

**CITY COUNCIL  
CITY OF SONORA  
MAY 21, 2018**

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 Connie Williams, Mayor Pro-Tem Jim Garaventa, Councilmembers Matt Hawkins, Mark Plummer, George Segarini; City Administrator Tim Miller, City Attorney Douglas White, Police Chief Turu VanderWiel, Community Development Director Rachelle Kellogg. Absent: City Clerk Marijane Cassinotto, Interim Engineer Gerard Fuccillo.

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

In the City Clerk's absence, Administrator Miller advised Council that at 1 p.m. on the 18th day of May, 2018, 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) Fire Chief introduced Jon Rock, Fire Captain and conducted the Swearing-In Ceremony.
- 2) Leon Casas presented information to the Council regarding services, activities and programs provided by the Tuolumne County Senior Center. He informed the Council that the Tuolumne County Senior Center is a nonprofit agency that relies on grants, fundraising and donations for funding. He stated that he anticipates a funding shortfall in next year's budget. He provided the Council with information regarding the upcoming "Saturday Night Fever" event to be held at Railtown 1897 on Saturday, August 25, 2018 and proceeds will benefit the Meals On Wheels Program.

**PUBLIC COMMENT**

Steve Stiles - Stated that he continues to request to purchase the City's right-of-way at the end of Yaney Street but he has not received a response back from the City. City Administrator, Tim Miller, stated he would contact them when a meeting is scheduled.

Member of the Public - discussed various issues related to the cleanliness of the historic district.

Nate Smith, Jus Brothers, discussed recent issues between the motorcycle club and the Sonora Police Department. He stated that they were willing to meet with the City to help resolve these issues. He extended an invitation to the Council and the

public to the 2<sup>nd</sup> Tuesday "Bike Night" event that will be held at the Intake Grill.

City Administrator, Tim Miller, informed the City Council that he has been taking a daily walk downtown to observe, first hand, the cleanliness issues of the sidewalks. He has not found the condition to be as extreme as being presented to the City Council by a member of the public. He did however note that the trash cans in Coffill Park were not being picked up as often as they should be. He informed the Council that he would be meeting with Waste Management on May 22<sup>nd</sup> to discuss this and other issues related to refuse and recycling collection within the City and will report back to the Council.

### CONSENT CALENDAR

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

1. Approval of the Council Minutes for the Closed and Regular Council Meeting of May 7, 2018;
2. Approval to pay invoices for previously budgeted expenses on May 22, 2018, in the amount of \$129,288.19; and
3. Approval of disbursements in the amount of \$132,218.04, on May 11, 2018, 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.

### UNFINISHED BUSINESS

#### Waive the second reading and adopt Ordinance No. 849.

Community Development Director, Rachelle Kellogg, presented the staff report and recommended that the Council waive the second reading and adopt Ordinance No. 849.

No public or Council comment.

Motion	Segarini
2 <sup>nd</sup>	Plummer
Vote	5-0-0

### PUBLIC HEARINGS

None.

### NEW BUSINESS

#### Appointment of Ron Jensen to the Planning Commission.

Community Development Director, Rachelle Kellogg, informed the Council that Ron Jensen's term on the Planning Commission will expire on July 1, 2018 and the pending vacancy was published in the Union Democrat on April 11, 2018. Applications from those interested in serving on the Planning Commission had to be submitted

on or before May 11<sup>th</sup> and Ron Jensen was the only one who submitted an application. She stated that Ron is an excellent Planning Commissioner and recommended that the City Council approve his reappointment.

Mayor, Connie Williams, stated that the City did receive only the one application from Ron Jensen and as Mayor, she was exercising her right, with approval from Councilmembers, to reappoint Ron Jensen to the Planning Commission.

Member of the Public, stated that she felt Ron Jensen did a good job on the Planning Commission and was ok with his reappointment however she would like to see "new blood" on the Planning Commission.

Councilmember Segarini stated that he served with Ron Jensen on the Planning Commission and found him to be knowledgeable and fair.

<b>Motion</b>	<b>Segarini</b>
<b>2<sup>nd</sup></b>	<b>Garaventa</b>
<b>Vote</b>	<b>5-0-0</b>

Consideration to adopt Resolution No. 5-21-2018-A related to cannabis business license tax. City Attorney, Doug White, presented the staff report. He stated that, if approved by the City Council, the City would submit a ballot measure for the November 6, 2018 Statewide General Election authorizing the City to impose a business license tax on the gross receipts of cannabis businesses operating within the City of up to 15%. He stated that the proposed resolution must be approved by a 2/3rds vote of the Council. If approved, the City Council would have the option to impose the business license tax and adopt the actual tax rate by resolution. He stated that most cities have set the tax rate between 5 to 6%. The City would also establish penalties and fines to enforce the payment. He stated that he anticipates the City's cannabis businesses would be approved under the Development Agreement and Use Permit procedures established under the City's Cannabis Ordinance. The Development Agreement would establish the fees to be paid to the City and those businesses would not be subject to the business tax license fee. The proposed business license tax is a failsafe measure in case of a challenge to the use of Development Agreements or mandates that the City allow cannabis deliveries from businesses located outside of the City. If this were to happen, the business license tax would provide some local control.

Councilmember Plummer asked if the ballot measure required a supermajority vote.

City Attorney, Doug White, stated that it requires a simple majority.

Councilmember Segarini asked if the State can override the City and lower the maximum tax below the 15%.

City Attorney, Doug White, stated that State does not have oversight over the proposed tax.

Mayor, Connie Williams, asked if the business license tax information should be included within the Development Agreement.

City Attorney, Doug White, stated that it will be incorporated within the Development Agreement in that if at a future point in time the cannabis business was no longer subject to the Development Agreement they would then be subject to the cannabis business license tax.

Councilmember Garaventa asked if the tax would sunset in 4 years and if the City's Gann limit is a concern.

City Attorney, Doug White, stated that it would not sunset in 4 years and the measure increases the City's appropriations limit to enable the City to expend the projected revenues to be generated.

City Administrator, Tim Miller, stated that it will not be a problem as the City is well below its Gann Limit.

Member of the Public - stated that they felt the business license tax on cannabis businesses is a good idea, however, she felt the maximum tax rate should be lower.

Member of the Public - Stated that the 15% was too high.

City Attorney, Doug White, stated that the authorization of up to 15% was consistent with State Law and again it was the maximum with most cities charging in the range of 5 to 6%. He reiterated that the actual tax would be set by the Council if the measure is approved by the electorate.

Mayor, Connie Williams, asked for a clarification of the fees paid through a Development Agreement.

City Attorney, Doug White, explained the fee structure that would be included within a Development Agreement.

**Motion**      **Segarini**  
**2<sup>nd</sup>**          **Plummer**

Councilmember Garaventa asked if obtaining authorization of up to 15% was the standard with cities and counties.

City Attorney, Doug White, stated that it was.

**Vote**                      **5-0-0**

asked for Councilmembers' consensus to direct staff to hold a public hearing regarding restricting smoking within Downtown Sonora.

Following some discussion, there was consensus among the Councilmembers to hold a public hearing regarding smoking within Downtown Sonora at a future meeting.

**ADJOURN**

There being no further business to come before the Council at this time, the Regular Session Meeting was adjourned at 7:15 p.m. to the next Regular Meeting on Monday, June 4, 2018, at 5:00 p.m. in the Council Chambers at City Hall.

**Minutes  
Subject To  
Council Approval**

\_\_\_\_\_  
Marijane Cassinetta, City Clerk      Date

**Note:** The Minutes for the above Meeting were taken by the Community Development Director due to the absence of the Clerk, and formatted into final form by the Clerk.

***After attending many local candidates' nights, a recurring theme from the supervisor candidates is that we need to increase our county's revenue, keep young families here and create a place where entrepreneurs can survive. But developing our broadband internet is not all that needs to be created and developed. We need to develop a more open and welcoming atmosphere. The vote by our BOS was embarrassing. 5-0, how is that representative of our county and how is that compassionate? ICE does not need our help to do their job. We don't have the resources to do their job. And besides, the immigrants are here, contributing to our community, paying taxes, supporting local businesses and doing many jobs that others will not. And I believe everyone in this room would have to agree.***

***The morning after the BOS's vote, I saw a Facebook posting that displayed the local paper's image of the story regarding the vote. Curious, I viewed the first 6 or so comments. They were, in part, as follow:***

- It comes as no surprise.***
- Sadly, I am not surprised either, partly of why we moved away, can't raise my child in that environment.***
- A big reason I moved away too.***
- This is not proper representation.***
- Exactly why I left the place.***

***Now... are we going to continue to be a community that promotes fear and reinforces systemic racism and prejudice, or are we going to join the 21st century and embrace the diversity that has created our America, that has made us strong and loving, that has made us California?***

***Yes, the criminals need to be dealt with, but in our community I believe this is minuscule. As Sheriff Mele mentioned in the paper's article, this problem has been 1/500th of 1%.***

***Please vote against the Anti-Immigrant Resolution and support the cause of sanctuary for our fellow human beings and their families.***

**EXHIBIT "A"**