

**CITY COUNCIL  
CITY OF SONORA  
NOVEMBER 21, 2011**

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 Bill Canning, Mayor Pro-Tem David Sheppard, Councilmembers Ron Stearn, Hank Russell, Matt Hawkins; City Administrator Tim Miller, City Clerk Marijane Cassinetto, Engineer Gerard Fuccillo, Attorney Richard Matranga (present at 5:05 p.m.; excused at 6:15 p.m.), Community Development Director Rachelle Kellogg, Police Chief Mark Stinson. Absent: Finance Director Karen Stark, Fire Chief Mike Barrows.

**PRESENTATIONS/PROCLAMATIONS/COMMENDATIONS**

None.

**CONSENT CALENDAR**

Motion by Councilmember Stearn, second by Councilmember Russell, and unanimously carried that the Consent Calendar be approved as follows:

1. Approval of Minutes for the Regular Council Meeting of October 17, 2011, and for the Special Council Meeting - Annual Retreat of November 8, 2011.
2. Approval of invoices for previously budgeted expenses to be paid on November 22, 2011, in the amount of \$28,187.33.

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

City Clerk Cassinetto advised Council that at 1:16 p.m. on the 16<sup>th</sup> day of November, 2011, the Agenda for the City of Sonora Council Meeting scheduled for this date was posted outside City Hall for public view.

**PUBLIC APPEARANCES**

**Philip Arndt, Government Affairs Director for Comcast** gave an update on Comcast's December 6, 2011, launch of its advanced products and services. Arndt reviewed a letter sent to its current customers outlining the new services and prices. He also noted that a Comcast Community Celebration will be held on Tuesday, December 6, 2011, from 4 p.m. to 7 p.m. at the Sonora Opera Hall at which product demonstrations will be provided and representatives will be on hand to answer any questions.

**Pete Kampa, General Manager of Tuolumne County Utilities District (TUD)**, gave a summary of TUD's proposed water rate plan which is scheduled to go into effect in January, 2012. The rate plan would increase monthly residential water rates by 31% the first year with a 6% raise each year for the following three years. Kampa stated that costs affecting rates which TUD has no control over are due to requirements in the Safe Drinking Water Act laws, State permits and fees, the laws governing administration, environmental protection laws and construction and material and fuel cost escalation. TUD attempts to control costs by reducing staffing costs, generating revenue through cell tower leasing, aggressive legislative and regulatory programs, in-house design and construction teams, competitive bidding and development of long term solutions to increase efficiency. Kampa reported a current deficit of over 2 million dollars, and that current revenue does not cover its operating costs. Sewer fees are being used to help with project costs and subsidizing operations. TUD has 14 water treatments plants, and pays 14 times the costs for State mandated permits and fees and certain environmental requirements. He reviewed TUD's water rate setting goals to effect operation in the black by 2014.

Kampa reported that a Public Hearing on the proposed rates will be held on December 6, 2011, at TUD's office on Nugget Boulevard. The public can appear with their protests, or can also submit any protests in writing to TUD until 4 p.m. on the day of the Hearing. Kampa stated that if 50% protests are received, the Board cannot take action on the proposed rates.

Council engaged in discussion with Kampa. Mayor Pro-Tem Sheppard stated that it is unaccountable government, the people are powerless to have TUD reduce rates except for recall, and that all of TUD's rates and fees are designed to drive income producers and industry out of the County. He encouraged independent performance and manpower audits and looking further into cutting employee costs. Councilmember Hawkins stated the necessity to look for further reductions in TUD costs rather than the increases over the next four years, that he personally cannot afford it. He stated that he received a delinquent notice for 92 cents with a \$10 service charge, and questioned the efficiency of this type of billing procedure. Councilmember Stearns stated that City residents are footing the bill for the numerous plants all over the County that TUD has taken on, that he does not want TUD to go to monthly billing as it doubles the processing costs, and the unfairness that sewer fees are the same for a single person in a residence as they are for large families and businesses.

Councilmember Russell asked what "Plan B" would be if the rate increases do not pass, and how much penalties would be for noncompliances. Kampa responded that anything to do with projects would stop, the office would not be open, and that TUD would need to look into its design and construction teams and possibly discontinue them. Penalties depend on the violation, but the main thing is that trust by the regulators is lost and there would be no access to grant funds.

Mayor Canning stated that in this economy TUD should do everything possible to keep rates down, that the any increase at this time is ridiculous and ludicrous. He does not feel that things would collapse and the doors would close. TUD is in control of Tuolumne County's growth; new construction can not afford to pay the hook up fees. He questioned that when construction picks up, are consumer rates going to drop? He hopes the proposed rates get defeated. Other alternatives need to be looked into.

Astrid Wasserman, owner of Barretta Gardens Bed & Breakfast, stated that her bill will increase 51%. The TOT tax has already been raised, and does not feel it is good business to raise her room rates; it puts her business in a bad situation.

Guy Mills, City resident, agrees with the statements of the Council; he is against the raises. He said that he would like to see the Council take a vote.

Connie Williams, Tuolumne County resident, stated that TUD is totally out of control. She stated that instead of saving money, her water conservation measures have only resulted in her being penalized for doing the right thing. She talked about the negative impact on the County that these raises would cause, and feels that TUD is heading down the road for continual unending rate increases.

The Mayor winded up the discussion and urged all TUD customers to file their protests. No action required.

**PUBLIC APPEARANCES (Non-Agenda)**

None.

**PUBLIC HEARINGS**

None.

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

**Amended Joint Powers Agreement for Tuolumne County Economic Development Authority.** The Council considered approving an amended Joint Powers Agreement for the Tuolumne County Economic Development Authority (EDA) providing for additional flexibility and responsiveness regarding Board of Directors Meetings and voting policies. Larry Cope, EDA Executive Director, presented the amendments noting approval by the EDA Board and the Tuolumne County Board of Supervisors. The changes presented are as follows: (1) Agreement title change and date to reflect the Agreement is being amended versus the creation of the EDA; (2) Section 3.06 Regular Meeting clarifying that monthly meetings can be cancelled with 5 days advance notice and voting requirements are moved from this Section to a new Section 3.14 Voting Requirements; (3) Section 3.14 Voting Requirements is a new Section created from Section 3.06 with the same language; and (4) Section 7.05 Records and Accounts clarifies that an annual audit of the EDA financial records is required.

**MOTION by Councilmember Russell, second by Councilmember Hawkins, and unanimously carried that said amended Joint Powers Agreement be approved as presented.**

**Resolution No. 11-21-2011-A Amending Sonora Planning Commission Bylaws.** The Council considered approval of Resolution No. 11-21-2011-A which amends and updates the By-Laws of the Sonora Planning Commission, changing the regular meeting time for the Planning Commission from 7:00 p.m. to 5:30 p.m. Community Development Director Kellogg presented the Resolution recommending approval, and noted that the Planning Commission adopted updated By-Laws including this time change, and that the Council must approve the same by Resolution.

**MOTION by Councilmember Hawkins, second by Councilmember Stearn, and unanimously carried that Resolution No. 11-21-2011-A authorizing said meeting time change be approved and adopted as presented.**

**Closures for Sonora Christmas Parade.** The Council considered approving closure of two parking spaces on the northerly side of Lyons Street between Stewart and Shepherd Streets adjacent to the City parking Lot from 9 a.m. to 9 p.m. on Friday, November 25, 2011, for the Christmas Parade. Community Development Director Kellogg presented the

requested closures recommending approval. Kellogg noted that the closures are being done to accommodate the Holiday Trolley. **MOTION by Councilmember Stearn, second by Councilmember Hawkins, and unanimously carried that said closures be approved as requested.**

**Resignation from Transportation Council.** The Council considered accepting the resignation of David Campbell from the Citizens Advisory Committee for the Tuolumne County Transportation Council and direction for the City Clerk to advertise the vacancy. Administrator Miller stated that upon acceptance of the resignation and direction for notice of the vacancy and solicitation of applicants, the Mayor will review applications and make the appointment pursuant to Section 2.06.020 of the City Municipal Code.

**MOTION by Councilmember Russell, second by Mayor Pro-Tem Sheppard, and unanimously carried that the resignation of David Campbell be accepted, and that the City Clerk be directed to provide notice of the vacancy and solicit applications for said position.**

**WRITTEN STAFF REPORTS - October, 2011**

From Community Development Director Kellogg for the Planning/Building Department.  
From Acting Public Works Supervisor Bill Seldon for the Public Works Department.  
From Police Chief Stinson for the Police Department.  
From Fire Chief Barrows for the Fire Department.

**COMMUNICATIONS** - Information Only

1. None.

**COUNCILMEMBERS AND DEPARTMENT HEADS**

**Community Development Director Kellogg** reported that the Christmas Parade has 67 entries and will take place Friday, November 25, 2011, at 5:30 p.m. Kellogg also reported that the new Pet Smart store had its soft opening today and will have a Ribbon Cutting in December. **Engineer Fuccillo** reported that the paving on Greenley Road has been completed and the striping has been replaced with thermo plastic striping. Also, the front door has been installed at the Police Department completing the remodel project, and the building will continue to be monitored for any leaks. Fuccillo also stated that as a Spring 2012 project, a 3/8" water proofing membrane will be adhered to the roof of the building. **Administrator Miller** reminded the public that

there will be no parking on Washington Street on Friday, November 25, due to the Christmas Parade, and that Tuolumne County Transit will provide transit for \$1 for shoppers during the day, and free transit for the Parade. **Councilmember Hawkins** reported that he and Councilmember Russell attended the Tuolumne County Chamber Awards Dinner which was very nice. **Councilmember Stearn** reported that he and Administrator Miller attended the Angels Camp Economic Development Authority Meeting on November 18, 2011, and all five counties were represented. **Mayor Canning** urged the public to write letters of protest to TUD regarding its proposed rate increases, and wished everyone a Happy Thanksgiving. **Mayor Pro-Tem Sheppard** stated that TUD is unaccountable government, and it has Tuolumne County's lifeblood in its hand. **Councilmember Russell** noted the opening of a new restaurant downtown, Embers.

**ADJOURN**

There being no further business to come before the Council at this time, the meeting was adjourned at 6:35 p.m. to the Regular Meeting on Monday, December 5, 2011, at 5:00 p.m. at City Hall.

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Date

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Marijane Cassinetto, City Clerk