

**CITY COUNCIL  
CITY OF SONORA  
MAY 1, 2017**

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 5:01 p.m. The following members were present: Mayor Connie Williams, Mayor Pro-Tem Jim Garaventa, Councilmembers Matt Hawkins, Mark Plummer, George Segarini; City Administrator Tim Miller, City Clerk Marijane Cassinetta, Administrative Services Director Jennifer Callaway, City Attorney Robin Baral, Community Development Director Rachelle Kellogg, Fire Chief Aimee New, Interim Police Chief Michael Harden. Absent: Interim City Engineer Gerard Fuccillo.

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

City Clerk Cassinetta advised Council that at 12:30 p.m. on the 28th day of April, 2017, 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**

1. Mayor Williams declared the week of May 21-27, 2017, as National Public Works Week. Williams thanked the City's Public Works Department for doing a great job with limited resources.
2. Mayor Williams declared the month of May as National Historic Preservation Month.
3. Sonora High School student Jonathan Skelly presented his Senior Project. Skelly created a version of the Historic Downtown Sonora Walking Tour which will be available on both Google Maps and the City's new website. This tool will also allow visitors to take a one hour self-guided tour with their cell phones. Additionally, City Staff will be able to maintain and update the site. Mayor Williams thanked Skelly and presented him with the book *Sonora Remembered*, which is a historical tribute to Sonora.
4. Administrator Miller thanked outgoing Interim Police Chief Harden for his service to the City noting that Harden's great oversight has been greatly appreciated, stated his enjoyment with having worked with Harden, and wished him well in his retirement. Interim Chief Harden thanked the City for the opportunity saying that it was his pleasure to serve, and stated his appreciation to

everyone in the Police Department and at the City. Mayor Williams thanked Harden and presented him with the book *Sonora Remembered*, which is a historical tribute to Sonora.

**PUBLIC COMMENT (Non-Agenda)**

None

**CONSENT CALENDAR**

Mayor Pro-Tem Garaventa asked that the Regular Meeting Minutes for April 17, 2017, be amended to include the Mayor's appointment of Garaventa as an alternate member to the Marijuana Working Group.

**MOTION by Mayor Pro-Tem Garaventa, seconded by Councilmember Segarini, that the Consent Calendar be approved with the above-referenced amendment:**

1. Approval of the Council Special Meeting Minutes for April 7, 2017, for the Council Minutes for the Closed Session of April 17, 2017, and for the amended Minutes for the Regular Session Meeting of April 17, 2017;
2. Approval to pay invoices for previously budgeted expenses on May 2, 2017, in the amount of \$1,339,963.00; and
3. Approval of disbursements in the amount of \$156,605.61 on April 28th, 2017, for payroll, inclusive of employee salaries, employer and employee taxes and retirement contributions, and miscellaneous voluntary employee deductions. There was no public comment and the Motion passed unanimously.

**PUBLIC HEARINGS**

**Resolution No. 05-01-2017-A, Matters Re: Rezoning of 15 Pesce Way.** This was the time and place set for a Public Hearing to consider adoption of Resolution No. 05-01-2017-A which approves the Negative Declaration and Mitigation Monitoring and Reporting Program for the rezoning of Assessor Parcel Nos. 035-230-39, 41 and 42 at 15 Pesce Way, the location of the Arco AM/PM gas station and convenience store property on Highway 49, from Planned Development to General Commercial; and introduction by title and waiving of the first reading of Ordinance No. 839 amending the City of Sonora Zoning Map for Assessors Parcel Nos. 035-230-39, 41 and 42 from Planned Development (PD) to General Commercial (GC). Recommending approval, and noting Planning Commission approval, Community Development Director Kellogg presented the rezoning application by Jaykay Properties, LLC, and background information noting that the rezoning of the Arco gas station parcel will allow access through the gas station site to the proposed Arco Food Court project site, and will

avoid the need for split zoning on the parcels. Kellogg noted that she has given a copy of an email to the Council from Cole Przybyla in support of the project which was received after Agenda packet preparation. City Planner Paula Daneluk presented the CEQA Analysis. Ken Anderson, Traffic Engineer, presented the traffic analysis.

Mayor Williams disclosed that she has met with the applicant and with CalTrans. Mayor Pro-Tem Garaventa said that he filmed the Planning Commission Meeting, and was present at said Meeting. Councilmembers Plummer and Segarini disclosed that they attended the Planning Commission Meeting. Councilmember Hawkins stated that he purposely did not attend said Meeting. Mayor Williams opened the Public Hearing at 5:55 p.m.

**Rubin Churnside** of Land and Structure appeared on behalf of the applicant in support of the rezoning and approval of the Mitigated Negative Declaration, and Mitigation Monitoring & Reporting Program, and he presented additional information. **Tina Lanter**, Pesce Way resident, appeared in opposition noting concern about increased traffic and noise. She requested that the Council think about the residents when making its decision, and asked that the Council require that all traffic circulate out through the gas station area and not allow the second access, and to relocate the employee parking lot to an area that would have less impact on the residents. **Jackie Amaro**, Pesce Way resident, appeared in opposition stating that she purchased a home in a quiet cul-de-sac, and requested changes in the project so that the traffic does not affect the residents. On behalf of the Tuolumne Heritage Committee, **Sharon Marovich** appeared in opposition of the building design as depicted on the plans stating that the appearance of the project is not consistent with its location in the historic corridor, is not suitable for the northern gateway to the City and needs to be redesigned. Acknowledging that design review is not required, she requested a development agreement be put into place with the applicant showing exactly what the building and signage will look like, and stated that the Committee wants the best for the northern entrance to Sonora. **Ron Amaro**, resident, appeared in opposition stating concern that large food trucks will impact child safety. **David Belanco** appeared in support stating that the project will provide increased employment opportunities. **Mike Ayala**, Government Affairs Liaison for the Tuolumne County Chamber of Commerce, appeared in support stating that the project will help the City, that he is a supporter of private property rights, that the project meets General Plan and Zoning Map requirements, and that "choice is welcome". **Mike Lemke**, President of Tuolumne County Building Industry, appeared in support. **Glenn Caldwell** President of the Tuolumne County

Business Council, appeared in support stating that it is a well thought out proposal. **Greg Popovich** appeared in support noting that the applicants have done a good job in mitigating some of the traffic problems in light of CalTrans not allowing them a second access from Hwy 49.

The Mayor closed the Public Hearing at 6:24 p.m. Council and Staff had discussion. In response to questions asked for clarification, Planner Daneluk stated that the project is not subject to design review, there is no trigger to require a development agreement, and that without the rezoning to CG, the traffic generated by the Food Court would have to go through Pesce Way.

**MOTION by Councilmember Segarini, second by Councilmember Hawkins that Resolution No. 05-01-2017-A approving the Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program for said rezoning from PD to CG for the above referenced parcels be approved as presented; and that Ordinance No. 839 amending the City's Zoning Map for the above referenced parcels from PD to GC be introduced by title as presented with the first reading waived.**

Mayor Pro-Tem Garaventa appealed to the applicant to consider the historic values of Sonora in regard to the building design. Mayor Williams appealed to the applicant to put in as much foliage as possible to protect the neighborhood, and when designing the buildings to make something the City will be proud of.

**The MOTION as stated passed unanimously.** Community Development Director Kellogg noted that Ordinance No. 839 will come back to the Council for the second reading and adoption at the next Meeting.

#### **RECESS AND RECONVENE**

The Council recessed at 6:43 p.m. and reconvened at 6:50 p.m.

#### **UNFINISHED BUSINESS**

**Tuolumne County Economic Development Authority (TCEDA) FY 2018 Budget with Requested Allocation Increase.** Administrator Miller presented his Staff Report reporting Staff's continued recommendation that the Council not approve the requested increase of the City's contribution in the amount of \$15,580, and approve the same amount that was allocated in FY 2017. Miller reported that the City is projected to end the current year with a deficit, and Staff and the Finance Committee have

recommended that all non-essential and non-committed expenditures be frozen through the remainder of the year. In addition, City Departments are being required to provide at least \$30,000 in budget reduction proposals.

City Attorney Baral presented information in regard to Council questions at its last Meeting as to what the City's funding obligation under the Joint Powers Agreement (JPA) is, whether the City has an obligation to approve the TCEDA Budget as proposed, and if not obligated, what the options are to meet JPA requirements. Baral stated that pursuant to the terms of the JPA, the City is required to contribute a 23% obligation to fund the TCEDA; however, the JPA provides the City the opportunity to comment on the Budget before its final adoption; and if the Council determines the City lacks the funds to meet its financial obligations under the proposed Budget, it can request the TCEDA to revise its Budget to account for a reduced contribution from the City.

Mayor Williams asked for public comment requesting that those who did not comment at the last Council Meeting speak first. The following persons spoke in support of approving the requested increase, and in support of TCEDA Executive Director Larry Cope and the benefits provided by TCEDA and economic development:

- Bob Edwards, Sonora Business Council Member
- Doug Kennedy, Owner of Trado Restaurant Corporation, the Bourbon Barrel, and the Green Dog Beer Company
- Mike Lemke, President of Tuolumne County Building Industry
- Glenn Caldwell, President of the Tuolumne County Business Council
- Randy Hanvelt, Tuolumne County Supervisor
- A Member of the Public
- Craig Pedro, Tuolumne County Administrator
- Rubin Churnside of Landlord and Structure

City Clerk Cassinetto noted that an email communication from Cole Przybyla in support was received after the Agenda packet was prepared and copies were given to the Council.

Councilmember Segarini reiterated his support for the requested allotment increase. In response to Mr. Kennedy's offer to give the City \$15,000, Segarini asked Kennedy to withdraw his offer. Segarini suggested that the City request the Sonora Area Foundation return the \$5,000 for the Public Bathroom Project which is being held and that the Branding Project funding of \$10,000 be pulled back to allow for the requested \$15,000 TCEDA Budget increase. Segarini encouraged the Councilmembers to

support the increased allotment. Councilmember Hawkins said he would like to see Councilmember Segarini's suggestions come back to the Council. Councilmember Plummer asked for clarification as to where the Branding money is coming from. Administrator Miller responded that the funds come from economic development monies and not the General Fund; if the Council approves the requested allocation, when reviewing the City's Budget that funds will have to be found to make up the difference. Mayor Pro-Tem Garaventa said he would like to revisit the two expenditures for the Bathroom Project and the Branding Project. Mayor Williams commented that the conversation does not have anything to do with Larry Cope, it is a budget issue. She feels the Budget is incorrect and asked Larry Cope to speak to that. Larry Cope explained that the FY 2018 Budget is correct, nothing has changed in that Budget; the part-time salary line item was removed in the prior year, so those funds are not in the FY2017 Budget.

**MOTION by Councilmember Segarini, second by Councilmember Hawkins that the Council recommends approval of the TCEDA FY 2018 Budget proposal. The Motion passed three to two as follows: Ayes: Garaventa, Hawkins, Segarini; Noes: Williams, Plummer.**

#### **NEW BUSINESS**

**FY 2017/2017 3<sup>rd</sup> Quarter Budget Performance Report.** The Council considered accepting the FY 2016/17 3<sup>rd</sup> Quarter Budget Performance Report (Report) and approving Staff's recommendations. Administrative Services Director Callaway presented the Report noting that General Fund revenues continue to track well and ahead of the prior year third quarter results by approximately 13%. Sales tax is tracking at 70% of budgeted revenues while Transient Occupancy Tax is tracking well at 86%, both higher than prior years. A net revenue budget augmentation of \$40,000 is recommended to account for the improved revenues. General Fund expenditures are trending higher than in prior years at 74%. As a result of higher than normal fees for legal services and increased salaries and benefits due to a number of retirements and separations that have resulted in one-time leave balance cash outs, Staff is requesting an overall increase to budgeted expenditures of \$157,000; net against the increased revenues, this results in an additional allocation of \$117,500 from General Fund Reserves. Callaway requested approval of the following Staff recommendations:

1. Acceptance of said Report for the nine-month period ending March 31, 2017;

2. Approval to place a moratorium on all non-essential, non-committed expenditures through the remainder of the year;
3. Approval to establish a compensated absences reserve beginning in FY 2017/18 using the remaining bond indenture funds; and
4. Approval to work with the Finance Committee to develop a fiscal sustainability plan.

The Mayor asked for public comment. A member of the public asked what the stipend is for Councilmembers. Mayor Williams responded that per State law, \$325 is the allowable amount, and several years ago while facing serious budget concerns, the Council at that time voted to reduce the amount by 50%, and currently the Mayor receives \$150 and Councilmembers receive \$125 per month which amounts are received even if absent from a Meeting. The member of the public also remarked that WalMart is forecasting \$100 Million in business with its recent build out which will result in a very substantial sales tax revenue increase for the City.

**MOTION by Councilmember Hawkins, second by Councilmember Plummer to accept and approve Staff's recommendations as presented.** There was no further public comment, and the **MOTION passed unanimously.**

**Resolution No. 05-01-2017-B Regarding Alcoholic Beverage Consumption During Mother Lode Parade.** The Council considered adoption of Resolution No. 05-01-2017-B which allows open containers of alcoholic beverages and the public consumption of alcoholic beverages within the boundaries of closed Streets on Saturday, May 13, 2017, commencing at 10:00 a.m. and concluding at 1:00 p.m. unless otherwise directed earlier upon the authority of the Sonora Police Department. Recommending approval, Police Lieutenant Turu Vanderwiel presented the Resolution noting that approval will allow open containers and consumption of alcohol during the Mother Lode Round-Up Parade which has historically been permitted. At the completion of the Parade, and prior to the re-opening of any Streets and/or the direction of the Police Department, all open containers are removed from public areas and private lands open to the public. Mayor Williams suggested that the current Ordinance regulating alcohol consumption be updated to include approval for the consumption of alcohol for special event requests that come before the Council if those events seek approval to serve the same.

The Mayor asked for public comment. A member of the public said that she was absolutely opposed to allowing alcohol use during the Parade.

**MOTION by Councilmember Hawkins, second by Councilmember Plummer, and unanimously carried that Resolution No. 05-01-2017-B be approved and adopted as presented.**

**City Mission Statement and Updated Vision Statement.** The Council considered adopting a City Mission Statement and an updated Vision Statement. Presenting the drafts, Administrator Miller noted that they were developed by the Council at its recent Retreat. There was no public comment. **MOTION by Councilmember Segarini, second by Mayor Pro-Tem Garaventa and unanimously carried that the following Mission Statement be adopted, and the Vision Statement be updated as follows:**

**Mission Statement - We commit to partner with the Community to provide quality services that: Create a safe and healthy community, provide stewardship for our financial resources, stimulate economic prosperity for our community, promote our historical and cultural heritage, plan for the future of our community and enhancement of our quality of life.**

**Vision Statement - The City of Sonora will provide a safe and healthy community in which to live, work and prosper, while embracing our arts, culture and historical character.**

#### **MONTHLY REPORTS**

None - No public comment.

#### **VISION SONORA REPORT**

None - No public comment. The next Meeting will be on Thursday, May 11, 2017, at 9:00 a.m. in the Council Chambers.

#### **COMMUNICATIONS**

None - No public comment.

#### **COUNCILMEMBER/DEPARTMENT HEAD REPORTS .**

**Fire Chief New** said that the Fire Department had its best sales yet at their tri-tip sandwich booth at the Spring Festival, that the Department's new combination extrication tool was showcased, and she thanked everyone for coming out. **Councilmember Segarini** commented on a very successful Spring Festival. **Mayor Williams** also commented on the very well attended Spring Festival and thanked City Special Events Coordinator Sheala Wilkinson for the great job she did coordinating the Event, and Williams said that at the Festival she received many compliments on the Coffill Park Safety and Beautification Project.

**ADJOURN**

There being no further business to come before the Council at this time, the Regular Session Meeting was adjourned at 8:07 p.m. to the next Regular Council Meeting on Monday, May 15, 2017, at 5:00 p.m. in the Council Chambers at City Hall.

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Marijane Cassinetto, City Clerk      Date