

**SONORA CITY COUNCIL
CITY OF SONORA
MAY 21, 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 3:30 p.m. with the following Members present: Mayor Connie Williams, Mayor Pro-Tem Jim Garaventa, Councilmembers Matt Hawkins (present at 3:45 p.m.), Councilmember Mark Plummer, George Segarini; City Administrator Tim Miller, City Clerk Marijane Cassinetto; City Attorney Douglas White. Absent: City Clerk Marijane Cassinetto.

CITY CLERK'S POSTING OF THE AGENDA

In the absence of the City Clerk, Administrator Miller advised the Council that at 1 p.m. on the 18th day of May, 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 Council adjourned into Closed Session at 3:31 p.m. for consideration of the following matters:

1. Public Employee Hiring - Pursuant to Government Code Section 54957
 - a. Police Chief
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): None
 - b. Anticipated Litigation - Significant Exposure to litigation pursuant to Government Code Section 54956.9(d)(2): Two 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, SEA and SFFA.

RECONVENE TO OPEN SESSION

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

Mayor Williams reported that in Closed Session by unanimous vote, the Council appointed Turu Vanderwiel to Police Chief effective May 21, 2018, and by unanimous vote denied a claim by Barbara Chase.

ADJOURNMENT OF CLOSED SESSION

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

Marijane Cassinetta, City Clerk Date

Minutes Approved By
Sonora City Council
On 6/18/2018

**CITY COUNCIL
CITY OF SONORA
MAY 21, 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 Attorney Douglas White, Police Chief Turu VanderWiel, Community Development Director Rachelle Kellogg. Absent: City Clerk Marijane Cassinetta, Interim Engineer Gerard Fuccillo.

CITY CLERK'S REPORT ON POSTING OF AGENDA

In the City Clerk's absence, Administrator Miller advised Council that at 1 p.m. on the 18th day of May, 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

- 1) Fire Chief introduced Jon Rock, Fire Captain and conducted the Swearing-In Ceremony.
- 2) Leon Casas presented information to the Council regarding services, activities and programs provided by the Tuolumne County Senior Center. He informed the Council that the Tuolumne County Senior Center is a nonprofit agency that relies on grants, fundraising and donations for funding. He stated that he anticipates a funding shortfall in next year's budget. He provided the Council with information regarding the upcoming "Saturday Night Fever" event to be held at Railtown 1897 on Saturday, August 25, 2018 and proceeds will benefit the Meals On Wheels Program.

PUBLIC COMMENT

Steve Stiles - Stated that he continues to request to purchase the City's right-of-way at the end of Yaney Street but he has not received a response back from the City. City Administrator, Tim Miller, stated he would contact them when a meeting is scheduled.

Member of the Public - discussed various issues related to the cleanliness of the historic district.

Nate Smith, Jus Brothers, discussed recent issues between the motorcycle club and the Sonora Police Department. He stated that they were willing to meet with the City to help resolve these issues. He extended an invitation to the Council and the

public to the 2nd Tuesday "Bike Night" event that will be held at the Intake Grill.

City Administrator, Tim Miller, informed the City Council that he has been taking a daily walk downtown to observe, first hand, the cleanliness issues of the sidewalks. He has not found the condition to be as extreme as being presented to the City Council by a member of the public. He did however note that the trash cans in Coffill Park were not being picked up as often as they should be. He informed the Council that he would be meeting with Waste Management on May 22nd to discuss this and other issues related to refuse and recycling collection within the City and will report back to the Council.

CONSENT CALENDAR

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

1. Approval of the Council Minutes for the Closed and Regular Council Meeting of May 7, 2018;
2. Approval to pay invoices for previously budgeted expenses on May 22, 2018, in the amount of \$129,288.19; and
3. Approval of disbursements in the amount of \$132,218.04, on May 11, 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

Waive the second reading and adopt Ordinance No. 849.

Community Development Director, Rachelle Kellogg, presented the staff report and recommended that the Council waive the second reading and adopt Ordinance No. 849.

No public or Council comment.

Motion	Segarini
2 nd	Plummer
Vote	5-0-0

PUBLIC HEARINGS

None.

NEW BUSINESS

Appointment of Ron Jensen to the Planning Commission.

Community Development Director, Rachelle Kellogg, informed the Council that Ron Jensen's term on the Planning Commission will expire on July 1, 2018 and the pending vacancy was published in the Union Democrat on April 11, 2018. Applications from those interested in serving on the Planning Commission had to be submitted

on or before May 11th and Ron Jensen was the only one who submitted an application. She stated that Ron is an excellent Planning Commissioner and recommended that the City Council approve his reappointment.

Mayor, Connie Williams, stated that the City did receive only the one application from Ron Jensen and as Mayor, she was exercising her right, with approval from Councilmembers, to reappoint Ron Jensen to the Planning Commission.

Member of the Public, stated that she felt Ron Jensen did a good job on the Planning Commission and was ok with his reappointment however she would like to see "new blood" on the Planning Commission.

Councilmember Segarini stated that he served with Ron Jensen on the Planning Commission and found him to be knowledgeable and fair.

Motion	Segarini
2 nd	Garaventa
Vote	5-0-0

Consideration to adopt Resolution No. 5-21-2018-A related to cannabis business license tax. City Attorney, Doug White, presented the staff report. He stated that, if approved by the City Council, the City would submit a ballot measure for the November 6, 2018 Statewide General Election authorizing the City to impose a business license tax on the gross receipts of cannabis businesses operating within the City of up to 15%. He stated that the proposed resolution must be approved by a 2/3rds vote of the Council. If approved, the City Council would have the option to impose the business license tax and adopt the actual tax rate by resolution. He stated that most cities have set the tax rate between 5 to 6%. The City would also establish penalties and fines to enforce the payment. He stated that he anticipates the City's cannabis businesses would be approved under the Development Agreement and Use Permit procedures established under the City's Cannabis Ordinance. The Development Agreement would establish the fees to be paid to the City and those businesses would not be subject to the business tax license fee. The proposed business license tax is a failsafe measure in case of a challenge to the use of Development Agreements or mandates that the City allow cannabis deliveries from businesses located outside of the City. If this were to happen, the business license tax would provide some local control.

Councilmember Plummer asked if the ballot measure required a supermajority vote.

City Attorney, Doug White, stated that it requires a simple majority.

Councilmember Segarini asked if the State can override the City and lower the maximum tax below the 15%.

City Attorney, Doug White, stated that State does not have oversight over the proposed tax.

Mayor, Connie Williams, asked if the business license tax information should be included within the Development Agreement.

City Attorney, Doug White, stated that it will be incorporated within the Development Agreement in that if at a future point in time the cannabis business was no longer subject to the Development Agreement they would then be subject to the cannabis business license tax.

Councilmember Garaventa asked if the tax would sunset in 4 years and if the City's Gann limit is a concern.

City Attorney, Doug White, stated that it would not sunset in 4 years and the measure increases the City's appropriations limit to enable the City to expend the projected revenues to be generated.

City Administrator, Tim Miller, stated that it will not be a problem as the City is well below its Gann Limit.

Member of the Public - stated that they felt the business license tax on cannabis businesses is a good idea, however, she felt the maximum tax rate should be lower.

Member of the Public - Stated that the 15% was too high.

City Attorney, Doug White, stated that the authorization of up to 15% was consistent with State Law and again it was the maximum with most cities charging in the range of 5 to 6%. He reiterated that the actual tax would be set by the Council if the measure is approved by the electorate.

Mayor, Connie Williams, asked for a clarification of the fees paid through a Development Agreement.

City Attorney, Doug White, explained the fee structure that would be included within a Development Agreement.

Motion **Segarini**
2nd **Plummer**

Councilmember Garaventa asked if obtaining authorization of up to 15% was the standard with cities and counties.

City Attorney, Doug White, stated that it was.

Vote **5-0-0**

City's options regarding enforcement of Federal Immigration

Law. City Attorney, Doug White, presented the staff report. He discussed the legal issues that are occurring between the State of California and Federal Government and those between the State of California and Local Governments. He explained the difference between a Charter City and a General Law City and that the City of Sonora was a General Law City. He explained that through the demise of Redevelopment Agencies by the State the Courts have found that General Law Cities are considered an extension of the State and not a separate government. He stated that due to the fact the City does not operate a jail facility the California Values Act has very little impact to the City of Sonora. He presented the following 5 options to the City Council:

- 1) Direct staff to prepare and present a resolution at the next City Council meeting requiring local law enforcement to provide assistance to Federal immigration authorities when otherwise provide discretion to cooperate under SB 54.
- 2) Direct staff to prepare a resolution declaring support for the Federal Government and Huntington Beach in the discussed legal actions. The resolution may authorize the City of Huntington Beach and the Federal Government to use the City's name in their filings.
- 3) Direct staff to prepare an ordinance to be presented at the next City Council meeting stating that the City will comply with Federal immigration law when SB 54 and Federal immigration law conflict. The consequences, if any, of openly defying state law are unclear at this time.
- 4) Direct the City Attorney's office to file an amicus brief with regard to the preemption issues currently progressing through the judicial system, like the Orange County Board of Supervisors. Staff does not recommend this option, as other jurisdictions are capable of exploring all legal arguments.
- 5) Provide no direction to staff at this time. Waiting for the current legal battles to settle will provide significant clarity as to the risks involved with taking any affirmative action.

Member of the Public - Read a letter urging the Council to vote against the Anti-Immigrant Resolution and a copy of the letter was provided to the City Clerk; a copy of which is attached hereto as Exhibit "A" and included herein by reference.

Lane Willingham, Ellen Beck, Myrna Norwick, Duane Cornell, Collete Such, Karen Wood, and an additional 7 members of the public urged the City Council to select Option #5.

Councilmember Segarini asked for clarification of the Supremacy Clause.

City Attorney, Doug White, explained that the Supremacy Clause establishes that the Constitution and the federal laws made pursuant

to it, constitutes the supreme law of the land. He stated that this is the basis for the current lawsuits.

Councilmember Segarini asked what the requirements were to be a Charter City.

City Attorney, Doug White, explained that they are required to have their own constitution and it must be renewed every 10 years. The electorate must also vote on it.

Councilmember Plummer questioned the broader impact of the California Values Act relating to release of criminals and notification to local law enforcement. He stated that because the City does not operate a jail, the requirements related to release of criminals is probably mute.

City Attorney, Doug White, stated that the California Values Act does have minimal impact to the City. However, he stated that local law enforcement will not be provided with a notice if ICE was to come into the City.

Councilmember Segarini stated that personally he feels that the City should select Option #2 but due to the public response he would support Option #5.

Councilmember Garaventa stated that it does not affect the City and the City should stay out of it. He felt that it would be a waste of staff time and City funds. He supported Option #5.

Councilmember Hawkins stated it would be an unnecessary use of City funds and a waste of time and that he supported Option #5.

Mayor, Williams, asked if the Attorney General has the power to enforce civil or criminal charges on a jurisdiction and if the federal government can withhold or reduce funding to jurisdictions. She expressed concerns over "bad actors" and the City's need to have the tools to enforce the laws.

City Attorney, Doug White, stated that under SB54, the Attorney General can invoke civil penalties. He stated that it is doubtful that the federal government will withhold or reduce funding. He explained that local law enforcement can still have cooperation with ICE but there may be some instances where their hands could be tied however it would be very rare in relation to criminal cases.

Councilmember Plummer expressed concerns over comments made by the public during the meeting and stated that he has concerns related to the California Values Act and the Country's borders. He also stated that the issues related to the Act have very little impact to the City of Sonora and therefore he would support Option #5.

Motion to selection Option #5 -

Motion Garaventa
2nd Plummer
Vote 5-0-0

MONTHLY REPORTS

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

No public comment.

VISION SONORA COMMITTEE REPORT

None.

COMMUNICATIONS

None.

COUNCILMEMBER/DEPARTMENT HEAD REPORTS

Community Development Director, Rachelle Kellogg, stated that the Sonora Certified Farmers Market has started and reminded the public that dogs are not permitted at the Market.

Fire Chief, Aimee New, reminded everyone that wildfire season is right around the corner and everyone should be clearing their defensible space. She informed the Council that the Sonora Fire Department participated in a joint wildfire training at Westside in Tuolumne during the previous weekend.

City Attorney, Doug White, stated that they are watching the legislature closely as there are several bills being considered that would be harmful to cities.

Councilmember Garaventa reported on various meetings and events that he attended.

Councilmember Segarini reported on various meetings that he attended.

Councilmember Plummer asked if the Homeless Task Force was still in existence.

City Administrator, Tim Miller, stated that due to the fact that there have been discussions related to the creation of a countywide task force, the City's activities have been suspended awaiting the outcome of these discussions.

Mayor, Connie Williams, stated that she will not be at the June 4th City Council Meeting. She also provided information about the Sonora Pool and Tuolumne County Recreation's summer activities. She

asked for Councilmembers' consensus to direct staff to hold a public hearing regarding restricting smoking within Downtown Sonora.

Following some discussion, there was consensus among the Councilmembers to hold a public hearing regarding smoking within Downtown Sonora at a future meeting.

ADJOURN

There being no further business to come before the Council at this time, the Regular Session Meeting was adjourned at 7:15 p.m. to the next Regular Meeting on Monday, June 4, 2018, at 5:00 p.m. in the Council Chambers at City Hall.

Marijane Cassinetto, City Clerk Date

Note: The Minutes for the above Meeting were taken by the Community Development Director due to the absence of the Clerk, and formatted into final form by the Clerk.

Minutes Approved By
Sonora City Council
On 6/18/2018