your funders demanding a proper environmental paperwork submitted by November 1st; that preliminary work has not been done, so your solution is to declare no impact at all". Commenting that the City "is in a pickle", if the Council does not accept this flawed report, then it loses the grant. She said, "This is the dog ate my homework approach to City planning. I am reminded of the kid who tries to give a book report without reading the book. I conclude by stating what I said when this Project was discussed on May 16, 2016, if your grant funds new crosswalks and bulb outs, you have to build them; once you accept this grant, the deliverables are locked in." Linehan requested postponement until the City is assured the Project is sound with adequate study of the impact to traffic, parking and safety, and for the public's City Departments and businesses in the community have a say in what is proposed. She said, "Far, far better to wait for the next grant cycle than to propose a project that the community cannot support."

Mayor Williams noted that written comments were received from the Red Church, Sonora High School and Ray Suess, and the City did reach out to the different entities.

Stephanie Suess, City business owner, said they have been following this in the newspaper, but have not been contacted directly. She said that she and her husband bought the property at 144 N. Washington Street at this location for their business to insure that there would be parking for their customers, which parking is in their driveway. The Concept Plan indicates that their access and exit would be made difficult in maneuvering a complicated intersection with a park. She understands it is a Conceptual Plan, but it feels like the Council is approving a conceptual MND for a plan that might need more changes than what is considered substantial. She noted she has spent over 35 years

in land use and development working with CEQA and NEPA; she does not understand how the Council can move forward tonight; this seems rushed. She concluded, that as a property owner this will have a huge impact on her property, and on her customer service; there needs to be something more concrete to be able to act on the MND.

Ray Suess stated that they have about 2000 senior citizen clients who go to them because of the ease of parking; a number of them cannot park in the lots and walk up the street. He also mentioned his concern about elimination of the parking in front of a business next to his that is currently closed, and the loss of three additional spaces in front of Sonora Insurance. He asked, "What are you doing to us?"

Mayor Williams referred to Page 36 of the MND noting the other parking in the area. Suess asked that she indicate the parking she referred to on the Plan on the wall. She did so; there was response from the public saying that area refers to existing parking and not new spaces being added to make up for the lost ones. Mayor Williams reiterated that the Plan is solely conceptual, and the action to adopt the MND needs to be done so that a Final Plan can be brought forth.

Mary Lynn Ashburn representing the Red Church had great concerns that any parking deleted along Snell would affect the seniors in the Church with that being the only handicapped access on that side of the building; that narrowing of Snell would create difficulty in allowing vehicles to pull over for passage of emergency vehicles, and that a fourth crosswalk will create more stop and go traffic directly in front of the Church door creating more likelihood for cars to hit pedestrians.

Councilmember Plummer asked Kellogg if the Plan indicates elimination of church parking on the west side of Snell; Kellogg responded, no.

Gary Linehan stated that written comments were submitted from the Red Church, Sonora High School and Suess Insurance not because of notification by the City, but because his wife alerted people.

Patrick Eaton, Washington Street property owner, said he was a recipient of the Mayor's Appreciation Award for the work he did on his business, but now "you want to hide it with trees". He commented that there are 3 parking spaces, but it shows trees and benches in that spot on the Conceptual Plan, and he does not see where the parking can be moved to. He said that he had to remove trees because of sewer line issues, and wonders what impact the new trees will have and how they will be maintained.

Jim Davis, Stockton Street business owner, said he has spoken his concerns about losing parking at his business as a result of the Vision Sonora Stockton Street Project, and he empathizes with these business owners. "I feel sorry for these property owners if you go ahead with this, and shut them off the way you're doing by choking this street down; that is a redundant idea". He made mention to the existing park at Rothers Corner saying that he never sees anyone sitting there, even the homeless. He has concerns that Caltrans may put in a stop light due to choking down the intersection, and choking down will create more backup towards Columbia. He asked for clarification as to an EPA report. Daneluk responded that there are no NEPA requirements.

Barbara Dressler asked why the City can not pass on this grant until it knows what it is committing to? Mayor Williams reiterated that it is a Conceptual Plan.

A member of the public said that it feels to everyone like these things are getting rushed through because the public should have had prior time for public comment to be able to have a lot more discussion on this; because of the rush tonight people are getting lectured, and people have the right to speak. Instead of doing this at that last minute, she would like to see the Plan indicating more of what will actually be done. She agrees something needs to be done for public safety, and likes that there may be funds for this, "but we need to do it wisely".

Dale Batchelor, City resident, said that he is against it.

David Morgan had concerns asking if major changes could be done to the Plan. Daneluk responded that the new design would be compared to the impacts that have already been analyzed, and as long as those issue areas in the analysis are of the same level or less, then the document as it is now will cover it; it is only if there is something that is added to the design that is outside the realm of environmental impacts that were considered then it would have to be reanalyzed. Then it would be a focused analysis on that issue area. Morgan asked for example if the island was not done. Daneluk said she would rather not speculate on that. Morgan reiterated saying for instance if the island was removed and no bump out put in. Mayor Williams said they cannot comment on that because they don't know.

Mayor Williams asked for Council discussion. Councilmember Plummer asked for clarification on the final design process; what committee will be finalizing the design; will there be public meetings; how much input will they be able to have on different ideas and concepts. He said it seems the public feels they will not have opportunity to participate in the final plans. Kellogg reviewed the process that the consultant will finalize the design

and will provide public meetings as they move through the Plan; the public will have the opportunity to comment in the design as it goes forward. She said that an RFP will be put out for the consultant and come to the Council for approval.

Councilmember Segarini said that this Project has had the most negative comments since he had sat on the Council. He said that a positive of the Plan is that the sidewalks will be repaired, that Caltrans will be a part of the Project, their recommendations will have to be heeded, and they are big on pedestrian and vehicular safety. He also commented that the current configuration has problems and is dangerous; he would like public safety improved at the first 3 parking spaces on Snell Street; he agrees that having no crosswalk is more dangerous than not having the fourth one.

Mayor Pro-Tem Garaventa said this is his least favorite of the Vision Sonora Projects; is concerned about the large bump out; does not like the concept of the Sues's driveway right at the stop sign; does not like the process doing the environmental separately first which makes him not want to agree with it. He commented that the idea to slow traffic is valid, but it is the main north/south road going through the County; does not feel Vision Sonora will be successful until the north/south connector is built which is 23 years away; there are a lot of cart before the horse things. He supports doing something different to keep the money; agrees with Jim Davis that the intersection is crying for a traffic light, and it is the last thing he wants to see at that intersection in front of the historical assets. He does not know where to go with this; he wants something to go forward for pedestrian safety; he has concern about movement for the buses.

Administrator Miller reminded the Council that after the design and public input process, it will come back to the Council for approval before it goes out to solicit bids for construction; the Council will have the opportunity to weigh in at several opportunities.

Mayor Pro-Tem Garaventa asked for clarification commenting that if we approve the MND, and in the end we decide whatever we come up with is not going to work, he understands we end up giving up the grant, but if we end up doing zero, how much are we liable for? Daneluk responded that tonight the Council is solely certifying environmental documents, not adopting or approving a Plan, not agreeing with the financing. The grant application that would be designed for the Project is a separate item, and this is a step in moving forward into that grant process. The money that would be received from the grant process is to do the design work, and is what the City would be on the hook to move forward with, or pay back the money if deciding not to do it.

Mayor Pro-Tem Garaventa asked when the discussion for the actual Plan will begin? Kellogg responded that an RFP would be released once funding is granted to solicit proposals for qualified engineers; the proposals are received and analyzed with recommendation to come to the Council for selection. The consultant will take the Conceptual Plan, have a public meeting for input; with the input received they will begin the preliminary design, and another meeting will be had as they work through it, and then come up with the final design. Garaventa asked if the preliminary design gets approved by either the Council or the Vision Sonora Committee. Administrator Miller commented that City Staff would work with the selected consultant to develop a public participation program and identify the decisions that need to be made as we go through the process.

Mayor Pro-Tem Garaventa said he does not feel the Conceptual Plan is adequate; wants to do the right thing early on; agrees that having funds for pedestrian safety at the intersection is a good opportunity to do something which is badly needed, but does not like the Plan. Councilmember Segarini asked if this is rejected, would that jeopardize receiving future grants? Kellogg responded that usually applicants are not high on their priority list if they received grant monies for a project and reject them.

Mayor Williams thanked everyone for their very good comments saying they should be considered. She said that in 1985 the City was made aware of the safety and circulation problem at this intersection; how the problem gets ultimately designed to help remains to be seen. After reading all the comments that came in, she said she can see by looking at the Concept Plan why there would be concerns. "So, I don't think this is the right final plan, and it needs to be worked on, and if the Council approves the MND, in my opinion, there's still a lot of work to be done. I would support approval tonight as long as it is very evident that this is not the final plan, and we will find with the community the right safety and circulation design."

MOTION by Councilmember Segarini, second by Councilmember Plummer that Resolution No. 10-30-2017-A be approved and adopted which incorporates the appropriate findings and adopts the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Washington Street/Red Church Pedestrian & Circulation Improvement Project.

Mayor Williams asked for any further comment. Stephanie Suess said that the Council is approving a MND on the Project description in the document, and yet it sounds like the Council is saying "that is not the Project as designed and described in that document that it is approving". Attorney Baral responded that the Council is approving an MND based on a Conceptual Plan that may be

subject to some changes based on the CEQA standard of whether or not it is a substantial change. Suess responded; "I think that's a slippery slope, but I'll leave it at that". David Morgan said that the Council keeps on talking about getting input as this moves along, but they are getting a lot of input tonight and seem to be going a totally different direction, so he does not know about input anymore. Elena Linehan urged a no vote on the Motion if it is not the Project that they are approving the MND on tonight. Gaylen Gritz said that the Council should not worry about the fear mongering of losing the money; if the Council passes on a bad project, it will not keep them from getting grants in the future.

The MOTION as stated passed unanimously.

ADJOURN

There being no further business to come before the Council at this time, this Special Session Meeting was adjourned at 7:20 p.m. to the next Regular Council Meeting on Monday, November 6, 2017, at 5:00 p.m. in the Council Chambers at City Hall.

Marijane Cassinetto, City Clerk