

**CITY COUNCIL MEETING MINUTES
CITY OF SONORA
NOVEMBER 19th, 2007**

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 Cassinetta, Engineer Gerard Fuccillo, Attorney Richard Matranga (excused at 6:20 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

Tuolumne County Supervisor Liz Bass introduced County Veterans Service Officer Eric Larsen. Mr. Larsen passed out a booklet published by the Department of Veterans Affairs entitled Federal Benefits for Veterans & Dependents, 2007, and elaborated on the many benefits for which Veterans are eligible. Each County is mandated by the State to have a local Veterans Service Office.

Presentation by Tuolumne County Public Works Department on 2006-2007 Regional Transportation Plan.

Darin Grossi and Erin Gold representing the County Public Works Department and the Tuolumne County Transportation Council (TCTC) appeared before the Council to make a presentation on the 2006-2007 Draft Regional Transportation Plan (RTP). Said RTP serves as the base planning document to guide transportation investments in Tuolumne County involving local, State and Federal funding over the next twenty years. The overall focus for this 06-07 RTP Update is directed at developing a coordinated and balanced multi-modal transportation system. Grossi noted that balance is achieved by considering transportation investment and improvements for all modes including highways, transit, bicycle, pedestrian and railroad facilities, airports and goods movement within a financially constrained framework. Public comment is being sought on the proposed RTP with the deadline on December 14, 2007. Grossi focused on the RTP's Financial Element, Cost Summary and Anticipated Revenues. A total of \$410 Million is required as the Plan now exists, and it has a \$130 Million shortfall of funds needed, leaving \$282 Million for full funding. Three funding Alternatives are proposed. Council engaged in discussion regarding funding alternatives with Councilmember Sheppard suggesting that the County perform a manpower audit and make funds available through attrition and early retirement. Informational matter only, no action was required.

CONSENT CALENDAR

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

1. Approval of Minutes for the Closed and Regular Council Meetings of October 15th, 2007, and approval of Minutes for the Special City Council Mini Retreat of November 5th, 2007;
2. Approval to deny a claim filed against the City by Marilyn Mazzaferro seeking damages regarding an incident that took place on or about June 23rd, 2007; and
3. Approval of invoices for previously budgeted expenses to be paid on November 20th, 2007, in the amount of \$201,115.93.

CITY CLERK'S REPORT ON POSTING OF AGENDA

City Clerk Cassinetta advised Council that at 7:24 a.m. on the 15th day of November, 2007, the Agenda for the City of Sonora's Council Meeting scheduled for this date was posted outside City Hall for public view.

PUBLIC HEARINGS

Public Hearing Re City's Program Income Reuse Funds for Completion of Shaws Flat Storm Drain and Barretta Storm Drain Projects. This was the time and place set for a Public Hearing to solicit citizens' views on the use of \$231,000 of the City's Program Income Reuse Funds to complete the Shaws Flat Storm Drain and

Barretta Storm Drain Projects. The Reuse Funds would be placed in Community Development Block Grant #05-STBG-1495. Grants/Redevelopment Program Manager Kellogg presented the Staff Report noting that in 2006, the City received a \$1,500,000 CDBG Grant to implement the Homebuyer's Assistance Loan Program, and complete the Shaws Flat Storm Drain and Barretta Storm Drain Projects. The City has funded seven Homebuyer's Assistance Loans and completed Phase I of the Shaws Flat Storm Drain Project to date. CDBG regulations and the City's Program Income Reuse Plan allow for placement of Program Income into an open grant for the same activity. Said Storm Drain Projects, Grant #05-STBG-1495, will need additional funding. The City currently has Program Income funds that exceed the limit requirement by the State, and the recommended authorization for said \$231,000 in reuse funds for the two Storm Drain Projects will bring the Program Income balance under the \$250,000 required cap by the State. The remaining Program Income would continue funding the Housing Rehabilitation Loan Program.

Mayor Russell opened the Public Hearing at 6:03 p.m. There being no appearances, the Public Hearing was closed at 6:04 p.m.

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

NEW BUSINESS

Resolution No. 11-19-2007-A Regarding City Program Income Reuse Funds. In consideration of the information provided at the above Public Hearing, **MOTION by Mayor Pro-Tem Stearn, second by Councilmember Anderson, and unanimously carried that Resolution No. 11-19-2007-A be approved and adopted which authorizes the City to use \$231,000 of the City's CDBG Program Income Reuse Funds to complete the Shaws Flat Storm Drain Project and the Barretta Storm Drain Project by placing the funds into Community Development Block Grant #05-STBG-1495.**

PUBLIC APPEARANCES

None.

PUBLIC APPEARANCES (Non-Agenda)

None.

UNFINISHED BUSINESS

Ordinance No. 778 which amends and adds "or Marijuana" to Chapter 9.08 of the Sonora Municipal Code, Public Consumption of Alcoholic Beverages. The Council engaged in consideration of introducing and waiving the first reading of Ordinance No. 778 which amends and adds "or Marijuana" to Chapter 9.08 of the Sonora Municipal Code, Public Consumption of Alcoholic Beverages. This item was continued from the Council Meeting of October 15th, 2007. After Council discussion at said Meeting, it was the consensus of the Council that the intent of the Ordinance was to eliminate marijuana smoking and noxious smoke, and that the Ordinance be referred back to Staff for revision to reflect said intent. Administrator Applegate presented the revised Ordinance noting that as presented it reflects the intent of Council as directed. Tuolumne County resident Christopher Demars appeared in favor of the Ordinance.

MOTION by Mayor Pro-Tem Stearn, second by Councilmember Sheppard, and unanimously carried that said Ordinance #778 be introduced with the first reading waived.

NEW BUSINESS

Appointment of City Representative to Tuolumne County Transportation Council. The Council engaged in consideration of appointing a City Representative to the Tuolumne County Transportation Council (TCTC) to fill a vacancy for a four-year term expiring July, 2011. **With the unanimous confirmation vote of the Council, Mayor Russell appointed Lorraine Garnin to fill the vacancy as the City's Representative to the Tuolumne County Transportation Council for the four-year term expiring in July, 2011.**

Request by Christian Heights Church for Street Closure. The Council engaged in consideration of a request by Christian Heights Church to close portions of Jackson Street on November 21st, 2007, from 5:30 p.m. to 8:00 p.m. to hold a free community Thanksgiving Dinner. Grants/Redevelopment Program Manager Kellogg recommending approval presented the request noting that the same had been approved by the Police, Fire and Public Works Departments, and that the required Certificate of Insurance had been received. Gwen Cook appeared on behalf of Christian Heights Church noting that they had served 425 meals last year. In addition to meals served on site, they also deliver meals to those in need. **MOTION by Mayor Pro-Tem Stearn, second by Councilmember Anderson, and unanimously carried that the following Streets be closed for said event on Wednesday, November 21st, 2007, from 5:30 pm. To 8:00 p.m: Jackson Street between Green and Washington Streets, and Washington Street between Jackson and Stewart Streets.**

Administrative Policy #48 - Hiring Policy for City of Sonora Retirees. The Council engaged in consideration of adopting Administrative Policy #48 - Hiring Policy for City of Sonora Retirees (CalPERS Annuitants). Administrator Applegate presented the Staff Report recommending approval and noting that said Policy will allow the City to mitigate loss of institutional knowledge and training by re-employing valuable individuals who have retired. **MOTION by Councilmember Anderson, second by Councilmember Canning, and unanimously carried that Administrative Policy #48 be adopted as presented.**

New Classification, Job Description and Hourly Wage for Background Investigator. The Council engaged in consideration of approving the creation of the new classification of Background Investigator, adopting a new job description and assigning an hourly wage of \$25 to said classification and tying all future cost of living increases to the Sonora Employees' Association MOU. Administrator Applegate presented the Staff Report recommending approval in coordination with the above-adoption of Administrative Policy #48. Applegate noted that he would be monitoring and managing said position. **MOTION by Councilmember Canning, second by Councilmember Anderson, and unanimously carried as follows:**

- 1. The new Classification of Background Investigator be approved;**
- 2. The Job Description for Background Investigator be approved as on file in the Office of the City Administrator; and**
- 3. An Hourly wage of \$25 be assigned to said Classification and all future cost of living increases be tied in to the Sonora Employees' Association MOU.**

Acceptance of Unanticipated Revenues. The Council engaged in consideration of accepting as unanticipated revenue the Liability Insurance Retrospective Adjustment refund from the Central San Joaquin Valley Risk Management Authority (RMA) for calendar year 2007 in the amount of \$11,593, and to appropriate \$7,189 for payment for Workers' Compensation Retrospective Adjustment to the Central San Joaquin Valley Risk Management Authority for calendar year 2007. Administrator Applegate presented the Staff Report recommending approval and noting the benefits of a pooled insurance programs. This year's retrospective adjustments combined will net a refund to the City in the amount of \$4,404. **MOTION by Councilmember Anderson, second by Mayor Pro-Tem Stearn, and unanimously carried that the following two actions be approved:**

- 1. Accept as unanticipated revenue the Liability Insurance Retrospective Adjustment refund from the Central San Joaquin Valley Risk Management Authority for calendar year 2007 in the amount of \$11,593; and**
- 2. Appropriate \$7,189 for payment for Workers' Compensation Retrospective Adjustment to the Central San Joaquin Valley Risk Management Authority for calendar year 2007.**

Applegate presented two safety awards to the City and its employees from the RMA for 2006-2007 as follows: (1) Worker's Compensation Program; and (2) Pooled Liability Program.

Ordinance No. 779 Relating to Signs in Historic Area. The Council engaged in consideration of introducing and waiving the first reading of proposed Ordinance No. 779 which repeals and replaces Section 15.28.165 of the Sonora Municipal Code relating to signs in the Historic Area of Sonora. Community Development Director Wyllie

presented the provisions of the Ordinance noting that discussion about signs in downtown's historic area has been on-going since it was a topic at last year's Council Mini Retreat. Copies of the proposal have been provided to the Tuolumne County Historical Society Landmarks Committee and the Tuolumne Heritage Committee. After further discussion which included comments by the Landmarks Committee, the Planning Commission recommended approval at its October meeting. **MOTION by Mayor Pro-Tem Stearn, second by Councilmember Anderson, and unanimously carried that said Ordinance be introduced with the first reading waived.**

WRITTEN STAFF REPORTS - October, 2007

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. Correspondence from a local citizen commending Police Department Personnel for their kindness and concern in serving the public.
2. October 2007 Bond Market Review from Chandler Asset Management.

COUNCILMEMBERS AND DEPARTMENT HEADS

Finance Director Stark reported that annual Business License Renewals were in the process of being mailed with a due date of January 1st, 2008. **Fire Chief Barrows** reported that due to the forecast of more Santa Ana winds, fire crews are again being deployed to southern California. **Police Chief McIntosh** noted that the Department is gearing up for the Christmas Parade. **Community Development Director Wyllie** noted that the tube rail installation along Stockton Road north of the Fairgrounds entrance is really very nice looking, and also that the telephone pole Christmas decorations would be installed tomorrow. **Grants/Redevelopment Program Manager Kellogg** reported that the Safe Routes to School Grant application had been submitted, gave an update on the final installations for the Dragoon Gulch Trail, and reported that there were 70 entries in the upcoming Christmas Parade which will take place on the day following Thanksgiving. **Administrator Applegate** presented special Congressional Recognition by the U. S. House of Representatives to Mayor Hank Russell for his Outstanding and Valuable Service to the Community. Applegate also noted that the new historical street lights had been installed by PG&E and looked very nice, and that a Memorial Service for past Council member Jack Rucker would be held on Monday, November 26th, 2007, at 1 p.m. at the Sonora Opera Hall. **Councilmember Anderson** reported that the inmates at the Sierra Conservation Center had created a mosaic depicting the seal of the State of California which was entered into the State Fair and won two first-place prizes as follows: (1) Outstanding Project, and (2) Golden Bear Award. Anderson also noted that the inmates intend to create a mosaic depicting the Sonora City Seal. **Councilmember Canning** thanked PG&E for their timely installation of the new street lights, and wished everyone a Happy Thanksgiving. **Councilmember Sheppard** commented on a recent AP Release in The Modesto Bee in regard to seismic standards noting that standards are being set for their respective locations stating that using the claim for expensive retrofit costs as an excuse to close Tuolumne General Hospital was an unfair allegation. **Mayor Pro-Tem Stearn** requested that a sidewalk repair project for a portion of the sidewalk in the area of North Washington and Snell Street across from the Red Church be placed on the Public Works Committee Agenda, and wished all a Happy Thanksgiving. Stearn also noted that the Sonora Methodist Church provides free Thanksgiving dinners to those in need.

ADJOURN

There being no further business to come before the Council at this time, the meeting was adjourned at 6:45 p.m. to the Regular Meeting on December 3rd, 2007, at 5:00 p.m. at City Hall.

Marijane Cassinetta, City Clerk

**CITY COUNCIL MEETING MINUTES - CLOSED SESSION
CITY OF SONORA
NOVEMBER 19th, 2007**

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 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 Cassinetto. Absent: None.

CITY CLERK'S POSTING OF THE AGENDA

City Clerk Cassinetto advised the Council that at 7:24 p.m. on the 15th day of November, 2007, 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), None;
- (2) Real Property Transactions (Authority: G.C. Section 54956.8), None; and
- (3) Pending Litigation (Authority: G.C. Section 54956.8), (A) Litigation brought by 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 no action had been taken in Closed Session.

Marijane Cassinetto, City Clerk