

**CITY COUNCIL
CITY OF SONORA
DECEMBER 5, 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 Cassinetta, Engineer Gerard Fuccillo, Attorney Richard Matranga, Community Development Director Rachelle Kellogg, Finance Director Karen Stark, Police Chief Mark Stinson and Fire Chief Mike Barrows. Absent: None.

There was no Closed Session Meeting this date. Mayor Canning noted that an Amended Agenda Item regarding TUD's proposed rate increases will be considered as Business Item No. 3.

PRESENTATIONS/PROCLAMATIONS/COMMENDATIONS

1. Police Chief Stinson introduced newest Police Department employee Police Sergeant Ryan Killian. Killian's badge was pinned on by his daughter, Claire.
2. Fire Chief Barrows presented the plaque awarding to the City of Sonora the Central San Joaquin Valley Risk Management Authority 2010-2011 Safety Award for the Group III Pooled Liability Program.

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 Closed and Regular Council Meetings of November 21, 2011; and
2. Approval of invoices for previously budgeted expenses to be paid on December 6, 2011, in the amount of \$72,375.46.

CITY CLERK'S REPORT ON POSTING OF AGENDA

City Clerk Cassinetta advised Council that at 2:09 p.m. on the 30th 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, and at 2:00 p.m. on the 2nd day of December, 2011, the Amended Agenda for said Meeting of this same date was posted outside City Hall for public view.

PUBLIC APPEARANCES

None.

PUBLIC APPEARANCES (Non-Agenda)

None.

PUBLIC HEARINGS

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Police Department Residing Project Notice of Completion.

The Council considered accepting the work of the contract with Soracco & Sons for the Police Department Residing Project as complete and authorizing the City Clerk to file a Notice of Completion with the Tuolumne County Recorder. Engineer Fuccillo presented his Staff Report recommending acceptance. Fuccillo reported that all work had been completed and inspected on November 18, 2011. The final contract amount is \$67,840 with no change orders.

Councilmember Hawkins said that he would like to see something come to the Council to insure that a waterproofing project is approved to stop any leaks, and also that the red paint on the garage along the Linoberg side which is in disrepair be repainted. Mayor Canning asked that Hawkins bring his request during Agenda Item K.

MOTION by Councilmember Russell, second by Councilmember Hawkins, and unanimously carried that Council accepts the work of said contract with Soracco & Sons for the Police Department Residing Project as completed, and that the City Clerk be authorized and directed to record a Notice of Completion with the Tuolumne County Recorder.

Update on Tuolumne County Emergency Operations Plan. Fire Chief Barrows reported that Tuolumne County received grant funding to hire a consulting firm to update and revise the County's All-Hazards Emergency Operations Plan (EOP) as well as develop several EOP annexes for Tuolumne County to include a Needs Assessment review of its overall Emergency Management Program. Barrows noted that the Board awarded the bid to Category Five Professional Consultants, Inc., at its November 15, 2011, Meeting. Barrows stated that he is happy with the selection made. The first stakeholders meeting will be held after the first of the new year, 2012. As the EOP develops, Barrows recommends that the City continue its involvement as an Operational Area Member and Staff involvement as deemed necessary.

Barrows reported that Category Five will provide training to all stakeholders. Barrows has requested that instead of individuals having to read through copious amounts of material, a simple system be developed with individual's disciplines listed on the back of an index card to be able to operate off. Mayor Sheppard stated concern that the City should be reimbursed by the County for costs for mutual aide services, specifically real on-going costs mostly with the Fire Department. Barrows stated that not participating in mutual aid agreements can have expensive consequences. Administrator Miller suggested that, along with Staff and Council representatives, the Finance Committee look at the automatic aid and mutual aid agreements and costs. Presentation only, no action taken.

Amended Agenda Item: Possible Direction to Staff Regarding Proposed Tuolumne Utilities District (TUD) Rate Increases.

Mayor Canning asked that this item be placed on the Agenda. Canning reiterated his concerns mentioned at the last Council Meeting regarding the ridiculous proposed rate increases by TUD. Canning said that the proposal is a six tier system. He reported that an owner of a laundromat at an RV park had his water useage audited by TUD, and that the increase for him will be 64%. The Mayor is seeking possible direction for Staff to attend TUD's public hearing on December 7, 2011, at its Board office at 9 a.m., to oppose the increases in its present form, and/or to write a letter of protest to be read at the hearing.

Canning asked one of the TUD Directors why ballots were not sent out in its Public Hearing Notices, and he said that TUD would never send out ballots in notices, because no one would ever approve a rate increase. Canning also stated that a consultant, a media person and a public safety officer has been hired by TUD. Councilmember Hawkins said that the contract for Pete Kampa, TUD District Manager, is coming up giving him a \$200,000 annual salary plus benefits which we will all be paying for.

Administrator Miller reviewed the last Council Meeting at which Pete Kampa gave a presentation on the proposed increases. Said item was not on the Agenda as an action item, there was no opportunity to give direction. Miller asked if the Council would like to give direction to Staff; absent some action, Staff cannot appear on behalf of the City to represent a specific position. Councilmember Russell felt reluctant to get involved in another agency's issue; constituents are the ones who elect the TUD Board, and that is the recourse of the citizens. Attorney Matranga stated that expending City funds is an issue that can create issues with the FPPC. Matranga believes that if no City funds are expended, the Council can legally take a position as a Council on a measure, then it becomes a matter of policy. Responding to the Mayor's question to clarify the definition of expending funds, Matranga said it would include use of personnel, stationary, etc. The Council has the right to issue an opinion as a Council, but using staff time, etc., may be an issue. Matranga stated that there is an FPPC opinion out there that does not apply this to Prop 218 measures, but he does not feel it holds much weight because the issue is the same, expending City funds to support or oppose a measure. Matranga reiterated that a position can be taken as a Council, but do not expend funds.

Mayor Canning stated that the hopes his colleagues will join him in letting TUD know that this Council objects to the rate increases as proposed. He is against the rate increases; Councilmember Hawkins stated his agreement. Mayor Pro-Tem Sheppard stated that his rates will increase 52%, and that at the last Council Meeting he asked Kampa a number of questions that he danced around. He stated that 90% of TUD's budget is labor cost depending on the numbers one looks at. He reiterated the difficult measures taken by the Council and the

Tuolumne County Board of Supervisors in making many budget cuts resulting in furloughs, restructured agreements, foregoing cost of living increases, etc. to live within their means. Sheppard said that TUD is out of control, there is no oversight, what is the recourse except for recall of Board Members. What TUD is doing is shameless, and this whole thing is a charade. Sheppard encouraged the public to send in their protests by December 7, 2010. Councilmembers Sheppard, Hawkins and Stearn concurred with the Mayor's comments against the TUD increases.

Councilmember Russell said that he feels it is fine as individuals to register objection, but does not feel the City should. Stearn said that the Council should not expend City funds, but as individuals, it should be opposed. The Mayor stated that the Council has a duty to its constituents and businesses to fight for them. Sheppard agreed. Mayor Canning sought counsel direction.

Matranga reiterated that legally the Council can take a position, it does not have to be individual, but cautioned that City funds not be expended.

MOTION by Councilmember Hawkins, second by Mayor Pro-Tem Sheppard that as a Council it takes a position against TUD's ridiculous rate increases. MOTION passed by the following vote: Ayes: Canning, Sheppard, Stearn, Hawkins; Abstain: Russell.

Russell said he has sent his personal objection to TUD, but does not agree that the City should take a position.

WRITTEN STAFF REPORTS

None.

COMMUNICATIONS - Information Only

1. From the Central San Joaquin Valley Risk Management Authority reporting on its 2011/2012 Officers, including Fire Chief Mike Barrows as the Second Vice President.

COUNCILMEMBERS AND DEPARTMENT HEADS

Administrator Miller commented on the Communications Item No. 1 report indicating Fire Chief Barrows' nomination as Second Vice President to the Central San Joaquin Valley Risk Management Authority. **Councilmember Hawkins** commented on Engineer Fuccillo's excellent work and design regarding the Police Department Residing Project. He stated his concern about the leaky roof, and that he would like to see something come before the Council in January or February, 2012, for water proofing. He also said that the red paint on back wall of the garage on Linoberg Street is chipping off; he would be happy to donate his time to pressure wash it. **Engineer Fuccillo** stated that there is money in the budget to do a complete membrane coating of both the office and garage. He stated the importance of being sure where the leaks are coming from before expending funds, and that there is a plan to do water proofing around the siding. **Community Development Director Kellogg** reported on a wonderful Christmas Parade, and that it was a great evening. She thanked Special Events Coordinator Sheala Wilkinson and all

