

**CITY COUNCIL
CITY OF SONORA
APRIL 18, 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, Administrative Services Director Jennifer Callaway, Contract City Attorney Byron Smith, Fire Chief Amiee New, Police Chief Mark Stinson, Community Development Director Rachelle Kellogg. Absent: Interim City Engineer Gerard Fuccillo.

CITY CLERK'S REPORT ON POSTING OF AGENDA

City Clerk Cassinetto advised Council that at 10:00 a.m. on the 15th day of April, 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

Mayor Stearn read a Civil Aviation Appreciation Day Proclamation recognizing the Aviation Country Club of California in recognition of its historic flight to Sonora on May 30, 1936, and proclaiming Saturday, May 2, 2016, as *Civil Appreciation Day* to show appreciation for our Civil Aviators. Forty-six private airplanes and their passenger contingent, known then as Aviation Country Club of California, were greeted with great fanfare, and celebratory events lasted for days. Shirley Sarno accepted the Proclamation on behalf of the Historic Sonora Chamber. On Monday, May 2, 2016, pilots of the Aviation Country Club of California will repeat the historical tour of Tuolumne County in celebration of the 80th Anniversary of the 1936 trip, and a commemorative event will be held at St. James Episcopal Church in Sonora on May 2, 2016, at 3:15 p.m.

PUBLIC FORUM (Non-Agenda)

A Member of the Public said that the Agenda packet was not on the City website. Councilmember Garaventa stated that he had accessed it, and Community Development Director Kellogg reported that the Agenda with all supporting documents was posted, and has been consistently posted.

Linda Durnall, City Resident, stating that foliage has narrowed the roadway on Hope Lane, and asked that fire clearance

along the north extension of Hope Lane be enforced for personal ingress and egress to her driveway, and for public safety and fire truck access.

CONSENT CALENDAR

Motion by Councilmember Segarini, second by Councilmember Garaventa, that the Consent Calendar be approved as follows:

1. Approval of Minutes for the Closed and Regular Council Meetings of April 4, 2016;
2. Approval to pay invoices for previously budgeted expenses on April 19, 2016, in the amount of \$204,628.21; and
3. Approval of disbursements in the amount of \$147,532.64 on April 15, 2016, for payroll, inclusive of employee salaries, employer and employee taxes and retirement contributions, miscellaneous voluntary employee deductions and leave payout.

There was no public comment, and the above **MOTION passed unanimously.**

PUBLIC HEARINGS

None.

UNFINISHED BUSINESS

Ordinance No. 838, City Initiated Rezoning. The Council considered waiving the second reading and adopting Ordinance No. 838 which amends the City of Sonora Zoning Map from Commercial (C) to Tourist and Administrative (CO) for the following Assessors Parcels in the City: 002-181-19, portion of 002-181-21, 002-181-02, portion of 002-181-03, 002-181-17, 002-181-18, portion of 002-181-27, 002-181-27, 002-181-09, portion of 002-181-20, 002-183-01, 002-183-02, 002-183-03, 002-183-04, 056-081-03 and 056-181-04.

Community Development Director Kellogg reviewed background information, and recommended approval. There was no public comment. **MOTION by Councilmember Garaventa, second by Councilmember Canning, and unanimously carried that the second reading be waived and Ordinance No. 838 be approved and adopted as presented.**

NEW BUSINESS

Change Order; Residential Fire Flow Improvement Project. The Council considered approving City initiated Change Order No. P027 for extra work on the Residential Fire Flow Improvement Project in the amount of \$59,935.00 for the mainline segment replacement on Tidwall Street, and the 15-day contract time extension. Noting that it has been a challenging and good Project, Community Development Director Kellogg reviewed background information, gave a progress report, and recommended

approval. Kellogg reported that the Project completion date will be extended to May 3, 2016, and noted that there is a remaining funding balance of \$11,667.66. There was no public comment.

MOTION by Councilmember Garaventa, second by Mayor Pro-Tem Williams, and unanimously carried that City initiated Change Order No. P027 for extra work on the Residential Fire Flow Improvement Project in the amount of \$59,935.00 for the mainline segment replacement on Tidwall Street be approved, and that the City Administrator be authorized to execute all other documents relating thereto.

Ordinance No. 835 Establishing Defensible Space Criteria.

The Council considered introducing by title and waiving the first reading of Ordinance No. 835 which repeals and replaces Chapter 8.12.010 through 8.12.090 of the Sonora Municipal Code, and establishes defensible space criteria for buildings, structures, dwellings and vacant parcels. Fire Chief New reviewed the provisions of the Ordinance noting the changes which have been made at the request of the Councilmembers at its prior Meeting of January 19, 2016, and as a result of committee meetings held for public comment.

Mayor Pro-Tem Williams asked for clarifications relating to Section 8.12.012(A) Defensible Space Zone, which contained some typographical errors. She also expressed concern that a third violation would result in a misdemeanor charge which could result in imprisonment in the County Jail for one year, and, she commented that a 1954 Sonora City Ordinance, provided for a lien to be placed on the property if the City had to perform the work and the cost was not paid. She wondered why not put a lien on the property; why should a third violation constitute a misdemeanor when in other City Ordinances the violation constitutes an infraction. Chief New, stating that the provisions put "teeth" in for enforcement, referred to Section 8.12.013(4) which outlines provisions for the City to contract for work necessary to comply with clearances, and the person convicted would be charged for the work done, and if not paid, a lien would be placed on the property. She also noted, but not to speak for the courts, that typically a misdemeanor violation would not result in going to jail, but the person would be responsible for an additional fine; Police Chief Stinson nodded in agreement. Williams inferred if that is the case, ok, she just wanted it explained.

Councilmember Canning stated that there is still a lot of gray area, and he hopes the City respects private property rights. Mayor Stearn also expressed concern about property rights. New responded that the main goal is to clean around any structure, building or dwelling on the property and to prevent spread of

fire to the wildland which could affect someone else's property. Councilmember Segarini commented that people's concerns were considered at the committee meetings with resulting changes, and that he feels the Ordinance is good. He also noted that the Ordinance contains the same provisions as the informative pamphlet which is given to the public for fire regulations.

Mark Plummer, City resident, said that he has fought a number of fires, and he supports fuel reduction and limiting capacity, but putting a person in jail for one year is an excessively heavy punishment, and it should be stricken from the Ordinance unless the City intends to impose it; to write it in and not use it is meaningless. Attorney Smith noted that the decision is at the discretion of the court and not unilaterally imposed by the City, and also stated that the Ordinance has been structured to be consistent and align with the unlawful fire Ordinance which is currently in effect. Linda Durnall said that it is important to protect everyone. There was no further public comment.

MOTION by Councilmember Segarini, second by Councilmember Garaventa, and unanimously carried that Ordinance No. 835, including the typographical changes, be introduced by title and the first reading be waived.

CAL FIRE Tuolumne Calaveras Unit 2016 Local Government Assistance by Hire Agreement (Agreement). The Council considered approving said Agreement dated April 12, 2016, for utilization and reimbursement of firefighting resources, and authorizing the Mayor to execute the same on behalf of the City. Recommending approval, Fire Chief New reviewed background information and the provisions of the Agreement. There was no public comment. **MOTION by Councilmember Garaventa, second by Councilmember Segarini, and unanimously carried that: (1) said Agreement be approved, and the Fire Chief be authorized to execute the same on behalf of the City, and (2) the Tuolumne Calaveras Unit Assistance by Hire Agreement Form be approved, and the Mayor be authorized to sign said form on behalf of the City.**

Resolution No. 04-18-2016-A Re: Recycle Payment Program. The Council considered approving Resolution No. 04-18-2016-A which authorizes Tuolumne County to submit applications on behalf of the City for the CalRecycle Payment Program. Recommending approval, Administrator Miller reviewed background information and the provisions of said Resolution. There was no public comment. **MOTION by Mayor Pro-Tem Williams, second by Councilmember Canning, and unanimously carried that said Resolution be approved and adopted as presented.**

Vision Sonora Committee Report. Mayor Pro-Tem Williams presented the Vision Sonora Committee Report for February 25,

2016, and March 24, 2016. A copy of said Report is attached hereto as Exhibit "A", and made a part hereof by reference.

Mayor Stearn asked for public comment. Elena Linehan, downtown historical home property owner, employee and former Downtown Revitalization Manager who brought the Farmers Market to Sonora and reduced the downtown business vacancies from 27 to 2, had comments. She said that the benches downtown have always been green, and that Vision Sonora has chosen black for the new benches to be historically accurate, but they have always been green. She wonders when Vision Sonora has been concerned about being historically accurate, that the planters and bulb outs are more in line with the modern era. She believes that the changes Vision Sonora will make are going to look dated in a couple decades, and reduced parking and traffic snarls will drive away local businesses.

2015 City of Sonora Annual Report. Administrator Miller presented the City's 2015 Annual Report. Noting that the Report is prepared as an information source for the Council and the community, Miller briefly reviewed the format broken down by Departments which, among other things, includes their major activities and programs implemented, and accomplishments. He gave recognition to all Departments, Staff and employees for their hard work every year. Mayor Pro-Tem Williams extended her gratitude to all Staff and employees for their great accomplishments and a job well done giving over 100% of their efforts. Councilmember Segarini suggested that the Vision Statement be reviewed. Mayor Stearn suggested that the new garbage cans have hinged lids, and that a light color be chosen for the benches due to the heat of black benches. Mayor Pro-Tem Williams said that the Vision Sonora Committee has chosen the colors, and it would not be easy to change them. The Community Development Director noted that the Report is included in the Agenda packet information on the City's website, and once accepted, will be incorporated into the general website. There were no public comments.

MOTION by Mayor Pro-Tem Williams, second by Councilmember Garaventa, and unanimously carried that said 2015 Annual Report be accepted as presented.

Administrator Miller noted that copies have been provided for the public in the Council Chambers and are available downstairs in the Administrative Office.

MONTHLY REPORTS

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

COMMUNICATIONS

1. Letter from Don L. Neubacher, Superintendent of Yosemite National Park in response to the Council's correspondence to the Park Service in regard to name changes and trademark issues.

COUNCIL MEMBER/DEPARTMENT HEAD REPORTS

Police Chief Stinson thanked Special Events Coordinator Sheala Wilkinson for a great job putting the Annual Report into final form. **Stinson** also complimented the new ADA access to the back of City Hall, and thanked Rachelle Kellogg. **Stinson** reported disturbing figures on the rising violent crime trends in Sonora; violent armed burglaries have doubled from last year, and assault with deadly weapons has more than doubled since last year; these statistics are being seen all over California. **Fire Chief New** reported that May 10, 2016, has been set for the Captain's test; and she invited everyone to come and enjoy a sandwich at the Fire Museum during the City's Spring Festival, where she will be barbequing tri-tip. **Community Development Director Kellogg** thanked Sheala Wilkinson for all of the work she is doing in preparation for the Spring Festival, and also for the great job in compiling the Annual Report; **Kellogg** is looking forward to a great Festival. She noted that the ADA access for the upstairs at City Hall is completed and the proper signage and striping, and moving of spaces will be done soon; that the Opera Hall Balcony Replacement Project will begin this coming Monday; and the Visitor's Bureau Re-Roof Project is complete. **Mayor Stearn** said that he will be making root beer floats for his church at the Spring Festival and invited everyone to come and enjoy a float. **Administrator Miller** introduced and welcomed new Administrative Services Director, Jennifer Callaway. **Councilmember Garaventa** reported that there was music at the Fire Museum for Second Saturday Art Night. He attended the LAFCO Meeting at the County, attended the City Planning Commission Meeting, attended the TCTC Meeting, attended the YES Partnership Meeting and the Chamber's Transportation Committee Meeting. **Councilmember Segarini** attended the YES Partnership Meeting and noted that the annual *Prescription Drug Take Back* event will be held on April 29-30, 2016, from 10 a.m. to 2 p.m. at the Junction Shopping Center; he reported that he attended the Tuolumne County Chamber Government Affairs Meeting, and reported that on May 12, 2016, at 6:00 p.m. there will be a Candidates Night in the Board of Supervisors Chambers. **Mayor Pro-Tem Williams** reported that she attended the City Planning Commission Meeting which was extremely well attended. **Councilmember Canning** told Mayor Stearn that the asphalt portion of sidewalk between the City Hall parking structure and the former Dorthea's Christmas store may actually be replaced with concrete which Stearn has wanted to do for 30 years. **Administrator Miller** said that he is getting an estimate, and

there may be some money available, so it may be Stearn's retirement present. These notations brought smiles to the faces of all Councilmembers and Staff.

ADJOURN

There being no further business to come before the Council at this time, the Meeting was adjourned at 6:10 p.m. to the next Regular Council Meeting on Monday, May 2, 2016, at 5:00 p.m. in the Council Chambers at City Hall.

Marijane Cassinetto, City Clerk Date