

**CITY COUNCIL
CITY OF SONORA
NOVEMBER 21, 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 5:02 p.m. The following members were present: Mayor Connie Williams, Mayor Pro-Tem Jim Garaventa, Councilmembers Matt Hawkins, Mark Plummer and George Segarini; City Administrator Tim Miller, City Clerk Marijane Cassinetto, Administrative Services Director Jennifer Callaway, City Attorney Douglas White, Police Chief Mark Stinson, Community Development Director Rachelle Kellogg. Absent: Fire Chief Aimee New, Interim Engineer Gerard Fuccillo.

CITY CLERK'S REPORT ON POSTING OF AGENDA

City Clerk Cassinetto advised Council that at 12:05 p.m. on the 18th day of November, 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

None

PUBLIC FORUM (Non-Agenda)

None

CONSENT CALENDAR

MOTION by Councilmember Hawkins, second by Mayor Pro-Tem Garaventa, that the Consent Calendar be approved as follows:

1. Approval of Minutes for the Closed and Regular Council Meetings of November 7, 2016;
2. Approval to pay invoices for previously budgeted expenses on November 22, 2016, in the amount of \$161,963.93; and
3. Approval of disbursements in the amount of \$19,132.26, on November 3, 2016, for leave payouts, and \$138,600.96 on November 10, 2016, 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 above **MOTION passed unananimously.**

PUBLIC HEARINGS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

Options for Law Enforcement Services. The Council considered options for law enforcement services including retaining in-house police services; preparing a study of the pros and cons of in-house versus outsourced police services; conducting a community survey; or evaluating a proposal submitted by the Tuolumne County Sheriff for outsource contract police services. Administrator Miller reviewed his Staff Report, including background information, discussion topics and options, and he gave a power point presentation. Miller noted that his written Staff Report included the City Attorney's Memorandum in regard to Measure I Proceeds and Consolidation of Police Services, and a proposal entitled Concepts for Consolidation of Law Enforcement Services submitted by Tuolumne County Sheriff/Coroner James Mele.

Councilmember Segarini asked the City Attorney to clarify Measure I fund issues. Attorney White stated that in concept it does not explicitly prohibit the City from employing services directly versus contracting for the same service; the expenditure plan that is a part of Measure I does have specific requirements that need to be met, and the proposal would need to be reviewed to make necessary determinations.

The Mayor asked for public comment announcing a three-minute time limit per person.

The following persons appeared in opposition to contracting out, outsourcing and consolidation: **Ty Wivell**, County resident, commented that he would not vote for any elected person who would support doing so, that it is against American democratic concepts; there would not be a cost savings if services included all that the Sonora Police Department (SPD) provides, and the Council has the responsibility to protect the citizens and the property of the City. **Daryl Sarina**, downtown business administrator, stated that the Council was elected to serve the City of Sonora and not the County; it is his understanding that there is not a problem with City funds, so why pay a consultant or staff to look into it if there are no problems. **Gary Anderson**, former City Councilmember, suggested that the Council deal with this quickly in order to prohibit further anxiety for the City's employees; additionally, that if the Council has not, it look at the archive of *The Union Democrat* eight years ago which gives the flavor of the constituents' intent and resolve in taxing themselves to fund the retention of our City public services. **Jim McKeon**, City resident, commented that "this is a really horrible idea", and talked about his experience as a 17-

year veteran police officer in Stanislaus County where the City of Hughson contracted with the Sheriff Department, and the City was "promised the world", but after the first contract was over, the County took over and owned everything and demanded more money from the City; the "honeymoon was over". **Dave Bird**, retired City Police Officer, commented on the three types of policing in Tuolumne County -- the Highway Patrol, the Sheriff Department, and the SPD, and reviewed their duties noting the need for special training for the Sheriff Department to undertake specific duties of the SPD. **Bob Coane**, former Tuolumne County Sheriff, commented that when he was Sheriff, the City contracted with the Sheriff for dispatch services, and the Board of Supervisors and the County Administrative Officer had authority and control over the budget items, not the Sheriff. There was a change in the Board, also a new CAO was hired, and when the contract ended the cost was increased so much that the City could not afford the contracted services; the City dispatch unit had to be put back together. Noting that there are no problems reported by Staff with the SPD, Coane stated, "the City has loyal, well trained officers. . . They are the most modern officers you have had in this City, leave them alone". **Bill Seldon**, representing the Sonora Employees Association (SEA) as its President, employee for 27 years, stated support for the Police Officers, the SPD's dispatchers and other employees, and the Sonora Fire Department. He spoke to the great vision of the former Council, employees and citizens who passed Measure I. **Dennis Townsend**, City contract employee and Reserve Officer, quoted from Professor Charles Katz at the Arizona State University School of Criminal Law, that "our law enforcement system was developed purposefully to be fragmented". Townsend commented that this provides a system of checks and balances, maintains that not more than one law enforcement entity will govern to such a regional proportion that they lose the interest of our diverse populous; he said, "It is not the intent of the formation of law enforcement that we give all amount of power or authority to any one individual." "It is wise to maintain our own policing entity and wise to maintain our own autonomy". Townsend also commented that in a Michigan State University Study about consolidations acquisitions and contacts commissioned by the Department of Justice, the theory that public safety consolidation would save money was most often cited as the most important misconception about consolidation.

Jeanette Lambert, volunteer coordinator for the David Lambert Community Center, commented that it is mandatory to have the SPD respond, the City needs to focus on how best to serve our community, and asked the Council to consider the police officers as friends of the community, not just a budget issue. **Randy Selesia**, 75 year old family business owner, commented that the SPD is phenomenal working with traffic issues, and also does an outstanding job with the youth which needs to be considered.

Robert Rice, downtown merchant, stated his support for the SPD, they are prompt, extremely polite and make you feel you are a part of the community; the SPD and community have a bond, and that quality will go down if outsourced. **Lori Fields**, City resident and former Santa Cruz County Police Officer, said that the SPD goes beyond their duty; the Council needs to consider they are dealing with people's jobs and families; if it isn't broken, don't fix it; "Don't fix something that is working like a well-oiled machine." **Hal Prock**, retired SPD Officer, noted that he was one of those along with the other Officers and employees who went door-to-door to make sure Measure I passed. He commented that when the Council adopted the Ordinance to effect the provisions for Measure I funds, the expenditure plan provided for "preserving" the services, which is defined in the dictionary, "to maintain" and "to retain" in its current state. **Chris Rogers**, SPD Sergeant, commented that by outsourcing to another agency, the Council is interfering with the careers and lives of the SPD employees which affects pay, retirement, ranks, and even job guarantees; he commented why is the Council looking at a proposal when at the last Council Meeting, all the Councilmembers said that they supported their Police Department and were satisfied with the service. **Deborah Dills**, SPD employee since 1992, said that the SPD is the most professional and dedicated agency she has ever worked for; she commented that loss of the SPD will result in losing the small town attention, and the needs of the citizens, merchants and the Councilmembers. **Tammy Gillespi**, 18-year SPD Dispatcher, expressed concerns about job security, staffing, the effects on family and children, and stated that, "The SPD is a unique agency, a unique department, and a unique family which do not want to lose their jobs".

Duane Ellis, retired SPD Chief, commented that this is all being done to save money, and is not right, and that it will not save money; that quality will go down; the Council will be sorry if they do it. **John Bowly**, SPD Officer for 15 years, commented that a Police Chief's retirement announcement "is not a logical reason to end a perfectly healthy, perfectly functional 166 year old Police Department with an amazing history". He said, "We began hearing rumors that money saved by our demise will be used to fund Vision Sonora". "This take-over proposal which is far older than three weeks is highly flawed, full of fillers, fluff and hidden cost". He encouraged the Council to "do the right thing and hire a Police Chief that answers to you". **Kristin Bowly** commented that "our officers risk way too much to be considered a budget". **George Marshall** said that he thanks and respects his friends in this room and many of them wear a badge, commenting that when he was homeless the Officers would check in on him, and even give him hot chocolate at 3 a.m. when it was cold; "that is how much they care". Stating that consolidation will not work, he said, "Taking money out of these peoples' pockets, ain't the way it's supposed to be". **Hank Russell**,

former City Councilmember, said that, "Saving money is not our mission; the Police Department is here to provide a service". "In 2004 we had a vote and decided to tax ourselves more to support our local Police Department. I think we ought to seriously consider what the population of Sonora wants, and I think that election is a good demonstration of our preference". **Rick Fields** noting that it is highly unusual across the board, commented that the SPD is operating in the black, with more to come, and commends the Council for that. He said, "I am not saying that anybody on the Council has an agenda, but if you do, flush it; you were elected by the people of this City to look out for them". **Bill Atkins**, City employee, commented that the Council is elected to represent the people that live in the City.

James Smith, appeared in favor of consolidation/outsourcing, and applauded the Council for having this meeting. He said in regard to overlapping services, "I think it is broke". He would like to see better management of funds; he is tired of seeing tax money wasted and spent wrong. He said, "If the funding was spent appropriately, and it could save the City money and response time could be improved, I think it should be done."

The City Clerk reported that a petition was received containing 25 signatures of persons who do not support the merger of the Sonora Police and Tuolumne County Sheriff Departments; a letter was received from BLR Commercial on behalf of Sonora Crossroads Shopping Center opposing the take-over of the Sonora Police Department by the Tuolumne County Sheriff Department; a letter was received from Donna Eichenberger, downtown Sonora home owner, against merging; and a letter was received from Argonaut Investments, managing agent and owner of the Sonora Plaza Shopping Center stating that absorption would have an undesirable impact on the City and the Shopping Center.

The Mayor closed public comment.

Councilmember Plummer said that we are really not dealing with problems and looking for a solution. "To me, this is a solution looking for a problem to solve, and I would like to see us not spend any more Staff time dealing with it." Mayor Pro-Tem Garaventa commented that most of the people who live here and deal with the Police Department everyday do not want it, and don't support it, and "I don't think we even need to go any further with it; I think we're just fine the way we are". Councilmember Segarini said that he fully intended to come tonight and support options set forth in the Staff Report, but "I listened to my constituents, and I have changed my mind, thinking that my responsibility now is to the City of Sonora Police Department"; he is not going to support consolidation. Mayor Williams noted her previous statement that the Council was

not interested in doing anything different than what we already have done, but that it was important to take the time and effort to look at what was being circulated, and to listen to the people. She thanked the Police Department for all that they have done, and everyone for their attendance, support, opinion and input, and stated that, "It sounds like it's pretty overwhelming"; she said she "will not vote for any type of contracts". Councilmember Hawkins thanked everyone for being there and supporting our law enforcement and officers, especially with all that is happening all over out there. He commented that he supports our Police Department, and is transparent, and will continue to be transparent. "Our Police Department needs to stay autonomous". "The City is independent for a reason . . . that's why we're a City".

Administrator Miller stated for clarification that it was not the recommendation of Staff to do a study, but that if the Council wanted to pursue the option of consolidation, Staff would recommend the study. Hearing the Council's comments, he recommended the option to direct Staff not to expend resources to consider outsourcing and maintain current police services.

MOTION by Mayor Pro-Tem Garamenta, second by Councilmember Hawkins, that the Staff not expend resources to consider outsourcing, and maintain the City's current police services. There was no public comment, and the MOTION passed unanimously.

The Council recessed a 6:38 p.m., and reconvened at 6:48 p.m. and continued with New Business.

Professional Services Agreement to Assess Closure of a Portion of Linoberg Street. The Council considered approving Transportation Engineers KD Anderson & Associates, Inc., to provide traffic engineering consultant services related to the assessment of the closure of Linoberg Street between Washington and Stewart Streets, and authorizing the City Administrator to finalize and execute a Professional Services Agreement to effect the same. Recommending approval, Community Development Director Kellogg reviewed background information noting that the conversion of Linoberg Street to a pedestrian paseo was included in the Vision Sonora Plan, and the Vision Sonora Committee concluded that the east side of Linoberg Street between Stewart and Washington Streets be considered for permanent closure. Although the consultant proposal includes two separate cost proposals, Staff recommends the assessment of solely the Linoberg segment setting the cost for this portion at \$4,800, plus \$600 for the quantitative evaluation, and Kellogg noted that the Engineer's attendance at Council Meetings would incur an additional cost. Funding for the study would come out of Economic Development Fund 374, and the survey would take place in the Spring of 2017.

Councilmembers had concerns about the times of the day, days and season that the studies are proposed to be done, that they are accurately reflected and consider morning as well as evening commute times, and also take tourism into account. Additionally Councilmembers suggested that it may be better to include the other streets that have been a part of the discussion rather than just this portion. Administrator Miller stated that he will review and revisit the times with KD Anderson based on the comments, and that it would not change the scope or the cost. In regard to the concern that it may be better to study the other streets as well, Miller noted that the other street closures are not part of the Plan, and said when the evaluation on the whole plaza on Stewart is contemplated, which is way out there, the assessment on the other streets can be done. Miller also noted that the scope for the one segment proposal includes seven intersections.

The Mayor asked for public comment. Laurie Lehmann, Vision Sonora Sub-Committees member, was in favor stating that even though she has used Linoberg to go to work every day, she has not used it for one year, and it has not changed her life; she requested that the study be done "to put it to rest". A member of the public said "I think this is a stupid idea", and "You don't have any money to do anything with it beyond doing this traffic study", that currently, the street can be temporarily closed for events, and commented that there were only 35 people involved in the public priority setting activity which resulted in this being chosen as the No. 1 short term Vision Sonora project, and said, "Just because it was the No. 1 choice two or three years ago, doesn't make it the No. 1 choice now". Bill Atkins noted that the plans to close and place the City's Santa House on this portion of Linoberg Street this December will provide a microstudy of the closure which could give information. Mary Ann Wright, owner of a house on Stewart Street, and a downtown business for 25 years, said that there is more need than ever for Linoberg Street due to increased traffic congestion on Stewart and Washington Streets, that closure will hurt more than help as it affects unloading for merchants because the back business entrances have stairs, and forces customers to go through the traffic light twice to look for parking. Wright proposed that Vision Sonora planners share Linoberg and settle for convertible partial closures, for example, for all events, Saturdays and Farmers Market, any select evening, holidays, etc.

Councilmembers suggested that the matter be continued to January to review study hours and traffic during the December holidays, and to allow time to study possible convertible street proposal; the matter will be scheduled for consideration in January 2017.

Fiscal Year 2016/17 First Quarter Budget Review.

Administrative Services Director Callaway presented the First Quarter Budget Performance and Status Report noting that this is the first time in some time that a quarterly report is being given, noting that it is important for the public to know that the City is watching its revenues and expenditures regularly. The Report was presented to the Finance Committee and recommended for presentation to the Council. Callaway reported that revenues are trending higher compared to other years and are up 14% at \$80,000 with sales tax and TOT being the primary contributors. Expenditures are trending high at 28%. Callaway's Staff Report, minus attachments, is attached hereto as Exhibit "A", and included herein for reference. It was noted that the full Report was posted with the Agenda and on the Finance tab on the City's website.

A member of the public thanked Callaway for an excellent job, that she read everything and understood it. There were no other public comments.

MOTION by Councilmember Segarini, second by Councilmember Hawkins, and unanimously carried that the Council accepts the Fiscal Year 2016/17 First Quarter Budget Performance Report for the three-month period ending September 30, 2016, as presented.

Transportation Funding Bills. The Council considered authorizing the Mayor to sign a letter on behalf of the City in support of transportation funding Bills SB X11 and AB X126. Administrator Miller reported that the letter has come back to the Council with the change requested at the last Council Meeting. Mayor Williams noted that the Bill is still in Committee, and that Assembly Member Berryhill was appointed to the Transportation and Infrastructure Development Committee, and it is therefore appropriate to send the letter. Williams requested an additional change to indicate the Council's "concerns regarding" rather than its "qualified support" for the Bills. There was Council discussion. City Attorney White noted that there is only a "support" or "opposition" category as to how the Bill gets listed. **MOTION by Councilmember Segarini, second by Mayor Pro-Tem Garaventa, that the letter be sent as drafted.**

Mayor Williams asked for public comment. A member of the public said, "I think this is stupid, and you are wasting your time and Staff's time". She sees it going nowhere; she was opposed. There were no other public comments.

The above MOTION passed by the following vote: Ayes: Williams, Garaventa, Segarini, Plummer; No: Hawkins. The Clerk noted the "No" vote of Councilmember Hawkins.

MONTHLY REPORTS - October

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

A member of the public asked for clarification as to the person fatally hit. The Police Chief said it was still under investigation and could not comment.

VISION SONORA REPORT

None

COMMUNICATIONS

None

COUNCILMEMBER/DEPARTMENT HEAD REPORTS

Police Chief Stinson thanked the Council and everyone who came out in support of the Police Department, and wished everyone a Happy Thanksgiving. **Community Development Director Kellogg** reminded everyone of the annual Downtown Christmas Parade on Friday, at 5:30 p.m. **Administrator Miller** asked which City Councilmember will be representing the City in the Parade; Councilmember Plummer responded that he would. **Miller** also said that Santa's House will be placed on Linoberg Street on Sunday, and he thanked the owners of the buildings on Linoberg for providing the power. **City Clerk Cassinetta** wished all a Happy Thanksgiving. **Councilmember Hawkins** commented that it is great to see our government working for us, and wished a Happy Thanksgiving to everyone as did **Councilmember Plummer**. **Mayor Pro-Tem Garaventa** noted his attendance at the Sierra Conservation Center Public Relations Committee Meeting, the Parking and Traffic Commission Meeting, he filmed the Transportation Council Meeting, attended the Itsa Film Festival, met with Linda Barlow of Tuolumne County Solid Waste, attended the Tuolumne County Planning Commission Meeting in Don Pedro, and the Tuolumne Chamber Mixer at Funky Junk. **Councilmember Segarini** noted in the interest of time he had no comment. **Mayor Williams** commented that Santa's House was built and first set up in 1964 on East Linoberg so the tradition is coming back this year, and she invited all to attend the Christmas Parade this Friday.

ADJOURN

There being no further business to come before the Council at this time, the Regular Session Meeting was adjourned at 7:45 p.m. to the next Regular Council Meeting on Monday, December 5, 2016, at 5:00 p.m. in the Council Chambers at City Hall.

Marijane Cassinetto, City Clerk Date