

**CITY COUNCIL
CITY OF SONORA
October 15, 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 Jim Garaventa, Mayor Pro-Tem Matt Hawkins, Councilmembers Mark Plummer, Colette Such and Connie Williams; City Administrator Tim Miller, City Clerk Marijane Cassinetta, City Attorney Douglas White, Administrative Services Director Christopher Gorsky, Fire Chief Aimee New, Police Chief Turu VanderWiel, Community Development Director Rachelle Kellogg; Absent: None.

REPORT ON POSTING OF AGENDA

City Clerk Cassinetta advised Council that at 10:30 a.m. on the 12th day of October, 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

Administrator Miller reported that the Tuolumne County Historical Society has requested deletion of its request to allow a tour of the old City Cemetery which they will reschedule for a future time. Per said request, New Business Item 1 was removed from the Agenda.

PRESENTATIONS

Police Chief VanderWiel introduced and swore in Police Officer Priscilla Carrasco. Officer Carrasco's mother pinned her badge, and she was welcomed by the Council.

PUBLIC COMMENT

None

CONSENT CALENDAR

MOTION by Mayor Pro-Tem Hawkins, second by Councilmember Plummer, and unanimously carried that the Consent Calendar be approved as follows:

1. Approval of the Minutes for the City Council Regular Session Meeting of October 1, 2018;
2. Approval to pay invoices for previously budgeted expenses on October 16, 2018, in the amount of \$223,111.59, and
3. Approval of disbursements in the amount of \$138,595.66, on September 12, 2018, for payroll, inclusive of employee salaries, employer and employee taxes and retirement

contributions, and miscellaneous voluntary employee deductions.

UNFINISHED BUSINESS

None

PUBLIC HEARINGS

Ordinance No. 850 Regarding Development Agreement for Cannabis Dispensary. The Council considered introducing by title and waiving the first reading of Ordinance No. 850 which approves a Development Agreement with Hazy Bulldog Farms, LLC, to allow a medical cannabis dispensary at 1243 Mono Way. Administrator Miller reviewed history, the application and screening process and reported the action of the Planning Commission conditionally approving the Use Permit and recommending Council approval of the Development Agreement. Attorney White commented that the action before the Council tonight is solely to consider the three-year termed Development Agreement, and he reviewed major highlights of the Agreement as follows: (1) The public benefit amount to be paid by Hazy Bulldog to the City is \$10,000 or 5% of the gross revenues whichever is higher with said funds designated to provide monies to be used for impact to the City and for oversight; (2) As drafted, the Agreement provides flexibility and can evolve in the same way that State law evolves; (3) Nothing can be transferred from the original owners without approval by the Planning Commission and the Council; and (4) There will be annual review and the ability to adopt any conformance issues. White stated his confidence in the Agreement as drafted.

Council and Staff had discussion about taxes/fees, the attachments to the Contract, reiterated that the Agreement relates solely to medicinal cannabis, and discussed the site map and the parking; the parking is required to be evaluated at six months.

Mayor Garaventa opened the Public Hearing at 5:28 p.m. **Aniah Kirk** asked if the Agreement provides for the ability to come forth during the 3-year term to apply for additional uses. Attorney White responded that the Ordinance is the limiting factor; it would have to go through the public process, but anything can be changed as long as it conforms with the Ordinance. **A member of the public** commented that he was a retired Police Officer who has worked with narcotics. He is opposed to the Ordinance, hopes the Council does not look at the money factor and hopes that it will look seriously at the ramifications of marijuana. **TY Atkins** asked for confirmation that the Ordinance relates solely to medicinal cannabis, asked about management and determination of legitimate users, and asked if these matters are governed according to State law. He had concern about the increase in traffic and demand for additional parking, asked if there are restrictions on storefront advertising, stated that he is in favor of people who legitimately need it medicinally, asked why the Council is not in keeping with

the County which is waiting to see what happens, and asked what the merchandise will be. Administrator Miller and Attorney White responded to Atkins' questions citing governing Ordinance provisions. **Jeff Muzio**, representing Hazy Bulldog Farms, responded that 90% of the merchandise will consist of cannabis products, cannabis infused products, and edibles, and he will also carry T-shirts, lanyards and sweatshirts.

Questions were directed to Muzio by the Council. Muzio responded: (1) The difference between medicinal and recreational product is how it is grown on, and designated by, the farm; (2) He will have a mandated point of sale computer system that tracks the identification number for verification; (3) If the person is not in the data base which is linked to the physicians, he will not sell to that individual; (4) Identification card and physician prescription are required; (5) The sales area in the building is completely separate from the products, and the doors will be alarmed; (6) There will be twelve high definition cameras and security lighting; (7) No loitering signs will be posted, and if loitering, the individual(s) will be asked to leave, and if any problems, the police will be notified; (8) Most of his advertising will be on social media, and he will have one low profile, not big or bold, Hazy Bulldog sign.

There was no further public comment, and the Public Hearing was closed at 5:50 p.m.

Councilmember Williams talked about her visit to the Little Trees cannabis dispensary to see how a dispensary works, and said she witnessed a well-controlled establishment. Councilmember Such stated her concern that it is a cash business and asked if there was legislation in the works for a better system. Attorney White responded that legislation is in progress, the DOE and the State are working on a system and more time is needed, and there should be legislation in effect next year. Mayor Pro-Tem Hawkins said that he has "grilled" Muzio because he is answering to 5000 constituents. He does not support recreational use, but is in favor of medicinal use only because there are many people who are truly suffering and really need it. He said there will be a lot of oversight, and he likes Muzio's model. Councilmember Plummer commented that the City has gone through a long and cautious process that is consistent with State law; he wishes Muzio success so long as the City wants to maintain medical cannabis. Councilmember Williams asked about liability insurance and the responsibility for notice by Muzio to the City of any major changes and asked why the provisions in regard to Annual Review specify the use of regular mail rather than the use of email. Attorney White responded that the Agreement does contain provision for insurance and a 10-day required notification to the City of any insurance cancellation or change. White also responded that the notification by mail is a State requirement which is cautionary and conservative. Mayor Garaventa commented on his

visit to James Journey which is a dispensary in Modesto and said they are following State law; he said that an outlet for medical marijuana is important to have locally for those who suffer, and the City has included additional requirements beyond State requirements.

MOTION by Mayor Pro-Tem Hawkins, second by Councilmember Plummer, and unanimously carried that Ordinance No. 850 approving the Development Agreement by and between the City of Sonora and Hazy Bulldog Farms, LLC, to allow a medical cannabis dispensary at 1243 Mono Way, be introduced by title with the first reading waived.

NEW BUSINESS

Request To Allow Consumption of Alcohol and Portable Food Cart. The Council considered a request by the Sonora Tap Room to allow the consumption of alcoholic beverages on a portion of Linoberg Street, for an Oktoberfest event on October 27, 2018, between the hours of 7 p.m. and 11 p.m., with street closure from 6 p.m. to 11 p.m., and approval for an exemption to allow a portable food cart. Recommending conditional approval, Administrator Miller reviewed the proposed request. Miller stated that under Municipal Code Section 5.06.049, a portable food vendor may not operate within 100 feet of a restaurant without the owner's permission, and the Tap Room is requesting an exemption to this requirement to have a taco food cart. Mayor Garaventa and Councilmember Williams had concerns in regard to the exemption asking if the owner of the restaurant which adjoins Linoberg Street was aware of the event and request. Nayland Chappell, owner of the Tap Room, responded that the owner of the Diamond Back Restaurant is aware, has attended previous Council Meetings, and is not in favor of the exemption because he feels it will affect his business.

The Mayor asked for any public comment. Chappell said that she plans to place the taco cart at the back portion of Linoberg to make it less offensive, and she feels that serving only street tacos will not impact the restaurant because it is intended to be a snack and not a meal. There was no other public comment.

Mayor Garaventa reiterated his concern about the mechanism of allowing an exemption to the existing Ordinance. Attorney White commented that the Council can always grant exemptions, or not; it is a policy decision of the Council for one event for tonight. Councilmember Plummer asked how often the applicant would be asking for exemptions. Chappell responded that she would like to have four events a year and bases that on the allowance limit of her Alcoholic Beverage Control (ABC) permit.

MOTION by Councilmember Hawkins, second by Councilmember Williams, subject to the following conditions, to allow the consumption of alcoholic beverages (beer and wine) on a portion of Linoberg

Street as requested by the Sonora Tap Room for an Oktoberfest event on October 27, 2018, between the hours of 7 p.m to 11 p.m., and approval for the exemption allowing a portable food cart:

- Obtain Special Event Permit for the street closure
- Obtain required ABC license
- Provide the required liability insurance
- Provide exit and no smoking signs, fire extinguishers and occupancy limits as required by the Fire Department
- Provide security staffing at all entrance/exit location(s) as required by the Police Department and limit entrance location(s) as required by ABC
- Place "no alcohol beyond this point" signs at all exits as required by the Police Department
- Place "road closed" and/or "detour" signs as directed by Public Works
- Provide "fenced" enclosure as required by ABC and the Police Department

Stating that he was reluctant to approve, Councilmember Plummer commented that for future reference the Diamond Back restaurant should be checked with to see if it does affect their business. Councilmember Williams also stated her reluctance and concern about notification and conversation with the restaurant owner, but commented that the Tap Room has been complying with all requirements; she also requested that Staff update the Ordinance with regard to food carts.

Attorney White reported that effective January 1, 2019, State law is requiring regulation and licensing for mobile food vendors; the Code will be reviewed at that time and will be updated to comply with State regulations.

Mayor Garaventa commented that on principal he will be voting no because he does not feel that the Council is following what it needs to be following to grant these exemptions. He also said that his decision is not directed at the Tap Room in any way, but said that "a business should not have veto power over another business".

The above MOTION passed four to one by the following vote: Ayes: Hawkins, Plummer, Such and Williams; No: Garaventa.

Resolution No. 10-15-2018-A, Red Church Pedestrian and Circulation Improvement Project. The Council considered adoption of Resolution No. 10-15-2018-A which awards the Engineering Services Contract for the Red Church Pedestrian and Circulation Improvement Project to Willdan Engineering and authorizes the City Administrator to execute the Contract and all necessary documentation related to the Project. Recommending approval, Community Development Director Kellogg presented the provisions of

Healthy Trails Day event will take place on November 4, 2018, from 10 a.m. to 1 p.m. with a number of activities. The event is a part of the *Get Up, Get Going, Get Healthy Sonora* program. Kellogg also noted that October 20, 2018, is the last day for the Farmers Market with the Historical Sonora Tour taking place at the close of the Market, and that vendors will continue with selling their wares during the winter months inside the Sugg House. She reported that *Trick or Treat Street* will take place on October 27th downtown. **Police Chief VanderWiel** informed the Council that the Police Department has joined the Lipsync Challenge on YouTube which engages the community and allows them to see the Officers as human; he noted that the Challenge has gone viral nationwide. **Mayor Pro-Tem Hawkins** reported that he had attended the TCTC Meeting, the Tuolumne County Economic Development Authority Meeting, and had recently walked 8.2 miles around Sonora with his family. **Councilmember Plummer** noted that he would be out of town Wednesday, Thursday and Friday, and encouraged everyone to attend the annual Health Fair at the Fairgrounds and take advantage of having a blood panel done for a low cost. **Councilmember Williams** reported that she attended the following: she served at the Senior Center Centurion Lunch with an honoree 104 years old in attendance, but that rainy weather unfortunately kept many from attending; the Senior Family Forum, the Ladies Night Out Adventist Health breast cancer awareness event, the Vision Sonora Committee Meeting, the Vision Sonora Marketing Committee Meeting, and the Chamber General Affairs Council Meeting. Williams also noted that she received email from the Counsel General of Japan regarding the Sister Cities Network and notice of two events in the Bay Area to which representatives from the City have been invited, and asked the Councilmembers to let her know if they would like to attend, and also if the Council would like to invite representatives to come to Sonora. **Councilmember Such** reported that she attended the YES Partnership Executive Committee Meeting, the Oversight Board Meeting, the Senior Family Forum, the Chamber Transportation Committee Meeting, the Vision Sonora Committee Meeting, and the YES Partnership monthly Meeting. **Mayor Garaventa** reported that he attended the Planning Commission Meeting, the TCTC Meeting, the TCEDA Meeting, Second Saturday downtown event, and the Chamber General Affairs Committee Meeting.

ADJOURNMENT

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

Marijane Cassinetta, City Clerk Date

**Minutes
Subject To
Council Approval**

VS Committee Report - October 15, 2018

Submitted by Council Member Connie Williams, Chair

With no action items, there were no VS Committee meetings for the months of July, August and September.

The Committee met on October 11, 2018. Those committee members in attendance were City Administrator Tim Miller, Community Development Director Rachelle Kellogg, Councilwomen Collette Such, Councilwomen Connie Williams and Tuolumne County Transportation Council Exec Director Darin Grossi. County Supervisors Sheri Brennan and John Gray were not in attendance.

Minutes were approved for the June 14, 2018 meeting.

Project Updates were reported by Committee Member Rachelle Kellogg:

- Stockton-Washington Transit Project has been submitted to Caltrans. Final Plans Feb/March 2019. Completed Plans April 2019.
- Red Church Project will come to the City Council in the near future. Design and Environmentals are done.
- DT Corridor Plan has been submitted to Caltrans. Scoring is taking place now. Funding decision will be in January 2019.

Action Items:

- 1) Consideration to approve recipients of the Certificate of Appreciation Award to be presented at the November 5, 2018 Sonora City Council Meeting. The committee approved the recommendation of the VS Design and Marketing Committee. The Post Home Store business (former location of the Kitchen Store) was nominated and the Sonora Jewelry Design building. The committee approved the nominations.
- 2) The second action item was continued to the November 8th meeting to allow Councilwoman, Collette Such, to meet with the VS Chair and the City Administrator regarding the possible appointment to chair for the VS Finance, Transportation and Mobility Sub-Committee.

Subcommittee Reports:

- 1) VS Community Design and Marketing Sub-Committee report was given by Councilwomen, Connie Williams. The committee continues to work on a myriad of projects including but not limited to:
 - a) Sonora Walking tour for cellphones
 - b) Add'l Street Benches
 - c) Add'l Trash and Recycle Cans
 - d) Dog Waste Stations
 - e) Parking Lot Wayfinding Signs
 - f) Service Club Sign Design and Placement
 - g) E. Linoberg Design
 - h) Coffill Park - new ADA accessibility, new string lighting & mesh on the Sonora Creek fence for safety
 - i) Grigsby Park and City Hall Parking Structure planter updating
 - j) Waiting to be involved in the design of the Red Church Project and the Stockton-Washington Transit Project
 - k) Next meeting is November 13th at 1:30pm at City Hall
- 2) VS Finance, Transportation and Mobility Sub Committee. There was no report as this committee has not met.

Committee Members Reports:

Committee Member Darin Grossi updates:

- YARTS Bus is looking to increase fares significantly. Tuolumne County Transportation Council (TCTC) sent a letter of concern. TCTC is looking at how the Council may be able to subsidize the increase in the future.
- Central Sierra Electric Vehicle Council meeting was taking place in the afternoon. This group will be creating a working paper for the counties of Tuolumne, Amador, Calaveras and Alpine. The intent is to determine where EV Charging Stations need to be installed.
- Congested Corridor Working plan is being created that will include all multi-modal transportation (walking, biking, driving, etc.) on State Route 108 and 49. This report should be completed in a couple of months.

The Committee adjourned at 9:21am

Next meeting is scheduled for November 8th @ 9 am @ City Hall

EXHIBIT "A"

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