

CITY COUNCIL MEETING MINUTES
CITY OF SONORA
JANUARY 19th, 2010

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 Ronald E. Stearn, Mayor Pro-Tem Gary Anderson, Councilmembers Bill Canning, and Hank Russell; City Administrator Greg Applegate, City Clerk Marijane Cassineto, Attorney Richard Matranga (excused at 5:17 p.m.), Community Development Director Edward J. Wyllie, Finance Director Karen Stark, Police Chief Mark Stinson, Fire Chief Mike Barrows and Grants/Redevelopment Program Manager Rachelle Kellogg. Absent: Councilmember David Sheppard and Engineer Gerard Fuccillo.

NEW BUSINESS

Reimbursement Agreement for Construction of Old Wards Ferry Road Realignment Project. The Council engaged in consideration of approving the Reimbursement Agreement with Lowe's Home Improvement Center Inc., (HIC), for the construction of the Old Wards Ferry Road Realignment Project, and direction for the Mayor to execute the same on behalf of the City. Administrator Applegate presented the Staff Report recommending approval. Applegate provided background information noting that said Project was approved by the Council on June 1, 2009, and part of said approval included reimbursing HIC through a cost sharing concept. Said Agreement was discussed as a part of the environmental review process approved by the City along with a list of project-related conditions for the Lowe's Project. Said Agreement, which was prepared by City Attorney Matranga, was based upon an early Memorandum of Understanding that the Council reviewed which was to be the body of the Agreement centering on the following key points:

- Lowe's will build and pay for the entire realignment of Old Wards Ferry Road as per the approved plans and as a condition of Project approval.
- The City will reimburse Lowe's those traffic fees required as part of the approval of any project within the Sonora Crossroads Shopping Center which the City approves on or before December 31st, 2011.
- Any Traffic Mitigation Fees received by the City during the allotted time frame from the Sonora Crossroads Shopping Center Project will be reimbursed to Lowe's within 30 days from the City receiving those funds.
- The City, in addition, will reimburse Lowe's \$350,000 of the cost for realigning Old Wards Ferry Road within 30 days after the completion and acceptance of the Project.

The estimated project cost in 2009 dollars of \$1,920,000, with Lowe's building the complete Realignment Project. The City will reimburse the developer upon completion and acceptance a fixed sum of \$350,000 from the Traffic Mitigation Fee Fund Account which, as of November 2009, has \$1,025,853 in this Account. Additionally, the City will reimburse Lowe's any Traffic Mitigation Fees received from any Project within the Sonora Crossroads Shopping Center which gains approval on or before December 31st, 2011.

MOTION by Councilmember Russell, second by Mayor Pro-Tem Anderson, and unanimously carried that the City approves said City/Lowe's Reimbursement Agreement for construction of the Old Wards Ferry Road Realignment Project as presented, and directs the Mayor to sign the same on behalf of the City.

Agreement with the Sierra Railroad for the Old Wards Ferry Realignment Railroad Crossing Project. The Council engaged in consideration of approving the Cooperative Agreement with Sierra Railroad Company, including any non-substantive changes after review by Sierra Railroad Company (SRC), and direction for the City Administrator to execute said Agreement on behalf of the City. Administrator Applegate presented his Staff Report recommending approval and providing background

information noting that said Crossing Project is a part of the Old Wards Ferry Realignment Project which is a public roadway crossing. Both the City Attorney and City Engineer have reviewed said Agreement, and legal counsel for the Central San Joaquin Valley Risk Management Authority has approved the transfer of risk from Sierra Railroad to the City. As a condition of the Lowe's Home Improvement Store Project, Lowe's will be constructing the realignment of Old Wards Ferry Road and will relocate the railroad crossing. To secure approval on an expedited basis for said relocation, the City must enter into the Cooperative Agreement with SRC prior to the Public Utilities Commission (PUC) approval and prior to making application for an 88-B Permit. Key components of said Cooperative Agreement are as follows:

- Sierra Railroad consents to the proposed Railroad Crossing Relocation and supports the City's application to the PUC.
- Sierra Railroad and the City agree to the scope of work.
- The City will pay Sierra Railroad \$20,000 for the Railroad's participation in the Project.
- The City agrees to pay the cost for maintenance and repair of the railroad crossing equipment. These are costs incurred which are not reimbursed by the PUC for maintenance and repair.
- The City will indemnify and hold harmless Sierra Railroad from any and all claims related to the railroad crossing.

Approval of said Cooperative Agreement will allow City Staff to immediately submit the 88-B permit application to the PUC which permit process will take approximately 45 days.

MOTION by Mayor Pro-Tem Anderson, second by Councilmember Russell, and unanimously carried that said Cooperative Agreement be approved as presented including any non-substantive changes after review by Sierra Railroad Company, and the City Administrator be authorized to execute the same on behalf of the City.

Boundary Line Adjustment Map for Ray A. Sanguinetti Land Company and Offer of Dedication.

The Council engaged in consideration of approving the Boundary Line Adjustment Map for the Ray A. Sanguinetti Land Company (RSLC) and accepting an Offer of Dedication for future public road purposes. In the stead of Engineer Fuccillo, Administrator Applegate presented Fuccillo's Report recommending approval. Said Offer of Dedication is a required condition for the Lowe's Project. The City completed a Land Exchange with RSLC exchanging a vacated right of way parcel along Old Wards Ferry Road southerly of the Sierra Railroad tracks for a new right of way parcel to provide for the realignment of Old Wards Ferry Road, which vacated right of way is adjacent to a larger parcel owned by RSLC, portions of which are part of the approved Lowe's site. The Map's purpose is to combine the vacated right of way parcel with the larger parcel and to create the Lowe's site parcel as a separate parcel by a Boundary Line Adjustment. The Map would then monument the new westerly right of way of Old Wards Ferry Road per the Land Exchange. Fuccillo's report states that the adjustment is relatively simple. A small triangular area of approximately a quarter acre is designated as an Easement for Future Public Road Purposes and is indicated on the Owners Statement and City Clerks Statement on the Map. It is intended that the Offer of Dedication be accepted, and rejected for public use and inclusion into the City Maintained Road System until such time as a public road is planned, approved and additional right of way obtained westerly to convert the Lowe's entrance into a public road intersection.

MOTION by Councilmember Canning, second by Councilmember Russell, and unanimously carried that:

- (1) said Final Parcel Map be approved, and that the Offer of Dedication of an Easement for Future Road Purposes be accepted as indicated in the City Clerk's Statement on the Map; and**
- (2) in as much as the Final Map presented with this Report needs to go through a final map check, execution of signatures and field monumentation prior to recording, that the City Engineer be authorized to review and approve the Final Map for recording, and that the City Clerk execute the City Clerk's Statement on that Map finally approved by the City Engineer.**

PRESENTATIONS/PROCLAMATIONS/COMMENDATIONS

Mayor Stearn read a Proclamation declaring March 30th, 2010, as Welcome Home Vietnam Veterans Day, and introduced Dick Southern, Secretary of Local Chapter 391 and Region 9 Director, who thanked the Council and noted that they are planning to hold a parade in downtown Sonora on March 28, 2010, at 1:00 p.m.

CONSENT CALENDAR

At the request of Community Development Director Wyllie, setting the Public Hearing to consider the proposed Patterson Tentative Parcel Map was removed from the Consent Calendar.

Motion by Councilmember Canning, second by Mayor Pro-Tem Anderson, and unanimously carried that the Consent Calendar be approved as follows:

1. Approval of Minutes for the Closed and Regular Council Meetings of December 31st, 2009; for the Minutes for the Sonora Redevelopment Agency Meeting of December 21st, 2009; for the Special Council Workshop Meeting of December 1st, 2009; and for the Special Council Meeting of January 8th, 2010;
2. Approval of invoices for previously budgeted expenses to be paid on January 20th, 2010, in the amount of \$338,850.77; and
3. Approval to set the a Public Hearing on February 1st, 2010, shortly after 5:00 p.m for the proposed Minners Tentative Parcel Map.

CITY CLERK'S REPORT ON POSTING OF AGENDA

City Clerk Cassinetta advised Council that at 2:47 p.m. on the 19th day of January, 2010, the Agenda for the City of Sonora's Council Meeting scheduled for this date was posted outside City Hall for public view.

PUBLIC HEARINGS

None.

PUBLIC APPEARANCES

None.

PUBLIC APPEARANCES (Non-Agenda)

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Presentation on the "State of the City". Administrator Greg Applegate presented the annual "State of the City" report which purpose is to provide Councilmembers and the public with current prevailing trends and conditions. Informational item only. For reference, a copy of said "State of the City" report is attached hereto as Exhibit "A", and incorporated herein and made a part hereof.

Introduce, Waive First Reading Ordinance No. 788 Adopting Water Efficient Landscape Ordinance. The Council engaged in consideration of introducing and waiving the first reading of Ordinance No. 788 which implements Water Efficient Landscapes (water conservation requirements for landscaping). For background information, Community Director Wyllie, referred Council to correspondence dated October 8th, 2009, received from the State Department of Water Resources regarding adoption of an Updated Model Water Efficient Landscape Ordinance which is mandated by the State pursuant to the provisions of The Water Conservation in Landscaping Act of 2008. Wyllie, noting that he was just the messenger of this mandate, reported that the ordinance proposed by the State is much too technical to incorporate into the City's Ordinance Code, and he therefore, broke it out in

parts. The basics are proposed in ordinance form with the balance placed in a manual to be adopted by resolution. Wyllie explained that this will allow changes to be implemented easier. The resolution adopting the manual will be presented to the Council at its next meeting.

Administrator Applegate stated that this was another unfunded State mandate. The State's model Ordinance has been discussed in Committee since last Fall; much of its provisions are already addressed in the City's existing landscape plan. The City has been put between a rock and a hard place with the mandate. Wyllie stated it is unfortunate that the State has passed this down, and that these matters should be up to local cities and counties and their water providers. Councilmember Russell stated much disappointment in the manual and its requirements. Wyllie noted that homeowner initiated landscaping of 5000 square feet or more will be affected, and that it primarily impacts commercial and industrial landscapes. Even through the requirements are difficult and technical, the City does not have a choice to not adopt. If nothing is adopted, the State's Model Ordinance will be mandated upon the City. Applegate reported that many other jurisdictions are grappling with this mandate and reluctantly complying. In response to Councilmember Russell's query of whether these water issues should be something that Tuolumne Utilities District should govern, and what would happen if we did not adopt, Wyllie responded that it probably makes sense in the long run that regulation falls to the City, and that non-adopting would require the City to fall under the State's Model and we would lose flexibility to make revisions to better suit small jurisdictions.

Councilmember Russell said that this is "government run amok at the State level". Councilmember Canning asked if a more user friendly form could be drafted in simple English. Mayor Pro-Tem Anderson stated that now is not the time to implement such costly mandates. Wyllie said that he did not know how the City could get past the formulas for something more user friendly. Applegate noted that Sonora has much natural vegetation, and that the incorporation of natural vegetation into landscaping will be a positive as it does not count in the square footage requirements. Councilmember Russell asked what would happen if we did not adopt. Wyllie responded that he would notify the State that the City is adopting the State's Model Ordinance. Wyllie reiterated that by separating the "plan" into two portions, the Ordinance with basics, and a manual adopted by Resolution, he has attempted to accomplish what would work best for the City at the present and to make the mandate easier to try to modify the regulations in the future, and it also provides more time for the Council to review the manual.

Very reluctantly stated, **MOTION by Mayor Pro-Tem Anderson, second by Councilmember Canning, that Ordinance No. 788 be introduced with the first reading waived. Motion passed three to one: Ayes: Stearn, Anderson, Canning. No: Russell. Absent: Sheppard.**

WRITTEN STAFF REPORTS - December 2009

1. From Community Development Director Wyllie for the Planning/Building Department and the Public Works Departments.
2. From Police Chief Stinson for the Police Department.
3. From Fire Chief Barrows for the Fire Department.
4. From Grants/Redevelopment Program Manager Kellogg.

COMMUNICATIONS - Information Only

1. January 2010 Directors Report from the Tuolumne County Economic Development Authority.
2. Correspondence from Comcast advising the City of a new point of contact for Franchise matters.
3. Correspondence from Comcast advising the City that it will be updating its Digital Cable On-Screen Program Guide.
4. Correspondence from Comcast informing the City that it will no longer be charging equipment rental fees for high definition video services but will implement an HD Technology Fee instead.

COUNCILMEMBERS AND DEPARTMENT HEADS

Fire Chief Barrows cautioned the public to remain on alert during this extreme stormy weather, to keep water drain areas clear, and to store ashes in metal containers away from structures. **Finance Director Stark** reported the receipt of a \$61,000 check from the State as first installment of monies on the Proposition 1A securitization program. **Mayor Pro-Tem Anderson** commended the public who attend meetings and watch meetings aired on Public Access cable television, and hope that they are noting the control that the State and Federal government is placing on cities and counties. **Councilmember Canning** asked Larry Cope, Director of the Tuolumne County Economic Development Authority Governing Board, to announce the upcoming vacancy on said Board; Cope noted that applications for an at-large member are due by January 31st, 2010, and may be picked up at its office at 99 North Washington Street, or can be obtained off its website at www.TCEDA.net. **Mayor Stearn** reported for the public's interest, that the State of California takes ½ of all of the City's parking fines.

ADJOURN

There being no further business to come before the Council at this time, the meeting was adjourned at 6:20 p.m. to the Regular Meeting on Monday, February 1st, 2010, at 5:00 p.m. at City Hall.

Marijane Cassinetta, City Clerk

SONORA CITY COUNCIL CLOSED SESSION MEETING MINUTES CITY OF SONORA JANUARY 19th, 2010

A 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 p.m. with the following members present: Mayor Ronald Stearn, Mayor Pro-Tem Gary Anderson, Councilmembers Bill Canning and Hank Russell; City Administrator Greg Applegate, City Attorney Richard Matranga and City Clerk Marijane Cassinetta. Absent David Sheppard: None.

CITY CLERK'S POSTING OF THE AGENDA

City Clerk Cassinetta advised the Council that at 2:47 p.m. on the 13th day of January, 2010, the Agenda for the City of Sonora Council Meeting (Closed Session) was posted outside City Hall for public view.

PUBLIC APPEARANCES

None.

ADJOURN INTO CLOSED SESSION

The City Clerk was excused from Closed Session. The Council adjourned into Closed Session for consideration of the following matters:

- (1) Personnel (Authority: G.C. Sections 54957 and 54957.6), None;
- (2) Real Property Transactions (Authority: G.C. Section 54956.8), None; and
- (3) Potential Litigation (Authority: G.C. Section 54956.8), City of Sonora vs. Sonora Days Inn.

RECONVENE TO OPEN SESSION

Council reconvened into Open Session at 5:00 p.m.

Mayor Stearn reported that no action had been taken in Closed Session.

Marijane Cassinetta, City Clerk