

**CITY COUNCIL
CITY OF SONORA
DECEMBER 19, 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 5:03 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, Interim Engineer Gerard Fuccillo, Fire Chief Aimee New, Police Chief Mark Stinson. Absent: Community Development Director Rachelle Kellogg.

CITY CLERK'S REPORT ON POSTING OF AGENDA

City Clerk Cassinetto advised Council that at 11:00 a.m. on the 16th day of December, 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)

Harry Ohls, City resident, wanted the public know that the process has started on preparation of a three year strategic plan which relates to better communication between the City and the community.

A member of the public commented on the amount of merchandise that downtown merchants are placing on the sidewalks in front of their businesses, and wondered if they have encroachment permits, and how much merchandise is the City going to allow displayed on sidewalks. She would like to see this matter placed on a future Agenda. Administrator Miller said that Staff will check on the status of the permits.

CONSENT CALENDAR

MOTION by Councilmember Hawkins, seconded 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 December 5, 2016;

2. Approval to pay invoices for previously budgeted expenses on December 20, 2016, in the amount of \$146,511.85; and
3. Approval of disbursements in the amount of \$162,817.13, on December 9, 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 unanimously.**

PUBLIC HEARINGS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

Matters Re: Dragoon Gulch Trail Expansion. The Council considered certifying the Mitigated Negative Declaration and adopting the Mitigation Monitoring and Reporting Plan for the Dragoon Gulch Trail Expansion Project. Recommending approval, City Planner Paula Daneluk presented the Community Development Director Staff Report reviewing background information. Daneluk reported that to prevent impacts on the environment in drainage areas, the trail has been reduced from 9.7 miles to 7.5 miles.

Mayor Williams asked for any public comment. Tyler Sommerset, member of the Tuolumne County Transportation Council, appeared in favor of the certification and adoption, and stated that the trail extension is a very good project.

There was no further public comment, and upon **MOTION by Councilmember Segrini, second by Councilmember Hawkins, it was unanimously carried that the Council certifies the Mitigated Negative Declaration and adopts the Mitigation Monitoring and Reporting Plan for the Dragoon Gulch Trail Expansion Project.**

Fiscal Year 2016 Audited Annual Financial Report. The Council considered approving the City's FY 2015/16 Audited Financial Report for the year ended June 30, 2016. Recommending approval and reporting a clean Audit, Administrative Services Director Callaway presented highlights of the Report, and noted that it was presented to the Finance Committee and unanimously recommended for approval. Callaway's Staff Report is attached hereto as Exhibit "A" and made a part hereof for reference.

There was no public comment. **MOTION by Councilmember Hawkins, second by Mayor Pro-Tem Garaventa, and unanimously carried that the Council approves said Audited Financial Report as presented.**

Interim Police Chief Employment Agreement. The Council considered conditionally approving an Employment Agreement with Michael Harden to serve as Interim Police Chief and authorizing the City Administrator to execute the Agreement on behalf of the City upon successful completion of the background check and required exams. Highlighting Harden's employment experience, Administrator Miller presented the Agreement noting that Mr. Harden is a retired CalPERS annuitant, and due to prior interim assignments, Harden has approximately 250 hours of eligible work time through the Fiscal Year ending June 30, 2017. Miller noted that Harden would serve for the duration of these hours at which time Staff will reevaluate City and Departmental needs and the progress of filling the Chief position on a permanent basis. The required background investigation, medical and psychological exam are in progress.

The Mayor asked for any public comment. A member of the public said that she was "amazed at how many secrets come out of this City Council, 'cuz this was discussed in Closed Session, . . . and none of us knew anything about a potential interim Police Chief that I am aware of until this showed up on the Agenda". She had comments on Mr. Harden and his service when he was acting as official Police Chief of Modesto, she reviewed his employment history, concerns and allegations about his department and officers, and said, "I just think a little more thorough search should have been done".

Attorney White said that the Item as listed on the Closed Session Agenda is perfectly adequate noticing. **MOTION by Councilmember Hawkins and seconded by Councilmember Segarini that an Employment Agreement with Michael Harden to serve as Interim Police Chief be approved, and that the City Administrator be authorized to execute the same on behalf of the City upon successful completion of the background check and required exams.**

Mayor Pro-Tem Garaventa stated that none of the allegations came up in the interview process that the Council had, and he assumes that all information would come through the background check; it seems to him that there should be a little further investigation as to the validity of the issues discussed by the member of the public. Administrator Miller said that the background process conducted was one that meets POST standards and includes the

research of court records, and if involved in cases as a named individual, that information would disqualify him from this position. Miller stated that at this point from what he knows, there has been no derogatory information about Harden's status that would disqualify him from this position. Councilmember Plummer commented that without specific detail, he still supports hiring Harden. The member from the public said that her issue is with the Council coming out of Closed Session and saying no action was taken, and said "I'm just saying this is troubling".

A vote on the above **MOTION** was taken, the **MOTION as stated passed four to one by the following vote: Ayes: Williams, Segarini, Hawkins, Plummer; Noes: None; Abstain: Garaventa.**

FY 2016 Traffic Mitigation Impact Fund Report. The Council considered adoption of the City's Traffic Impact Mitigation Fund Report for the Fiscal Year ended June 30, 2016, which is mandated pursuant to Title 7, Division 1, Chapter 5, Section 66006, of the California Government Code. Interim City Engineer Fuccillo reviewed balances, each public improvement on which fees were expended, the amount of each expenditure, and identified project commencement and completion dates. A full copy of said Report is attached hereto as Exhibit "B", and made a part hereof for reference.

There was no public comment. **MOTION by Councilmember Hawkins, second by Mayor Pro-Tem Garaventa, and unanimously carried that said Report be accepted as presented.**

Meeting Cancellation. The Council considered cancelling its Regular Meeting on January 3, 2017. Administrator Miller reported that there are no urgent agenda items that cannot wait for the January 17, 2017, Meeting, and the request is made annually due to minimal personnel working during the Christmas holidays. **MOTION by Councilmember Segarini, second by Mayor Pro-Tem Garaventa that the Regular City Council Meeting for Tuesday, January 3, 2017, be cancelled, and that approval be authorized to pay invoices for previously budgeted expenses on January 3, 2017.**

The Mayor asked for public comment. A member of the public said that the Council could use that day as an opportunity to hold a town forum to discuss such things as the homeless, increase in crime, parking issues, broken sidewalks and input on Vision Sonora. Harry Ohls agreed with the member of the public, and added that it could include discussion on how to have better

discussions. There was no further comment. Councilmembers agreed it would be good to have a study/discussion session, but that it would not be the best time. Attorney White stated that it could be done in a different format.

The above **MOTION as stated passed unanimously.**

MONTHLY REPORTS

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

No public comment.

VISION SONORA REPORT

No Report. Mayor Williams noted that the next Vision Sonora Committee Meeting will be held on January 26, 2018, at 9:00 a.m. in the Council Chambers at City Hall. There was no public comment.

COMMUNICATIONS

None - No public comment.

COUNCILMEMBER/DEPARTMENT HEAD REPORTS

Administrative Services Director Callaway reported that the employee compensation study is in process. **Fire Chief New** reported that the Toy Drive with the Fire Department in coordination with the Fire Association has had a great response, and wished all a Merry Christmas and Happy New Year. **Attorney White** wished all a Merry Christmas and Happy New Year. **Administrator Miller** reported that City Offices will be closed on Friday, December 23, and Monday, December 26, 2016, and Monday, January 2, 2017. He also reported that the following tentative dates have been set: Ethics Training on Tuesday, January 17, 2017, two hours prior to Council Meeting; Workshop to discuss the Marijuana Proposition on Monday, January 23 2017, at 5:00 p.m.; Sexual Harassment Training on Monday, February 7, 2017, two hours prior to Council Meeting; and the Council Retreat on February 14, 2017, at 9 a.m. The **City Clerk, Interim Engineer, and Councilmembers Hawkins and Plummer** wished everyone a Merry Christmas and Happy New Year. **Mayor Pro-Tem Garaventa** reported that he attended the Yes Partnership Meeting, the Fire Department Holiday Party, and *Forbidden Broadway* the last Stage 3 Theater show of the season. **Councilmember Segarini** reported that he attended the Tuolumne County Water Advisory Council Meeting, the City Finance Committee Meeting, and wished everyone a Merry Christmas; **Mayor Williams** reported that she attended the

ATCAA Board Meeting, the Cable 8 Board Meeting, the Water Policy Committee Meeting, the City Finance Committee Meeting, and wished all a wonderful holiday season.

ADJOURN

There being no further business to come before the Council at this time, the Regular Session Meeting was adjourned at 6:21 p.m. to the next Regular Council Meeting on Tuesday, January 17, 2017 at 5:00 p.m. in the Council Chambers at City Hall.

Marijane Cassinetto, City Clerk Date