

**CITY COUNCIL
CITY OF SONORA
NOVEMBER 20, 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 1:00 p.m. on the 17th day of November, 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)

None

CONSENT CALENDAR

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

- 1. Approval of the Council Minutes for the Regular Session Meeting of November 6, 2017;**
- 2. Approval to pay invoices for previously budgeted expenses on November 21, 2017, in the amount of \$186,431.92; and**
- 3. Approval of disbursements in the amount of \$144,977.77 on October 27, 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

None

PUBLIC HEARINGS

Resolution No. 11-20-2017-A Regarding Grant Application.

This was the time and place for a Public Hearing to consider adoption of Resolution No. 11-20-2017-A which authorizes the submittal of an application for up to \$2,103,650.00 from the 2017 Funding Year of the State Community Development Block Grant Program for General Program Administration and the Focused Water/Sewer Main Replacement Project, and authorizes the City Administrator to execute the Grant Agreement and all associated documents, and upon Grant approval, to proceed with the Projects. Recommending approval and passing out an attendance sign-up sheet, Community Development Director Kellogg presented the Staff Report reviewing background information and the scope of the Project. Kellogg reported that the amount requested for the Water and Sewer Activity Costs is \$1,956,884 and \$146,766 for General Program Administration, totaling \$2,103,650. Kellogg noted that if funded, the City would enter into an Agreement with Tuolumne Utilities District (TUD) which would be responsible for surveying, engineering design, project management and inspection for the project. The City would be responsible for oversight of all CDBG overlay requirements, bidding and contract management, and over all project oversight. TUD has adopted its Resolution No. 24-17 which authorizes the Agreement with the City and designates additional funds of up to \$225,000 towards the construction of public water and service laterals and appurtenances which are ineligible Grant expenses.

Eric Johnson representing TUD thanked the City for applying for the Grant, and said that it is a pleasure to work with Kellogg.

The Mayor opened the Public Hearing at 5:17 p.m. A member of the public said that she supports the Project. There being no other appearances, the Public Hearing was closed at 5:18 p.m.

MOTION by Councilmember Segarini, second by Councilmember Hawkins and unanimously carried that said Resolution as presented above be approved and adopted.

NEW BUSINESS

Ordinance No. 842 Regulations Relating to Cannabis. The Council considered introducing and waiving the first reading of Ordinance No. 842 amending Chapter 8.35, Medical Marijuana Dispensaries, of, and to add Chapter 8.36, Cannabis Business Regulation, to the Sonora Municipal Code, Relating to Cannabis, and also giving direction to Staff. Clarifying the laws on the books and compliance measures, Attorney White reviewed background information on Proposition 64 which allowed

recreational use of marijuana. Recommending proceeding forward with the Ordinance, White presented the recommendations of the Marijuana Working Group relating to non-commercial and commercial use, resulting in Staff's drafting of Ordinance No. 842 which regulates personal use of cannabis, and places a ban on all cannabis business in the City to provide the Council sufficient time to consider the recommendations and take action if so desired. The State will begin issuing commercial cannabis licenses on January 1, 2018, and the temporary ban will ensure that the regulation of cannabis remains within local control of the City while adhering to the requirements of State law.

White asked for Council direction to Staff whether to proceed with drafting Ordinances incorporating all, or a portion of the Working Group recommendations with respect to the following:

1. Commercial regulations relating to business types; cannabis dispensary, commercial cultivation, cannabis manufacturing and cannabis testing laboratory;
2. To move forward through a Development Agreement, and establishment of a conditional use Pilot Program; and
3. Developing a tax measure ballot initiative.

In response to Council questions, White responded that a reasonable number of plants need to be allowed; six per resident, with the addition of six plants for a caregiver living in the residence; and he responded that the reasons for the requirement of indoor grows is public safety, security and odor control.

The Mayor asked for public comment. Jeff Musio, City resident, commented that his family has lived in Sonora for four generations. Musio who is a potential cannabis business owner, commented that continuing Sonora's culture is his ultimate goal. Courtney Musio commented that they are a normal family, and want to do business right by the City. Kira Tucker, member of the City's Working Group, thanked everyone on the Committee, and stated that she is in full support of the package put forth to the Council. David Peters, commenting that he has been a social worker for 50 years, said that experience has shown him that marijuana is a gateway drug; that the promise of tax benefits received from government will be a small amount, maybe \$50,000; and commented, "Make no changes, once involved it's hard to get out; it's all a can of worms". Theresa said, "The stigmatism that a dispensary is a big scary place is just wrong". She added that cash flow at dispensaries can be avoided by utilizing an internet application. A member of the public said that she approves and backs what the Working Group has recommended.

Acting Police Chief Vanderwiel cautioned the Council to look to the east and to the north, that they are examples of the direction they are going and where we could end up. Stating that State law does mandate that we allow certain things, he does not see a reason to jump in 100% and to allow past that; suggesting to go slowly and see what other jurisdictions are doing, and feeling no need to go beyond the mandates at this point. He commented that the Working Group recommendations for cultivation for personal use are pretty well put together, and does not think anything needs to be added.

Tom Richardson thanked everyone for working on this matter, said that we need a community that is safe and sound, and supported moving ahead with the recommendations. There was no further public comment.

Councilmember Plummer asked Chief Vanderwiel if any of the business types were more problematic than the others. Vanderwiel responded that the testing laboratory would be a less problem. Councilmember Segarini asked how the County's regulations line up with what is recommended. Kira Tucker as a member of the County's Cannabis Working Group responded that what is before the Council regarding personal cultivation is more conservative than the direction given to County Staff to draft its Ordinance. Gary Stockel, Tuolumne County Agricultural Commissioner, commented that there is one point that is different for cultivation for personal use, the County does allow a doctor's prescription to allow growing beyond six indoor plants and the number 99 is being talked about. Attorney White explained that number of plants is not uncommon for medical use as it can take numerous plants to produce the amount of product a medical user may require.

MOTION by Councilmember Segarini, second by Councilmember Plummer, and unanimously carried that Ordinance No. 842 be introduced with the first reading waived.

Council and Staff discussed the commercial regulations. Councilmembers Plummer and Segarini said that they would like to wait longer on moving forward with the commercial regulation recommendations to see what other jurisdictions do. Staff asked for the Council to clarify its direction. **MOTION by Mayor Pro-Tem Garaventa, second by Councilmember Hawkins that the Council follow the Working Group commercial regulations recommendations, and direct Staff to draft an Ordinance. MOTION passed three to two as follows: Ayes: Williams, Garaventa, Hawkins; Noes: Plummer, Segarini.**

Staff asked for direction regarding the financial considerations. It was Council consensus to direct Staff to draft an Ordinance following the recommendation to move forward on a Development Agreement, and establish a Conditional Use Pilot Process.

Staff asked for direction regarding the tax measure. It was Council consensus to direct Staff to draft an Ordinance following the recommendation to move forward with a cannabis tax measure ballot initiative setting the maximum percentage allowable.

Agreement for Body Camera Equipment for Police Department.

The Council considered approving an Agreement with Safariland Viewu to purchase a Solution Unlimited Plus Plan for Police Department bodycam equipment and cloud storage. Recommending approval, Interim Police Chief Vanderweil presented the request noting that the Agreement is for five years with a total cost of \$51,715.35, and will be less costly over the five year period than the current videocam system.

The Mayor asked for public comment. Jeff Musio commented how great it would be if the cannabis business could bring in the funds for these types of things. There was no further public comment.

MOTION by Councilmember Plummer, second by Councilmember Hawkins, and unanimously carried that said Agreement with Safariland Viewu be approved as presented.

Resolution No. 11-20-2017-B Granting Public Utility Easement. Mayor Williams recused herself as she sits on the Board of Directors for Stage 3 Theater which occupies a portion of the Green Street property, and she left the Chambers. Mayor Pro-Tem Garaventa assumed the Chair. The Council considered adopting Resolution No. 11-20-2017-B granting a public utility easement at the Coffill Parking Lot to Pacific Gas & Electric Company (PG&E) for the installation of electrical service for 198 and 208 South Green Street. Administrator Miller reviewed background information reporting that at its September 18, 2017, Meeting, the Council agreed to execute a Grant of Easement to PG&E, and authorized an Agreement with 55 Properties, LLC, to allow the installation, operation and maintenance of a PG&E transformer, grease interceptor, bike rack, and sewer, water, electrical and propane service lines/laterals as needed for construction of the Sonora Beer Garden in consideration of 55 Properties, LLC, providing reconstruction of the Lot. Subsequently, at the Council's November 6, 2017, Meeting, the Council considered a request to modify the Agreement with 55

Properties and eliminate the storm drain manhole proposed to be installed in the Lot, and instead provide access and an easement to the existing storm drain manhole at 198 Green Street. The Council directed Staff to work with the developer to prepare a hold harmless agreement and access for the existing manhole. In the meantime, the property owner has requested that the City proceed with granting the PG&E easement so that the utility work can be coordinated, scheduled and commenced while the pending agreement, construction plans and encroachment permit are under review. Work will only be scheduled once the easement has been granted.

Mayor Pro-Tem Garaventa asked for public comment. Supporting approval, Ruben Churnside of Land and Structure which is providing the engineering and design services for 55 Properties, LLC, reviewed history of its application process noting that discussion began two years ago with PG&E. Churnside stated that this is independent of the other improvements, the action does not commit the City to allow any construction and does not authorize any construction. He commented that it is important to keep the power process moving. Mayor Pro-Tem Garaventa asked if the PG&E installation will provide power strictly for this Project, or could it be used by other businesses. Churnside responded that it could potentially be used by others.

There was no further public comment. **MOTION by Councilmember Hawkins, second by Councilmember Segarini, and unanimously carried that Resolution No. 11-20-2017-B be approved and adopted as presented.**

Mayor Pro-Tem Garaventa stepped down from the Chair, and Mayor Williams entered the Chambers and assumed her seat at 7:07 p.m.

MONTHLY REPORTS

None. No public comment.

VISION SONORA COMMITTEE REPORT

None. The next Meeting is scheduled for December 14, 2017, at 9:00 a.m. in Council Chambers. No public comment.

COMMUNICATIONS

None - No public comment.

COUNCILMEMBER/DEPARTMENT HEAD REPORTS

Community Development Director Kellogg reported that the Annual Downtown Christmas Parade will be held on Friday, November 24, 2017, at 6 p.m., and she wished everyone a Happy Thanksgiving. **Councilmember Segarini** reported that he attended the Merchants/Townhall Meeting and the Central Sierra Economic

Development Board Meeting, and that Amador County is now a part of Central Sierra. **City Clerk Cassinetto** wished everyone a Happy Thanksgiving. **Councilmember Hawkins** wished all a Happy Thanksgiving and a wonderful retail season to businesses. **Councilmember Plummer** wished all a Happy Thanksgiving. **Mayor Williams** wished everyone a blessed Thanksgiving, and invited everyone to attend the Parade, and to shop local on Saturday as it is the annual Shop Local Day.

ADJOURN

There being no further business to come before the Council at this time, the Regular Session Meeting was adjourned at 6:12 p.m. to the Regular Meeting on December 4, 2017, at 5:00 p.m. in the Council Chambers at City Hall.

Marijane Cassinetto, City Clerk Date