

**CITY COUNCIL  
CITY OF SONORA  
FEBRUARY 16, 2016**

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 Stearn, Mayor Pro-Tem Connie Williams, Councilmembers Bill Canning, George Segarini and Jim Garaventa; City Administrator Tim Miller, City Clerk Marijane Cassinetto, Interim Finance Director Bijan Sadeghian, Contract City Attorney Byron Smith, Community Development Director Rachelle Kellogg, Police Chief Mark Stinson (excused at 6:10 p.m.), Fire Chief Aimee New (excused at 6:10 p.m.). Absent: Interim City Engineer Gerard Fuccillo.

**CITY CLERK'S REPORT ON POSTING OF AGENDA**

City Clerk Cassinetto advised Council that at 8:30 a.m. on the 12th day of February, 2016, the Agenda for the City of Sonora Council Meeting scheduled for this date was posted outside City Hall for public view.

**APPROVAL OF THE AGENDA**

No changes.

**PRESENTATIONS**

**Introduction and Recognition of Police Officers.** Police Chief Stinson introduced and swore in Officer Erik Weber who was welcomed by the Council. Stinson introduced Officer Turu VanderWiel, and swore him into his new position as Lieutenant; he was congratulated by the Council.

**Recognition of 2015 Employees/Volunteers of the Year for the Sonora Police Department.** Chief Stinson distributed the Awards as follows, which were recommended by the Police Department Awards Committee, and noted that each recipient will have their name added to the perpetual plaques which are displayed in the lobby of the Police Department. All Award recipients were congratulated by the Council.

Medal of Valor	Ryan Webb
Officer of the Year	Ibrahim Khalil
Civilian Employee of the Year	Cyndi Nordvik
Reserve Officer of the Year	Dennis Townsend
Community Services Officer Volunteer	Linda Monroe
Explorer of the Year	Nick Cragholm
MADD Officer of the Year	Jonathan Ma (not present)

**Recognition of 2015 Firefighter of the Year Awards.** Fire Chief Aimee New distributed the Awards in acknowledgement of

superior performance as follows, and all recipients were congratulated by the Council.

Fire Engineer, Dan Timko, Part-time category (not present)  
Firefighter, Kevin Brown, Volunteer category (not present)  
Firefighter, Taylor Class, Intern category  
Fire Engineer, Adam Mandell, Career category.

**Employee Years of Service Recognition.** Administrator Miller recognized the following employees who have ten or more years of service with the City, and he awarded Certificates.

Fire Department - Not present

Tyler Piche - Fire Engineer - 10 years  
Kurt Rhoades - Fire Captain - 15 years

Public Works Department - Not present

Michael Lagomarsino - Public Works Specialist - 10 years  
William (Bill) Seldon - Public Works Supervisor - 25 years

Administration/Finance Department

Tracy Skelly - Administrative Analyst - 10 years

Elected Official

William (Bill) Canning - Councilmember 10 years

**PUBLIC FORUM (Non-Agenda)**

**A member of the public** said that she appreciates the newly painted trash cans, is looking forward to the recycle cans, and said that 20 people have been hit on City streets and hopes that this is addressed as soon as possible.

**CONSENT CALENDAR**

Councilmember Segarini noted that a correction needed to be made to the Regular Council Meeting Minutes of February 1, 2016, under COUNCILMEMBER/DEPARTMENT HEAD REPORTS to reflect the correct date of the Central Sierra Economic Development Meeting which was January 21, 2016.

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

1. Approval of Minutes for the Closed and Regular Council Meetings of January 19, 2016, as amended with the corrected date change above;
2. Approval to pay invoices for previously budgeted expenses on February 17, 2016, in the amount of \$315,548.63; and
3. Approval of disbursements in the amount of \$135,696.75 on February 5, 2016, for payroll, inclusive of employee salaries, employer and employee taxes and retirement contributions and miscellaneous voluntary employee deductions.

## PUBLIC HEARINGS

None.

## UNFINISHED BUSINESS

Waive Second Reading, Adopt Ordinance No 834. The Council considered waiving the second reading and adopting Ordinance No. 834 which would amend Chapter 17 of the Sonora Municipal Code prohibiting marijuana dispensaries and regulating marijuana cultivation. Attorney Smith reiterated that this is a land use regulation ordinance establishing reasonable land use regulations, it would expand and permit a limited amount of cultivation in the City, and it does not in any way address the right to possess or use marijuana. It was drafted with the presumption that a person who applies for a cultivation permit has met State requirements to use and possess marijuana.

Councilmember Segarini asked for confirmation that the deadline date of March 1, 2016, which was in effect at the introduction of the Ordinance at the Council's last Meeting, has been done away with; he said the deadline date was the reason that he voted in favor of introducing and waiving the first reading of said Ordinance, and also stated that the Ordinance needs refinement. Attorney Smith confirmed that said date was no longer in effect which was addressed by the passing of Assembly Bill 21.

Councilmembers discussed changes they would like to see made to the Ordinance. Councilmember Canning stated that the Police Department should be the enforcer of the Ordinance and not the Community Development Department. Mayor Pro-Tem Williams stated concerns that there needs to be a sure way to know if users have prescriptions, she gave information she attained from meeting with the District Attorney, the Police Chief and a dispensary owner in Calaveras County, and explained the prescription process and data base accessibility. She would like to see a ban on cultivation by creating a land use ordinance prohibiting cultivation, and the requirement for a permit from the City for a State licensed dispensary to deliver within the City limits. Councilmember Segarini said that the requirement for a detached building needs to be looked at. Councilmember Garaventa had concern about not allowing cultivation in the sunlight, and an opaque structure looked into.

Administrator Miller noted that currently in the City there is no prohibition for delivery, and the current ban on cultivation remains in effect at this time. Mayor Stearn asked for public comment.

Kira Tucker, on behalf of Tuolumne Cannabis Advocates, Esperanza Phoenix, Brian (no last name given), and Tom Richardson appeared in opposition to the Ordinance as currently drafted. Concerns were as follows: Requirements make it cost prohibitive for many medical users who may already have financial problems, cultivation in a house is more affordable than the requirement of a detached structure, the square footage and number of lights and wattage in the Ordinance are not adequate for six plants, a larger structure would require a building permit which is costly, a greenhouse behind an opaque fence is more affordable, requested clarification of the penalties, "criminalize the criminals" not legal medical users, prohibiting affordable growth will force medical users to break laws in order to get by, use of marijuana medically has been legal for almost two decades, prohibiting a dispensary locally forces people to cultivate, to consider the medical needs of the community, marijuana is dioecious in nature which produces both female and male plants, and allowing only six plants will force cultivators to break the law because male plants are not useable for medicine, consider using square footage limitations rather than plant limitations, for many disabled people not allowing growth in houses makes cultivation of medical marijuana virtually impossible, and to consider carefully outside delivery.

In regard to the penalties in the Ordinance, Attorney Smith stated that as drafted the first three offenses are infractions.

It was the consensus of the Council to send the Ordinance back to Staff for revisions. Councilmember Segarini stated that his intention is not to create more problems, and his goal is to be helpful to people who need marijuana medically.

#### **NEW BUSINESS**

**Fiscal Year 2016 Mid-Year Budget Adjustments.** The Council considered approving the FY 2016 Mid-Year Budget Adjustments. Administrator Miller noted that there are a limited number of adjustments. Interim Finance Director Sadeghian presented the full budget review noting that it consists of minor adjustments and transfers. Sadeghian's full report is attached hereto as Exhibit "A", and made a part hereof by and for reference.

Mayor Stearn asked for public comment. There was none, and upon **MOTION by Mayor Pro-Tem Williams, second by Councilmember Canning, the Mid-Year Budget Adjustments for FY 2016 were approved as presented.**

**Cost of Living Adjustment.** The Council considered approving the cost of living adjustment for the City Administrator. The City granted a cost of living adjustment for those employees in the Fire, Miscellaneous and Management

bargaining groups which reflects a two percent COLA effective in the first pay period as of January 2016 and January 2017. The City Administrator is unrepresented in said groups, and therefore approval needs to take place in open session.

There was no public comment. **MOTION by Councilmember Canning, second by Mayor Pro-Tem Williams, and unanimously carried that said cost of living adjustment, two percent effective in the first pay period as of January 2016 and January 2017, be approved for the City Administrator.**

**Direction Regarding Recurring and Special Assignments Work Plan.** This matter was concluded in the Special Council Meeting held earlier this date, and therefore, removed from the Agenda.

#### **MONTHLY REPORTS - January 2016**

1. Community Development Department
2. Public Works Department
3. Police Department
4. Fire Department

#### **COMMUNICATIONS**

None

#### **COUNCIL MEMBER/DEPARTMENT HEAD REPORTS**

**Councilmember Segarini** reported that a Downtown Merchants/City Town Hall Meeting will be held in the Council Chambers on February 24, 2016, at 8 a.m. **Segarini** attended the Central Sierra Economic Development District Meeting on February 11, 2016, which was a prelude to doing a 5-Year Program for the CSEDD, a Regional Economic Development Organization, in regard to its grant application work plan, and one of the questions that came up is how to help communities help their businesses; the next Meeting will be held on March 17, 2016. **Segarini** also attended the YES Partnership Meeting on February 11, 2016, with a presentation "Raising America" from ICES and a report from Barry Hillman on his "Health Now" Program a portion of which is related to how to get kids involved in health care. On February 12, 2016, he attended the Tuolumne County Economic Development Authority Meeting at which there was discussion regarding a possible change in its Strategic Plan to focus less on attraction for business and more on retention. **Mayor Pro-Tem Williams** reported that she attended the Tuolumne County Brown Act Meeting on February 5, 2016, and she participated in the Board Meeting for ATCAA in Jackson, California, on February 12, 2016. **Mayor Stearn** noted that Peggy Mosley, a longtime resident and pillar of the Groveland community, passed away on February 10, 2016, and he conveyed his sympathies. **City Clerk Cassinetto** reminded Council that the filing period for those

seeking seats in the 2016 June Primary Election has begun and the deadline for filing is March 11, 2016.

**ADJOURN**

There being no further business to come before the Council at this time, the Meeting was adjourned at 6:19 p.m. to the next Regular Council Meeting on Monday, March 7, 2016, at 5:00 p.m. in the Council Chambers at City Hall.

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Marijane Cassinetto, City Clerk      Date