

**CITY COUNCIL MEETING MINUTES
CITY OF SONORA
JUNE 16th, 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 Cassinotto, Engineer Gerard Fuccillo, Attorney Richard Matranga (excused at 6:05 p.m.), 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.

PRESENTATIONS/PROCLAMATIONS/COMMENDATIONS

District Attorney Donald Segerstrom appeared in the stead of Liz Bass, First District Supervisor, to give a monthly report. Segerstrom reported that as the public prosecutor, his office handles all claims filed in the County, including the City, and he briefly summarized the following programs and services provided by his department: Victims Witness Assistance Program including restitution, Domestic Violence Advocacy Unit, and Bad Check Restitution Program. Segerstrom noted the excellent working relationship with City Police Chief McIntosh.

CONSENT CALENDAR

Councilmember Sheppard requested that the Consent Calendar Item seeking approval to adopt the 2009 Budget be removed and considered separately. Mayor Russell removed said item for separate consideration. **Motion by Mayor Pro-Tem Stearn, second by Councilmember Anderson, and unanimously carried that the Consent Calendar be approved as follows:**

1. **Approval of Minutes for the Regular and Special Budget Study Session Council Meetings of June 2nd, 2008; and**
2. **Approval of invoices for previously budgeted expenses to be paid on June 19th, 2008, in the amount of \$87,375.81.**

2009 Budget. The Council engaged in consideration of approval to adopt the 2009 Budget as presented at the Budget Study Session Special Meeting of June 2nd, 2008, with no recommendations or adjustments. Councilmember Sheppard noted that at said Special Budget Study Session, he had a number of questions regarding the Redevelopment Agency Budget with regard to priorities, specifically that the renovation of the police substation be made high priority over the Shaws Flat Road Drainage Project, and suggested that New Business Agenda Item regarding action to approval final plans for the Shaws Flat Road Drainage Project, Phase 2, be divided into separate actions. He also requested that a chart be provided showing RDA income excess verses debt. Administrator Applegate noted that at the Budget Session, he had responded that such a chart would be produced in July or August for Council review of the debt process, and noted that there has been continued discussion regarding the police station renovation project reporting that the actual construction costs are not the problem, but the on-going operational and maintenance expenses are the issue. The City does not know how the General Fund will be impacted because the State Budget has not been adopted. Grants/Redevelopment Program Manager Kellogg noted that funding for Phase 2 of said Drainage Project had already been committed by the Council's prior adoption of a Resolution allocating RDA funding with matching funds; that there is no option to consider funding at this point. Sheppard reiterated that he would like to see a breakdown of the debt process and project priorities. Applegate referred him to the RDA 5-Year Plan, and the 2-1/2 Year Plan Update which was provided to the Council last August, noting that without the State Budget in place, the funding for operational costs for the police station renovation is an unknown. Finance Director Stark recommended that the Council vote on the adoption of the 2009 Budget as presented, as the questions are an RDA Budget issue not a part of the City Budget approval. **MOTION by Councilmember Anderson, second by Mayor Pro-Tem Stearn, that 2009 Budget as presented at the Budget Study Session Special Meeting of June 2nd, 2008, with no recommendations or adjustments, be approved and adopted. Motion passed four to one as follows: Ayes: Russell, Stearn, Canning, Anderson; No: Sheppard.**

CITY CLERK'S REPORT ON POSTING OF AGENDA

City Clerk Cassinetto advised Council that at 7:38 a.m. on the 16th day of June, 2008, 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

Resolution 06-16-2008-A Establishing 2009 Appropriation Limitation. The Council engaged in consideration of approving and adopting Resolution 06-16-2008-A which establishes the 2009 Appropriation Limitation for the City. Finance Director Stark presented the Resolution noting that each year the City establishes such Appropriation Limitation to be included with the City's Budget for the upcoming year. Stark recommended adoption of options which elect to use the percentage change in California per capita personal income based on the County's annual population factor of .08%, rather than the City's factor of .19%, noting that it is the option which uses factors that produce the highest number. **MOTION by Councilmember Anderson, second by Councilmember Canning, and unanimously carried that said Resolution 06-16-2008-A establishing the 2009 Appropriation Limitation as recommended be adopted.**

Final Plans for Shaws Flat Road Drainage Project, Phase 2, and Authorization to Advertise for Bids. The Council engaged in consideration of approving the Final Plans for Shaws Flat Road Drainage Project, Phase 2, and authorization to advertise for bids for the same. Administrator Applegate noted that as the Project is included in the RDA Five-Year Plan, it is being leveraged with the Grant. Fuccillo presented the final plans and Title Sheet indicating the location and basic layout of the Project, and noting that the final detail sheet needs to be completed by the first of the year. Schedule A begins at Roble Road and ends just south of Saratoga Road providing approximately 2050 lineal foot of 18"- 24" storm drain pipe along the easterly side of Shaws Flat Road with 12 drainage inlets. Its construction provides for the existing roadside earth ditch above Elks Drive to become a paved shoulder area with asphalt dike instead of a steep drop-off, and for concrete rollover driveway curb and gutter at existing driveways. Schedule B is the final section of the Phase 1 Project from Pesce Corner to the uncompleted Townhouse Project including 370 lineal foot of 36" storm drain pipeline along the west side of Shaws Flat and three drainage inlets, and also replacement of two 24" drains crossing Shaws Flat Road and a headwall as potential deductive items. Schedule B is proposed to be bid as an add-on to Schedule A. Fuccillo noted that Schedule A is the upper and larger portion of the Project which benefits more people and contains safety improvement.

Engineer Fuccillo projected the following Estimates, noting that said estimates are projected for a competitive market:

334-10952-270 CDBG Funding	\$364,300.00
601-15066-270 Redevelopment Funding	<u>\$109,700.00</u>
Total	\$474,000.00

Councilmember Anderson asked how the Project would be affected if the construction of the Townhouse Project on Shaws Flat Road is not completed, and the contractor does not put in the piping that has been required for such construction. Fuccillo noted that the piping is sitting on the Townhouse construction site, and he would confirm the scheduling with the contractor. Administrator Applegate stated that the City had options to hold the contractor responsible during the permit issuing process, and Community Development Director Wyllie noted that the tentative map for the Townhouse Project expires in

November, and at that time the contractor will have to apply for extension. Fuccillo stated that the upper portion of the Project, which is Schedule A, is independent from the lower portion, Schedule B, which could be postponed for some time if need be. There was discussion regarding the Schedule B cross-drains and head wall deduct items in the bid process, and if the Project could still be functional without them. Fuccillo responded that it could. Councilmember Sheppard withdrew his earlier objection to RDA Budget funding noting that funding has already been committed, urging that numerous bids be sought, and reiterating his desire to see a better picture of long term funds and amortization of debt. Applegate referred him to the RDA Five-Year Plan and stated that he would provide updated information. Engineer Fuccillo will contact the contractor of the Townhouse Project, and give a status report at the Council's next meeting on July 7th, 2008.

Fuccillo noted that due to CDBG requirements, there are a number of forms and requirements in the bid documents which need to be reviewed by City and CDBG Staff prior to Award. It is proposed that Staff receive bids on July 14th, 2008, determine the low bidder, review requirements, and provide recommendation to the City Council for award at its Regular Meeting on July 21st, 2008. **MOTION by Mayor Pro-Tem Stearn, second by Councilmember Sheppard, and unanimously carried that the Council approves said Final Plans as presented, the City Administrator be authorized and directed to sign the same on behalf of the City, and to advertise the Project for bid with a bid date of July 14th, 2008, at 2:00 p.m. in the City Hall Conference Room.**

Resolution 06-16-2008-B Authorize Use of General Fund Monies for Redevelopment Agency Expenditures. The Council engaged in consideration of approving and adopting Resolution 06-16-2008-B which authorizes the use of General Fund Monies to fund the Redevelopment Agency Expenditures for Fiscal Year 2009. Finance Director Stark presented the Resolution recommending her approval subject to the action of the Redevelopment Agency Meeting which is scheduled later this evening, and reporting that at the recommendation of the Redevelopment Agency Attorney, that the City adopt a Resolution each year verifying the City's use of General Fund monies to pay for Redevelopment Agency expenditures. The Sonora Redevelopment Agency will adopt its Budget at its June 16, 2008, Meeting with expenditures totaling \$668,100 for fiscal year 2009. The Redevelopment Agency must operate in a deficit position and does not have sufficient revenues to pay for current expenses; therefore, monies must be borrowed from another source, and the City currently uses the General Fund to fund such Agency expenditures. Adoption of Resolution 06-16-2008-B verifies the action taken in said Redevelopment Meeting. Although the expenditures total \$668,100, expenditures are expected to be less. **MOTION by Councilmember Anderson, second by Mayor Pro-Tem Stearn, and unanimously carried that said Resolution 06-16-2008-B be approved and adopted as presented authorizing said use of General Fund Monies to fund the Redevelopment Agency Expenditures for FY 2009.**

Extension of Operational Agreement Regarding School Resources Officer Program. The Council engaged in consideration of approving an Operational Agreement between the City and Sonora Union High School District regarding the School Resources Officer (SRO) Program. Police Chief McIntosh presented the Agreement recommending approval to continue the successful program. The Officer on campus not only relieves calls for service for the patrol officers, but the presence develops relationships with staff and students. McIntosh noted that the Agreement contains the same provisions as the one Council approved in 2005 except that it is a four-year term rather than two years. He noted that because the program is very beneficial, he saw no problems going with four years. Administrator Applegate noted that the Agreement has a 60-day out clause which allows the City to withdraw the contract if need be. **MOTION by Councilmember Canning, second by Mayor Pro-Tem Stearn, and unanimously carried that said four-year Operational Agreement providing provision for said SRO Program be approved as presented, and that the Mayor be authorized and directed to sign the same on behalf of the City.**

Fire Department Related Actions. The Council engaged in consideration of the following Fire Department related actions:

1. Approve the creation of new volunteer classification "Volunteer Fire Safety Support Staff";

2. Approve a Job Description for the new volunteer classification of “Volunteer Fire Safety Support Staff;
3. Approve the Annual Operating Plan for Cooperative Fire Protection Agreement between Stanislaus National Forest and the City of Sonora’s Fire Department and authorize the Fire Chief to execute said Agreement on an annual basis; and
4. Direct the Fire Chief to provide the Public Safety Committee an after fire season review outlining the advantages/disadvantages, lessons learned and determination of the need, or lack of need, for a maximum recruiting ceiling on positions for the new classification of “Volunteer Fire Safety Support Staff”.

Fire Chief Barrows reviewed the plan in detail, noting support to approve the above actions by the Public Safety Committee at its meeting on June 11th, 2008. Councilmember Sheppard noted that it was the Public Safety Committee’s understanding that the Agreement would be for one year to allow cost review at the end of the year. Barrows reported that there would be no cost to the City, and responding to concern about backfill costs, that any backfill costs would be paid for by Stanislaus National Forest. Due to the technicality of the Operating Plan and matters related thereto, a full copy of Barrow’s Staff Report is attached hereto as Exhibit “A”, and made a part hereof and incorporated herein by reference. Barrows also noted that as written, the Operating Plan provides for only two volunteers. Stanislaus Forest has approved the document as written; the number of volunteers can be changed when the Plan is revisited. Administrator Applegate noted that the same has been formulated as a pilot program, and when reviewed in the future, the number of volunteers could be changed. Pursuant to the understanding of the Public Safety Committee and to provide for one-year review, Attorney Matranga suggested that motion to approve the Operating Plan provide for review and approval of the Council after one year. **MOTION by Councilmember Anderson, second by Councilmember Canning, and unanimously carried that the above four recommended actions be approved, subject to the addition to #3 that said Annual Operating Plan be approved on an annual basis upon review and approval of the City Council.**

ADJOURN FROM REGULAR CITY COUNCIL MEETING INTO THE SONORA REDEVELOPMENT AGENCY MEETING

Council adjourned into the Sonora Redevelopment Agency Meeting at 6:05 p.m. Council reconvened into its Regular City Council Meeting at 6:06 p.m.

WRITTEN STAFF REPORTS - May, 2008

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

COMMUNICATIONS - Information Only

1. From Joseph Celentano, President of the Tuolumne County Historical Society, expressing appreciation for Special Programs Coordinator Wilkinson’s work in coordinating the school tours event at the Opera Hall in May, 2008.

COUNCILMEMBERS AND DEPARTMENT HEADS

Police Chief McIntosh noted that the annual Mother Lode Fair is scheduled to take place next week which is earlier than the usual July Fair date. **Fire Chief Barrows** thanked the local fire districts for their support in aiding in the suppression of a very stubborn Victorian house fire last Friday in which 10 engines and 30 personal were involved. **Rachelle Kellogg** noted that the Dragoon Gulch Trail had been added to Sonora’s website. **Administrator Applegate** reported that application had been made to the State to allow red dye diesel to be used in Public Works and Fire equipment. He also noted that Tuolumne County is working on the Economic Development Joint Powers Authority Agreement. **Councilmember Anderson** commended all fire fighters on the Barretta Street Victorian house fire. **Councilmember Sheppard** asked the status regarding the cart system and Waste Management.

Councilmember Anderson responded that the Solid Waste Committee had not yet met; that County Committees are currently in reorganization.

ADJOURN

There being no further business to come before the Council at this time, the meeting was adjourned at 6:17 p.m. to the Regular Meeting on Monday, July 7th, 2008, at 5:00 p.m. at City Hall.

Marijane Cassineto, City Clerk

**SONORA CITY COUNCIL CLOSED SESSION MEETING MINUTES
CITY OF SONORA
JUNE 16th, 2008**

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 4:00 p.m. with the following members present: Mayor Hank Russell, Mayor Pro-Tem Ronald Stearn, Councilmembers Gary Anderson, Bill Canning and David Sheppard; City Administrator Greg Applegate, City Attorney Richard Matranga and City Clerk Marijane Cassineto. Absent: None.

CITY CLERK'S POSTING OF THE AGENDA

City Clerk Cassineto advised the Council that at 7:38 p.m. on the 12th day of June, 2008, the Agenda for the City of Sonora Council Meeting (Closed Session) was posted outside City Hall for public view.

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), Labor Negotiations: Sonora Fire Fighters' Association MOU for July 1st, 2008, through June 30th, 2011; City negotiators Administrator Applegate, Mayor Russell and Councilmember Sheppard;
- (2) Real Property Transactions (Authority: G.C. Section 54956.8), None; and
- (3) Pending Litigation (Authority: G.C. Section 54956.8), (A) Citizens for Responsible Growth, Inc., vs. the City, Challenging California Gold/Lowes Design and Site Plan Review.

RECONVENE TO OPEN SESSION

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

Mayor Russell reported that the following action had been taken in Closed Session: **Approval to ratify an Agreement beginning July 1st, 2008, through June 30th, 2011, to the Sonora Fire Fighters' Association Memorandum of Understanding and authorized the Mayor to sign on behalf of the City.**

Marijane Cassineto, City Clerk

**SONORA REDEVELOPMENT AGENCY MEETING MINUTES
CITY OF SONORA
JUNE 16th, 2008**

A meeting of the Sonora Redevelopment Agency was held this date in the Council Chambers at City Hall, at 6:05 p.m. with the following members present: Chair Hank Russell, Members Ronald Stearn, Gary Anderson, Bill Canning and David Sheppard; Executive Director Greg Applegate, Secretary Marijane Cassineto, and City Finance Director Karen Stark. Absent: Attorney Richard Matranga. Posting of Agenda was noted at the City Council Meeting of this date.

New Business

Final Adoption of 2009 Budget. The Agency engaged in consideration of approving and adopting its Budget for Fiscal Year 2009 as presented at the June 2nd, 2008, Special Budget Study Session Council Meeting, and making required findings in regard to planning and administrative expenses budgeted for low to moderate housing funds. There are no recommendations or adjustments to the Budget. City Finance Director Stark recommended approval noting that debt service payments and tax increment pass through monies to other taxing agencies comprise the majority of expenditures for the Agency for 2009. **MOTION by Member Stearn, second by Member Anderson, and unanimously carried that the Fiscal Year 2009 Budget as presented at said Budget Study Session with no recommendations or adjustments, be approved as submitted, with the finding that the planning and administrative expenses budgeted for the low to moderate housing fund are necessary for the production, improvement, or preservation of low and moderate-income housing. A complete copy of said Budget is available for review in the Office of the City Finance Director, and is incorporated herein by reference.**

ADJOURN AND RECONVENE INTO REGULAR COUNCIL MEETING

The Agency adjourned and reconvened into the Regular City Council meeting at 6:06 p.m.

Marijane Cassinetta, Secretary