

**SONORA CITY COUNCIL
CITY OF SONORA
JANUARY 16, 2018**

A Meeting of the City Council of the City of Sonora was opened this date in the Main Conference Room at City Hall, 94 North Washington Street, at 4:00 p.m. with the following Members present: Mayor Connie Williams, Mayor Pro-Tem Jim Garaventa (present at 4:20 p.m.), Councilmembers Matt Hawkins, George Segarini; City Administrator Tim Miller, City Clerk Marijane Cassinetto; City Attorney Nubia Goldstein. Absent: Councilmember Mark Plummer.

CITY CLERK'S POSTING OF THE AGENDA

City Clerk Cassinetto advised the Council that at 2:00 p.m. on the 12th day of January, 2018, the Agenda for the City of Sonora Council Meeting (**Closed Session**) was posted outside City Hall for public view.

PUBLIC COMMENT

None

ADJOURN INTO CLOSED SESSION

The City Clerk was excused from Closed Session. The Council adjourned into Closed Session at 4:31 p.m. for consideration of the following matters:

1. Public Employee Hiring - Pursuant to Government Code Section 54957
 - a. None
2. Public Employee Performance Evaluation - Pursuant to Government Code Section 54957
 - a. None
3. Real Property Transactions - Pursuant to Government Code Section 54956.8
 - a. None
4. Conference with Legal Counsel
 - a. Existing Litigation - Pursuant to Government Code Section 54956.9(d)(1): Thane E. Suderman vs. Sonora Police Department, Case No. CV 61241
 - b. Anticipated Litigation - Significant Exposure to litigation pursuant to Government Code Section 54956.9(d)(2): No Cases
 - c. Anticipated Litigation - Significant Exposure to litigation pursuant to Government Code Section 54956.9(e)(3): One Claim
5. Conference with Labor Negotiator - Pursuant to Government Code Section 54957.6
 - a. Agency Designated Negotiator - Timothy A. Miller, City Administrator, Employee Organizations: SPOA, SFFA, SEA

RECONVENE TO OPEN SESSION

The Council reconvened into Open Session in the City Council Chambers at 5:00 p.m.

Mayor Williams reported that no action was taken in Closed Session.

ADJOURNMENT OF CLOSED SESSION

The Closed Session was adjourned at 5:00 p.m.

Marijane Cassinetto, City Clerk Date

Minutes Approved By
Sonora City Council
On _____

**CITY COUNCIL
CITY OF SONORA
JANUARY 16, 2018**

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 Nubia Goldstein, Interim Police Chief Turu VanderWiel, Interim Engineer Gerard Fuccillo and Community Development Director Rachelle Kellogg. Absent: Fire Chief Aimee New.

Mayor Williams announced that there was no action taken in Closed Session.

CITY CLERK'S REPORT ON POSTING OF AGENDA

City Clerk Cassinetta advised Council that at 2:00 p.m. on the 12th day of January, 2018, 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

Public Works Equipment Mechanic Shawn Harris was introduced to the Council by Administrator Miller. Mayor Williams welcomed Harris to the City.

Darin Grossi, Executive Director of the Tuolumne County Transportation Council gave an update for the Washington Street Improvement Project which included poster boards. Grossi noted that using the Vision Sonora Plan, Wood Rogers created the Wood Rogers Concept and the Build Your Own Concept called the Public Alternative. Summarizing the community input trends, Grossi reported that at the Tuolumne County Transportation Council's (TTC) Community Workshop held on December 14, 2017, which was attended by approximately 50 people, input was received from the public by placing red dots on the poster boards symbolizing the types of improvements they would like to see downtown; 19 handouts (11x17) with written comments and 22 individual comments on note pads were submitted.

Mayor Williams asked for public comment. **Barbara Dressler** commented that there was no restriction put on the number of times a person can submit input on line, had concern that

collecting and interpreting the input may be biased, that using November 2012 traffic count information is not current for today, that pedestrian safety is a first priority stating that flashers in cross walks is a great idea, that bulb outs at intersections will require the need for large trucks and busses to cross over into the other lane, and that it is important to consider the narrowness on side streets regarding the suggestion to make up for lost parking on Washington Street by utilizing side streets. **Sharon Marovich** representing the Tuolumne Heritage Committee said she was pleased to see that cookie cutter add-ons were not favorable, that the least amount of clutter and distraction on main street is welcomed. The Heritage Committee does not understand why the closure of Lyons Street between Stewart and Sheppard Streets is being proposed; and is opposed to the plan's indicating the removal of parking spaces and closure of two parking lots because parking is the lifeblood of downtown. She stated that it is important to look at the big picture, not be piecemealed like it is, and all should be subject to unbiased review under CEQA, and CEQA might point the way to a more simplified program. **Elena Linehan** commented that she has great concern over the plans for Jackson Street between Washington and Stewart Streets; there is the idea to create a one-way street to replace one for one parking spaces lost on Washington Street, but it appears that only one space will be created for each six lost. She noted the closing of Linoberg Street would create a 1000 foot stretch of distance before vehicles could move in an easterly or westerly direction, and closing Jackson Street would create another 1000 foot stretch, all of which would result in a tremendous impact on Bradford Street. She said that Dodge Street is the only street downtown that could be closed with minimum impact. She commented that the Vision Sonora plan is not well thought through, there has been no solid traffic analysis, and there has been no study on economic impact. Noting that safety is a priority issue, she said that pretty pink streets do not take care of the safety problems. **Stephanie Suess**, downtown property owner, said that everything about the projects is confusing; it seems there are three projects with different funding mechanisms. She does not know what to comment on, what is conceptual, what is on the table, what design we are looking at; what comes first, the chicken or the egg? She is surprised that the Police and Fire Department have not looked at this. She cannot figure this one out. Mayor Williams responded that comments tonight are on the project between Stockton Road and Elkin Street; everything is conceptual at this point. The funding has been secured for different elements of all three projects, but as far as any kind of design for the public to weigh in on "there is no design at this juncture". She noted that the TCTC is looking for feedback to do with this safety

project from Stockton to Elkin Street. "It is too early to talk about any kind of design, we just want comments right now from the public".

Administrator Miller commented that this is not a project yet, it is a conversation about what could be a grant application; this is to see if there is support for a design concept that could be part of an application to secure funds. There will be a presentation at the next Townhall/Merchants Meeting on January 24, 2018, with the opportunity for additional public input. The Red Church Project is funded with regard to its design and environmental review and is a concept project at this point. The Stockton/Washington Street Transit Project is a funded project. The Linoberg plan is a concept that is being worked on by the Vision Sonora Design Committee and will come to the Council for any approvals needed. All Projects are still in a conceptual stage and somewhat related to each other, but not in a final design, and not all have environmental clearance for construction. Mayor Williams reiterated that everything is a concept, in a conceptual stage at the moment; she closed public comment. She announced that Darin Grossi with information and project boards will be available in the back room until some time after the Council Meeting for anyone to submit input.

Mayor Pro-Tem Garaventa commented on his likes and dislikes. He said that conversion of Jackson and Stewart Streets to one way is problematic, he does not want to see a one-way street on the east side of Washington, he is a strong opponent of bollards, parklets are problematic on main street with the amount of traffic, logging trucks, and other large trucks, things that work with other towns may not work for Sonora, they do not have the traffic volumes that Sonora has funneled down its main street, and doing these things that will cause more traffic on side streets will be more problematic. He continued that bypass plans need to be in place before this can be successful. He commented that it is important to be very careful and very measured in what we are doing and not doing anything that repels people from downtown; he is not opposed in general, but urged the need to be very careful. He stated there needs to be more outreach for public input; there was not a significant percentage of public input, the largest was 16, and there are probably twice that number in this room.

Councilmember Segarini said that he agreed with much of Garaventa's comments; that it is really a safety project that is being looked at tonight; it needs to be based somewhat on the Vision Sonora Plan. Councilmember Hawkins said that he looks forward to everyone giving feedback, wants to see a better used

downtown, likes the crosswalks being lighted and wants to listen and preserve downtown.

Councilmember Plummer commented that we are a beautiful historic downtown, but that does not make us a museum. When we do have projects that enhance, taste will always come into play. He feels that everyone in good faith is trying to do things that make Sonora more attractive, more pleasant and safer. Mayor Williams said that this is a safety project; she said that she initially asked TCTC if there was any way they could help work with Caltrans on some type of plan that would create a safer downtown. She noted that there is a Merchants/Town Hall Meeting at 8:00 a.m. on January 24, 2018, in the Council Chambers which provides the opportunity to give more comments on this project.

Presentation only, no action required.

PUBLIC COMMENT (NON-AGENDA ITEMS)

A Member of the Public commented that on the unsanitary sidewalk conditions, that we should have community clean-up days, that our vision of Sonora has improved in the last four years, and that there is a need to do something about people not cleaning up after their pets.

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 18, 2017;**
- 2. Approval to pay invoices for previously budgeted expenses on January 17, 2018, in the amount of \$989,961.19; and**
- 3. Approval of disbursements in the amount of \$149,375.27 on December 22, 2017, and \$139,313.36 on January 5, 2018, 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

Ordinance No. 847 Relating to Personal Cannabis Cultivation. The Council considered waiving the second reading and adopting Ordinance No. 847 which amends Chapter 8.35 of the Sonora Municipal Code, Personal Cannabis Cultivation Regulation, relating to personal cannabis cultivation. Administrator Miller reviewed background information and the changes made to the Ordinance which were directed at the last Council Meeting. He

noted that the Ordinance does not permit outdoor cultivation for recreational use, and reviewed the two-step process required for Ordinance adoption. Councilmember Plummer referred to typographical corrections noted at the last Meeting that were not changed, and asked that those be corrected.

The Mayor asked for public comment. **Dave Peters** asked if the U. S. Attorney General's directive would have any bearing on the Ordinance. Attorney Goldstein explained the directive which relates to the Federal Government's interpretation of how to carry out enforcement against cannabis. She stated that it is still up in the air, the City Attorney will be monitoring it, and the Council will be updated.

Mayor Williams asked Acting Police Chief Vanderwiel to explain what would happen if someone broke into a residence and an accessory building where cannabis was being grown and stole things. Vanderwiel reviewed the arrest process with regard to first degree burglary for a residence and second degree burglary for an accessory building.

Mayor Williams commented on a number of concerns about the allowance of more than six plants with a doctor's recommendation; if possible she wants to restrict it to six plants only. She commented that other counties are limiting it. She clarified her question stating if the Council decides to do something different than at the last Meeting, can it be restricted to just six plants per residence even with a physician's recommendation. Attorney Goldstein addressed some of Williams concerns noting that without having had the benefit of reading other authorities legislation, she cannot address it; but based on the current State law, more than six plants are required to be allowed with a doctor's recommendation. Goldstein also noted that if any substantive redrafting of the Ordinance is requested, the notification and adoption process would need to start over again. Goldstein commented that the Ordinance can always be amended.

Mayor Pro-Tem Garaventa and Councilmember Plummer noted that City Attorney White commented at the last Council Meeting that the City is required to allow a reasonable number of plants for personal adult use of which six is considered reasonable, and that the number of plants needed for medical use is an unknown number because it depends on what the medical condition is, and that the City cannot prohibit cannabis, but can only monitor it. Garaventa stated that he would rather have a process that is codified rather than not have it less codified; a regulated process will hopefully result in fewer public and fire safety issues. Attorney Goldstein noted that there are provisions

built into the Ordinance, including the Administrative Permit, which sets conditions and regulations for medical grows including the growers names and locations of their residences for monitoring. Councilmember Segarini stated that he will be voting No on the Ordinance because of allowing the accessory building. Councilmember Hawkins said that he is comfortable with the Ordinance as is. Williams reiterated safety concerns with regard butane honey oil, and her desire for the Council to regulate this issue "to the nth degree", and she is not sure that penalties are high enough. Councilmember Plummer said that he can live with it the way it is.

MOTION by Councilmember Hawkins, second by Mayor Pro-Tem Garaventa that the second reading of Ordinance No. 848 be waived, and the same be approved and adopted as presented. A roll call vote was taken, and the Motion passed three to two as follows: Ayes: Garaventa, Hawkins, Plummer; Noes: Williams, Segarini; Absent: None.

Ordinance No. 848 Relating to Cannabis Businesses. The Council considered waiving the second reading and adopting Ordinance No. 848 amending Chapter 8.36 of the Sonora Municipal Code, Cannabis Business Regulation Relating to Cannabis Businesses. Administrator Miller reviewed background information and the changes made to the Ordinance which were directed at the last Council Meeting.

Mayor Williams asked for public comment. **Elena Linehan** said that she also attended the educational cannabis conference last year that Mayor Williams attended, and she found the information relating to butane honey oil terrifying. She commented that the fumes can be ignited by merely switching on a light and even from the static walking across a carpet. She suggested that a speaker at that conference be invited to speak at a Council Meeting. **Jeff Muzio** commented that everything is highly monitored, that the explosive factor is really not an issue, and asked about the status for microbusinesses. Administrator Miller responded that no license for microbusinesses is provided for in the Ordinance as written. **Jeremy** commented that the State requires that microbusinesses use non-volatile materials.

Mayor Williams asked that in the future an unlawful sales section be added to personal and commercial provisions. Administrator Miller commented that some details in operations can be regulated; there are other steps in the process including the provision that the businesses are subject to the Development Agreement and Conditional Use Permit Process through which there are regulations for each of the individual businesses. Attorney Goldstein commented that the Ordinance as presented mirrors

State standards with regard to safety and other issues. Stating that she would be voting No, Mayor Williams read a statement setting forth her numerous reasons therefor.

MOTION by Councilmember Segarini, second by Councilmember Hawkins, that the second reading be waived, and Ordinance No. 848 be approved and adopted as presented. A roll call vote was taken, and the Motion passed four to one as follows: Ayes: Garaventa, Hawkins, Plummer, Segarini; No: Williams; Absent: None.

PUBLIC HEARINGS

None

NEW BUSINESS

Tourism Promotion Agreement. The Council considered approving the Tourism Promotion Agreement between the City of Sonora, the County of Tuolumne and the Tuolumne County Visitors Bureau. Administrator Miller reviewed the provisions of the Agreement noting that it has been approved by the County and the Visitors Bureau. Miller commented that the Agreement which will expire on June 30, 2020, was developed by County Administrative Officer Craig Pedro, Visitors Bureau Executive Director Lisa Mayo and himself, with input received from Supervisor Randy Hanvelt, Mayor Connie Williams and Visitors Bureau President Shirley Sarno.

Lisa Mayo appeared in support of the Agreement and thanked the City for this opportunity; Mayor Williams thanked Mayo and her staff for their diligent work. Mayor Williams asked for public comment.

A member of the public said that Lisa does a good job, and that she hopes that downtown businesses will clean up in front of their stores.

MOTION by Councilmember Segarini, second by Councilmember Plummer, and unanimously carried that said Tourism Promotion Agreement be approved as presented.

Accepting Greenley Road-Mono Way Project, Phase 2, as Complete. The Council considered accepting the Greenley Road-Mono Way Project, Phase 2, as complete. Interim City Engineer Fuccillo reviewed the Project reporting that the job by George Reed, Inc., has been completed. Fuccillo stated that the funding was provided from Traffic Impact Mitigation Fees by both the City of Sonora and the County of Tuolumne. The final contract amount of \$1,314,797 included four change orders and

two deducts. Fuccillo also noted that the Mono Way/Sanguinetti Road overlay was added to the contract and its funding was not shared by the County and solely funded by the City with gas tax and RSTP monies. A final progress payment in the amount of \$795,525.41 is being processed, and the 5% retention of \$66,374.14 will be released after a 35-day lien period commencing with the recording of the Notice of Completion with the Tuolumne County Recorder's Office.

Councilmember Segarini commented that he has only heard good reports on the Project, but did note that he had been asked why the property that the car wash sits on was not purchased as well, and said it was his understanding that the property owner did not want to sell that property. Administrator Miller confirmed that was the reason it was not purchased.

The Mayor asked for public comment. A member of the public said that the visibility is much better and liked the improved cross walk safety.

MOTION by Mayor Pro-Tem Garaventa, second by Councilmember Plummer, and unanimously carried that said Project be accepted as completed by George Reed, Inc., and that the City Clerk be authorized and directed to record a copy of the Notice of Completion with the Tuolumne County Recorder's Office.

Traffic Impact Mitigation Fee Fund Report. The Council considered accepting the City's Traffic Impact Mitigation Fund Report for the Fiscal Year ended June 30, 2017, which was prepared by Interim City Engineer Fuccillo. Noting that said Report has been posted pursuant to law for public review, and recommending acceptance, Administrator Miller presented the Report. Miller stated that the Report is required by the State to be prepared and noticed annually. The Fund cash balance as of July 1, 2016, was \$1,054,811.11, with an ending cash balance as of June 30, 2015, in the amount of \$1,037,189.54, and with the encumbered amount for the Walmart signalization of \$353,650.00, this leaves the net funds available for projects at \$683,539.54. A full copy of the Report is on file and available at City Hall Administration to which further reference is made. There was no public comment.

MOTION by Mayor Pro-Tem Garaventa, second by Councilmember Plummer, and unanimously carried that said Report be accepted as presented.

MONTHLY REPORTS

1. Community Development Department
2. Fire Department

3. Police Department
 4. Public Works Department
- No public comment.

VISION SONORA COMMITTEE REPORT

None. No public comment.

COMMUNICATIONS

1. Business License Activity Report for the 4th Quarter of 2017.

No public comment.

COUNCILMEMBER/DEPARTMENT HEAD REPORTS

Administrator Miller reported that PG&E is working on the street light conversions, and the decorative light fixtures have been received and will be changed out within a couple of weeks. **Mayor Pro-Tem Garaventa** reported that he attended the Adventist Health Prayer Breakfast, filmed the Tuolumne County Board of Supervisors Meeting, attended the YES Partnership Meeting, the Homeless Task Force Meeting and the Mother Lode Martin Luther King Day event. **Mayor Williams** reported that she was appointed to the League of California Cities Transportation, Communications and Public Works Agency Committee.

ADJOURN

There being no further business to come before the Council at this time, the Regular Session Meeting was adjourned at 7:30 p.m. to the Regular Meeting on February 5, 2018, at 5:00 p.m. in the Council Chambers at City Hall.

Marijane Cassinetto, City Clerk Date

Minutes Approved By
Sonora City Council
On 2/5/18