

**CITY COUNCIL MEETING MINUTES
CITY OF SONORA
MARCH 3rd, 2008**

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 Hank Russell, Mayor Pro-Tem Ronald E. Stearn, Councilmembers Gary Anderson, Bill Canning and David Sheppard; City Administrator Greg Applegate, City Clerk Marijane Cassineto, Engineer Gerard Fuccillo, Attorney Richard Matranga, Community Development Director Edward J. Wyllie, Finance Director Karen Stark, Police Chief Mace McIntosh, Fire Chief Mike Barrows and Grants/Redevelopment Program Manager Rachelle Kellogg. Absent: None.

Mayor Russell noted that there was no Closed Session Meeting this date.

PUBLIC APPEARANCES

2008 Mother Lode Round-Up Parade. Ty Wivell, representing the Tuolumne County Sheriff's Posse, appeared to update the Council on the upcoming 2008 Mother Lode Round-Up Parade on Saturday, May 10th, 2008, to thank the Council for its continued support, to urge approval of proposed Resolution No. 03-03-2008-A authorizing closure of streets for said Parade, and extended a Certificate of Appreciation to the City. Other Posse Members Dan Durnall, Artie Archer and Jim Opie were also present.

NEW BUSINESS

Resolution No. 03-03-2008-A Regarding 2008 Mother Lode Round-Up Parade. The Council engaged in consideration of adopting Resolution No. 03-03-2008-A which approves temporary closure of State Route 49 and certain City Streets to accommodate said Parade on Saturday, May 10th, 2008, between the hours of 10 a.m. and 1 p.m. Police Chief McIntosh stated his recommended approval.

MOTION by Mayor Pro-Tem Stearn, second by Councilmember Anderson, and unanimously carried that Resolution No. 03-03-2008-A be approved and adopted as presented subject to receipt of the required Certificate of Additional Insurance.

PRESENTATIONS/PROCLAMATIONS/COMMENDATIONS

Staff Presentation on the Ralph M. "Brown Act" - Open Meeting Law Update. Administrator Applegate presented each Councilmember with an updated copy of said "Brown Act" encouraging the Council to read it and become familiar with all provisions.

CONSENT CALENDAR

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

1. Approval of Minutes for the Closed and Regular Council Meetings of February 19th, 2008; and
2. Approval of invoices for previously budgeted expenses to be paid on March 3rd, 2008, in the amount of \$67,981.62.

CITY CLERK'S REPORT ON POSTING OF AGENDA

City Clerk Cassineto advised Council that at 12:56 p.m. on the 27th day of February, 2008, the Agenda for the City of Sonora's Council Meeting scheduled for this date was posted outside City Hall for public view.

PUBLIC APPEARANCES

Taxi Cab Insurance. Ronald Pickern, owner of Forty-Niner Cab, appeared before the Council to discuss Taxi Cab Insurance. Pickern stated that the required limit of \$1,000,000 for operating within the City limits is the highest in the State of California. He noted that the cities of Stockton and Modesto require a \$300,000 combined single limit,

and San Francisco has a \$450,000 limit. He stated that with the high cost of insurance and rising gasoline prices, it would not be feasible to continue to do business in Sonora. Pickern requested that the City lower the limit to an amount between \$300,000 and \$450,000. Administrator Applegate noted that the City is one of 56 pooled cities with the Central San Joaquin Valley Risk Management Authority which has set the recommended Transfer of Risk for Sonora at \$1,000,000, and which has been in place for approximately 18 years. He reported that the City Attorney has recommended referral of the matter to the Finance Committee for further investigation and recommendation. Pickern will be notified of the time and date of the Finance Committee Meeting.

PUBLIC HEARINGS

Cuesta Heights Subdivision Proposed Single Family Residential Subdivision at 20901 Shaws Flat Road. This was the time and place set for a Public Hearing to consider the Application by Robert Ozbirn for the Cuesta Heights Subdivision, a proposed single family residential subdivision to be located on 21.92 acres north of the intersection of Shaws Flat Road and Roble Road at 20901 Shaws Flat Road.

Mayor Pro-Tem Stearn stepped down from the Council due to a possible conflict of interest.

The Application includes the following actions in advance of consideration of annexation to the City: (1) Adoption of General Plan Land Use Designation of SFR, Single Family Residential; (2) Rezoning the property to R-1, Single Family Residential, and (3) Preapproval of a Tentative Subdivision Map for the Cuesta Heights Subdivision creating forth-nine single family lots and one Tank Lot. The Property consists of AP#'s 35-070-014 and 35-070-035 presently located in the unincorporated area of Tuolumne County zoned RE-5 under Tuolumne County Code Title 17, with a County General Plan Land Use Designation of HR and RR.

Community Development Director Wyllie presented his Staff Report, including the conditional approval of the Planning Commission, and the Commission's Meeting excerpt of February 11th, 2008, inclusive of public comments, concerns and support. Wyllie discussed letter received from area resident Barbara Sistik concerning traffic and safety. A Traffic Analysis has been prepared by KdAnderson. Fire Chief Barrows addressed issues relating to emergency response and evacuation. Barrows noted that the proposed Subdivision Map meets all Fire Code requirements. He noted the sufficiency of the two proposed ingress and egress roads for the Subdivision which will flow out to Shaws Flat Road and out to Highway 49. He reviewed evacuation procedures noting that due to road closure to the general public, that the roads would only be open for fire apparatus and evacuation for residents, and the roads as currently designed would be adequate. Police Chief McIntosh stated his agreement with the Fire Chief for adequacy and did not see a traffic problem. Discussed how emergencies are "event driven."

Wyllie addressed the suggestion of Mrs. Sistik that due to the necessity to annex the property into the City limits, that the process be stopped and referred to the Tuolumne County Board of Supervisors. Wyllie stated that the City annexation evaluation is the appropriate and most efficient process that can be utilized to analyze impacts to the City before an application is made to the Local Agency Formation Commission (LAFCO). Staff and Councilmembers discussed the concerns raised about problems with speeding on Shaws Flat Road, and the current stop sign at Shaws Flat and Corte del Encino Road, and possible addition of another stop sign at Shaws Flat and Roble Roads. Engineer Fuccillo noted that there has been a suggestion to move the stop sign up to Roble Road, and that when the required encroachment permit is considered, that the placement of stop signs will be addressed at that time.

Mayor Russell opened the Public Hearing at 5:28 p.m.

Robert Ozbirn appeared on behalf of the project requesting approval of the Application. Ozbirn reviewed numerous aspects of the proposed Subdivision presenting it as a quality project in compliance with all City Staff and code requirements. He reported that an oak tree inventory had been performed for those trees that would be removed in the road right-of-way which included 38 live oaks, 79 blue oaks and 1 black oak. He stated the Project's compliance

with the State Fish and Game Code Section 1653 for tree planting and State Oak Woodland Mitigation Funds. Additionally, he noted that affordable housing in-lieu fees of \$4,000 per lot will be paid at the time of building permit issuance, that TUD has the ability to provide adequate water and sewer services, and the developer has agreed to a “right to farm” statement on the map, construction of fencing, a lot line adjustment and landscape easement to accommodate adjacent properties. It was noted in discussion between Staff and Council that the tree mitigation fees would not stay local, but go to the State. The County is in the process of establishing procedure to allow for such funds to shift to the County.

Mayor Russell asked for a show of hands by those in favor of the Project, and a show of hands by those opposed.

Others appearing in favor of the project were Dave Paul, Chase Anderson, Dennis Tanko and Carol Manley.

Mayor Russell called for those who were in opposition to the Project. Cathleen Olsen stated that she was not opposed to the Subdivision, but had concern about the blind curve that sits at the proposed location for Cuesta Oaks Road which is the ingress/egress road into the Subdivision off Shaws Flat Road. She stated that there have been continued problems at that point resulting in many animals being hit, and requested that a stop sign be placed at Cuesta Oaks Road, noting that the 25 mile per hour sign is ignored. Don Morrison also stated that he was not necessarily opposed to the Subdivision, but had concerns regarding traffic safety, and urged that the Council carefully consider public safety issues in light of increased traffic and continued violation of speed limits and existing stop signs. Mayor Russell encouraged the public to bring all traffic matters, not just solely pertaining to this project but all matter of concern, to the Parking and Traffic Commission to pursue.

There being no further appearances, the Public Hearing was closed at 5:56 p.m.

At the request of Councilman Anderson, Fire Chief Barrows reviewed the current water systems in the area reporting that plans by TUD for improved service, and the provision for a proposed water tank for the Project, will greatly and very beneficially provide improved fire flow for not only the Subdivision, but for the entire area. In addition, the new fire flow could improve the City’s ISO grading. Engineer Fuccillo reported that when the encroachment permit is considered, that additional dedications of right-of-way may be required which will allow for possible widening of a portion of Shaws Flat Road.

Mayor Russell called for action on New Business Item #1.

NEW BUSINESS

Cuesta Heights Subdivision Proposed Single Family Residential Subdivision at 20901 Shaws Flat Road. In consideration of the information provided and received at the above Public Hearing, the Council engaged in consideration of the following actions as recommended by the City Planning Commission and Staff:

- a. That the proposed Mitigated Negative Declaration for the proposed Cuesta Heights Project be approved finding that the potential significant effects of the Project have been mitigated to a level that is less than significant;
- b. That Resolution No. 03-03-08-E be adopted amending the City of Sonora General Plan Land Use Map to designate the site of the proposed Cuesta Heights Project SFR, Single Family Residential to become effective upon the completion of annexation proceedings;
- c. Waive the first reading and introduce Ordinance No. 780 amending the City of Sonora Zoning Map to classify the site of the proposed Cuesta Heights Project R-1, Single Family Residential, to become effective upon the completion of annexation proceedings; and
- d. Approval of the Tentative Subdivision Map for the proposed Cuesta Heights Subdivision subject to the certain conditions and findings as recommended to become effective upon the completion of annexation proceedings.

MOTION by Councilmember Anderson, second by Councilmember Canning, and unanimously carried that the proposed Mitigated Negative Declaration for the proposed Cuesta Heights Project be approved finding that the potential significant effects of the Project have been mitigated to a level that is less than significant.

MOTION by Councilmember Sheppard, second by Councilmember Anderson, and unanimously carried that Resolution No. 03-03-08-E be adopted amending the City of Sonora General Plan Land Use Map to designate the site of the proposed Cuesta Heights Project SFR, Single Family Residential to become effective upon the completion of annexation proceedings.

MOTION by Councilmember Anderson, second by Councilmember Canning, and unanimously carried that Ordinance No. 780 be introduced with the first reading waived, which amends the City of Sonora Zoning Map to classify the site of the proposed Cuesta Heights Project R-1, Single Family Residential, to become effective upon the completion of annexation proceedings.

MOTION by Councilmember Canning, second by Councilmember Sheppard, and unanimously carried that the Tentative Subdivision Map for the proposed Cuesta Heights Subdivision be approved subject to the certain conditions and findings as recommended to become effective upon the completion of annexation proceedings. Said conditions and findings are attached hereto as Exhibit "A", and included herein and made a part hereof by reference.

RECESS

Mayor Russell called for a brief recess at 6:09 p.m. The Council reconvened at 6:11 p.m. Mayor Pro-Tem Stearn reassumed his seat on the Council.

PUBLIC APPEARANCES (Non-Agenda)

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Affordable Housing In-Lieu Fees Policy - Use of Funds Document. The Council engaged in consideration of approving the proposed *Affordable Housing In-Lieu Fees Policy - Use of Funds Document* which will govern procedures for the use in In-Lieu Fees. Grants/Redevelopment Program Manager Kellogg presented the Staff Report recommending approval and providing background information noting the purpose of said Policy to allow for simplicity and flexibility in handling such Funds. Kellogg reported that during the recent planning process in regard to the proposed Cuesta Heights Subdivision, the Project Developer expressed a desire to provide funds to assist with the City's Affordable Housing Programs. After further discussions between the Community Development Director, the Developer and Kellogg, a fee of \$4,000 per lot was agreed to be paid when building permits are issued for the Project. Over the past several years other development projects have contributed affordable housing units, but this is the first project that is providing funds. Due to this, a Policy is necessary to adopt assuring that the funds are properly accounted for and used for their intended purpose. The Policy would govern the use of the \$192,000 that will be provided by the Cuesta Heights Subdivision as well as any other funds that may be contributed by any developer in the future. Contribution of such funds by developers is not mandatory.

MOTION by Mayor Pro-Tem Stearn, second by Councilmember Sheppard, and unanimously carried that said *Affordable Housing In-Lieu Fees Policy - Use Of Funds* be adopted as presented; a full and complete copy of said Policy is available for review in the Offices of the Community Development Director and Grants/Redevelopment Program Manager.

Updated Firefighter Intern Program Document. The Council engaged in consideration of approving the Updated Firefighter Intern Program. Fire Chief Barrows presented the proposed Update recommending approval. Barrows reviewed background noting that the modifications to the Program Document are a result of the desire of the City and Columbia College to improve the existing Firefighter Trainee Program. The proposed changes include the change of the Program name, change for all references of “Trainee” to “Intern”, maintenance of program eligibility, clarification of minimum standards and program expectations, and the addition of driving privileges which all facilitate the use of the Program as guidelines.

MOTION by Councilmember Canning, second by Councilmember Anderson, and unanimously carried that said Updated Firefighter Intern Program dated March 3, 2008, be approved as presented. A full copy of said Program is available in the Office of the Fire Chief for reference and review.

Resolution No. 03-03-2008-B Opposing Closure of Railtown 1897 State Historic Park. The Council engaged in consideration of adopting Resolution No. 03-03-2008-B which opposes the closure of Railtown 1897 State Historic Park in Jamestown. Administrator Applegate presented the Resolution recommending approval. Applegate noted that Governor Schwarzenegger’s recently released 2008-2009 Preliminary Budget has recommended the Park’s closure due to the State Budget deficit. The Tuolumne County Board of Supervisors, the Tuolumne County Visitor’s Bureau and the Tuolumne County Film Commission oppose the Governor’s preliminary action.

Shirley Sarno appeared on behalf of the Tuolumne County Visitor’s Bureau, Historical Chamber of Commerce, Friends of the Tuolumne County Film Commission and the Tuolumne County Film Commission to support adoption of said Resolution. George Segarini, President and CEO of the Tuolumne County Chamber of Commerce, also appeared in support and reported that a representative of the Governor’s Office recently toured the Park and went away very impressed, and she encouraged the writing of continued correspondence to the Governor. Segarini noted that Senator Dave Cogdill is in support of keeping the Park open. Councilmember Sheppard reported that there is quite a large number of volunteers who work at Railtown. Mayor Pro-Tem Stearn noted that the Park has a \$670,000 annual budget and brings in \$8,000,000 to \$10,000,000 of revenues to the County.

MOTION by Councilmember Anderson, second by Councilmember Sheppard, and unanimously carried that Resolution No. 03-03-2008-B opposing closure of said Park be approved and adopted as presented.

Consultant Contract for Sales and Use Tax Audit (SUTA) and Sales and Use Tax Audit and Analysis Services. The Council engaged in consideration of actions to approve a consultant contract with MuniServices, LLC, for Sales and Use Tax Audit (SUTA) and Sales and Use Tax Audit and Analysis Services (STARS) for the City’s Bradley Burns and Special District sales tax allocations, and related matters. Finance Director Stark presented the proposed contract and reviewed Resolution Nos. 03-03-2008-C and 03-03-2008-D providing for designation of a City consultant for said sales and use tax examinations. Stark noted that the current DOS data base program no longer accommodates the data thereby not allowing the City to generate necessary reports. A survey of consultants provided two possibilities for consultants, and as MuniServices quoted a lower fee of \$3,000 per year, Stark recommended MuniServices noting that the level of service between the two companies was comparable. The three-year contract provides for one-year extensions at the recommendation of the City Attorney.

MOTION by Mayor Pro-Tem Stearn, second by Councilmember Anderson, and unanimously carried as follows:

- 1. The contract with MuniServices, LLC, for Sales and Use Tax Audit (SUTA) and Sales and Use Tax Audit and Analysis Services (STARS) for the City’s Bradley Burns and Special District sales tax allocations be approved; and**
- 2. The City Administrator be authorized and directed to sign the same on behalf of the City.**

MOTION by Councilmember Sheppard, second by Councilmember Canning, and unanimously carried that Resolution No. 03-03-2008-C be approved and adopted designating MuniServices, LLC, as a City consultant and authorized representative to examine sales and use tax records.

MOTION by Mayor Pro-Tem Stearn, second by Councilmember Canning, and unanimously carried that Resolution No. 03-03-2008-D be approved and adopted authorizing MuniServices, LLC, as the designated City consultant and representative to examine Special District (Measure “I”) sales and use tax records.

WRITTEN STAFF REPORTS

None.

COMMUNICATIONS - Information Only

1. Correspondence from The National Arbor Day Foundation congratulating the City of Sonora for being named a 2007 Tree City USA; and
2. Correspondence from Joseph Doherty, Fire Technology Coordinator for Columbia College, expressing appreciation for Fire Chief Barrow’s vision and execution of the Fire Department’s Scholarship Program, and more specifically, for the excellent participation of Fire Fighter Caitlin Jones in Sonora High School’s recent Career Day.

COUNCILMEMBERS AND DEPARTMENT HEADS

Fire Chief Barrows reported that within the last month, four fires of suspicious origin had occurred, and requested that anyone seeing any suspicious activity report it to the City or call 911. **Engineer Fuccillo** reported that he had attended a recent Tuolumne County Board Meeting at which FEMA presented flood zone rate maps which include the City limits. Fuccillo noted that all of Sonora had incorrectly been placed in a high risk zone, that the map used reflected 1970 City boundaries. He will review the map and submit suggested changes to FEMA. **City Clerk Cassinetto** noted that the deadline to file Declaration of Candidacy papers for City Council for the upcoming General Election in June, 2008, is Friday, March 7th, 2008. **Rachelle Kellogg** reported on final preparations for the Dragoon Gulch Trail opening which will be announced soon. **Administrator Applegate** thanked all Councilmembers for their participation in the recent two-day Economic Development Summit noting that feedback will be presented to the Tuolumne County Board of Supervisors at its next meeting for concept approval, with authorization to come back to the Board to amend the Redevelopment pass-through Agreement, and then will later be presented to the City Council. **Councilmember Canning** encouraged doing research to develop a vehicle so that oak tree mitigation funds can be used in the City, and also inquired as to when parking structure studies could be presented by the City Engineer to the Council. **Administrator Applegate** reported that the City Engineer will present information at the next Council Parking & Traffic Commission meeting. **Councilmember Sheppard** reiterated his desire, in regard to oak tree mitigation matters, to see research done to provide a means to allow for tree replacement without the exchange of monies. Sheppard also reiterated his statements at the last Council Meeting concerning the lack of specificity in the presentation given by the County on the proposed North/South Connector Project, and the importance of the Greenley Road Extension to be prioritized, and that the report and recommendation of the City Engineer be incorporated into the County’s consideration as a viable priority option. **Mayor Pro-Tem Stearn** inquired whether the City has any jurisdiction to have shrubs on private property trimmed which prevent site distance. **City Attorney Matranga** stated that as a part of the City’s policing powers for the purposes of public health and safety that there is most likely a provision.

ADJOURN

There being no further business to come before the Council at this time, the meeting was adjourned at 6:55 p.m. to the Regular Meeting on Monday, March 17th, 2008, at 5:00 p.m. at City Hall.

Marijane Cassinetto, City Clerk