



CITY COUNCIL REGULAR MEETING

Monday, May 01, 2023 at 5:00 PM

94 N. Washington Street, Sonora, CA 95370

(209) 532-4541

AGENDA

NOTICE IS HEREBY GIVEN that the Sonora City Council will have their regular meeting on Monday, May 1, 2023, at 5:00 PM in the City of Sonora Council Chambers located at 94 N. Washington Street Sonora, CA 95370.

THIS MEETING IS PHYSICALLY OPEN TO THE PUBLIC AND MEMBERS OF THE PUBLIC MAY PARTICIPATE IN THE MEETING VIA VIDEO CONFERENCING AT:

Zoom Meeting Link:

<https://us06web.zoom.us/j/81193397821?pwd=UGdrRTcyaFFac3o0b2JQK2FmMTRyUT09>

Dial: (669) 444-9171

Meeting ID: 811 9339 7821

Passcode: 906625

MEMBERS OF THE PUBLIC WILL BE GIVEN THE OPPORTUNITY TO PROVIDE COMMENT.

THIS MEETING WILL BE LIVE STREAMED ON THE CITY'S WEBSITE AT www.sonoraca.com.

Written comments can be submitted to be included as part of the administrative record; they will not be read during the meeting. All comments must be received by 3:00 pm on the day of the noticed meeting and can be submitted to the City Clerk at 94 N. Washington Street Sonora, CA 95370 or via email to tskelly@sonoraca.com.

CLOSED SESSION - 4:00 PM

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS

ADJOURN INTO CLOSED SESSION

1. Conference with Real Property Negotiations, Government Code Section § 54956.8
Property: 290 S. Stewart Street, Sonora, CA, Tuolumne County 95370

Agency Negotiators: Doug White, City Attorney, Melissa Eads, City Administrator; Chris Gorsky, Administrative Services Director.

2. Conference with Legal Counsel – Anticipated Litigation - Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section § 54956.9: Two (2) Potential Cases; Doug White, City Attorney, Melissa Eads, City Administrator.

RECONVENE INTO OPEN SESSION

OPEN SESSION - 5:00 PM

REPORT OUT OF CLOSED SESSION

PLEDGE OF ALLEGIANCE

ROLL CALL

CITY CLERK'S REPORT ON AGENDA POSTING

APPROVAL OF THE AGENDA

PUBLIC COMMENT (NON-AGENDA ITEMS)

*The public may address the Council on any item of public interest not otherwise on the agenda that is within the jurisdiction of the City. No action may be taken. Matters to be addressed may be referred to City Staff or placed on a subsequent meeting Agenda. Speakers are limited to a three (3) minute presentation. If participating via Zoom, please raise your hand using the Raise Your Hand feature or dial *9 (*6 to unmute).*

PRESENTATIONS

3. Receive an update from Tuolumne County District 1 Supervisor David Goldemberg.
4. Receive the Sonora Employees Association employee recognitions for 2022; Christopher Gorsky, Administrative Services Director.
5. Receive the Sonora Police Department employee recognitions for 2022 ; Turu VanderWiel, Police Chief.
6. Receive the Sonora Fire Department employee recognitions for 2022; Aimee New, Fire Chief.

CONSENT CALENDAR

Items on the Consent Calendar are considered routine and will be voted on in one motion unless a Council member or member of the public has a question or wishes to discuss an item. In that case, the item will be removed from the Consent Calendar and considered separately.

7. Consider approval of City Council Minutes for May 02, 2022 and May 16, 2022; Tracy Skelly, City Clerk
8. Consider approval of disbursements in the amount of \$168,463.02 for payroll, including employee salaries, employer and employee taxes, retirement contributions, miscellaneous voluntary employee deductions, holiday pay, and other adjustments, including retro-pay; Tracy Skelly, Administrative Services Officer.

9. Consider approval of thirteen (13) identified comparator agencies to benchmark against for the City's compensation study; Christopher Gorsky, Administrative Services Director.
10. Consider approval of Resolution 05-01-2023-A authorizing the City Administrator to execute an agreement with the Bank of Stockton to provide the City with banking services; Christopher Gorsky, Administrative Services Director.
11. Consider authorization to accept an award from the Central Sierra Continuum of Care Homeless Housing Assistance and Prevention Program, not to exceed \$135,220, and approve associated budget adjustments for the use of the funding; Turu VanderWiel, Police Chief.

PUBLIC HEARINGS

12. Introduce by title Ordinance No. 891, amending Section 17.04.010, Definitions, amending Section 17.32.065, Additional Activities Requiring Design Review, and adding Chapter 17.44, Cargo Containers, under Title 17, Zoning, of the Sonora Municipal Code, and waive the first reading; Rachelle Kellogg, Community Development Director.

NEW BUSINESS

13. Consider ratification of the City Administrator's Emergency Contract Award to Dewberry Engineers Inc., for the main drain field inspection and condition assessment; Melissa Eads, City Administrator.
14. Consider ratification of the Mayor's submittal of a letter to Tuolumne County Administrator Tracie Riggs and the Tuolumne County Board of Supervisors regarding the City's perspective on homeless services and our experience as it relates to serving as the County seat; Melissa Eads, City Administrator.

COUNCIL MEMBER/DEPARTMENT HEAD REPORTS

ADJOURNMENT

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator at City Hall (209) 532-4541, meads@sonoraca.com. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II).

Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Administrator's Office at 94 N. Washington Street, Sonora, CA 95370 during normal business hours (8:00 am - 4:00 pm, Monday through Friday, excluding holidays). The agenda and supporting public documents are also available on our City website www.sonoraca.com listed under the agenda/minutes link on the Government page.



CITY COUNCIL AGENDA REPORT

MEETING DATE: May 1, 2023
TO: City Council Members
FROM: Melissa Eads, City Administrator
SUBJECT: Supervisor David Goldemberg County Update

RECOMMENDATION

Receive an update from Tuolumne County District 1 Supervisor David Goldemberg.

DISCUSSION

District 1 Supervisor Goldemberg will present an update on County-wide issues to the City Council the first meeting of each month.

FISCAL IMPACT

No fiscal impact to the General Fund.



CITY COUNCIL AGENDA REPORT

MEETING DATE: May 1, 2023
TO: City Council Members
FROM: Chris Gorsky, Administrative Services Director
SUBJECT: Sonora Employee's Association Employee of the Year for 2022

RECOMMENDATION

Receive the Sonora Employee's Association (SEA) Employee of the Year for 2022.

DISCUSSION

Each year an employee is selected by their peers to be the City of Sonora Employee's Association Employee of the Year. The following individual was selected for their outstanding and dedicated work for the City.

The Finance Assistant Darlene Gibson is the Sonora Employees' Association Employee of the Year for 2022. She has been with the City for the past 3 years and some comments from her peers include:

"Darlene is always helpful and cheerful."

"She always has a great attitude."

"Darlene is always going out of her way to be helpful and is the face of City Hall."

FISCAL IMPACT

No fiscal impact to the General Fund.



CITY COUNCIL AGENDA REPORT

MEETING DATE: May 1, 2023

TO: City Council Members

FROM: Turu VanderWiel, Chief of Police

SUBJECT: 2022 EMPLOYEE RECOGNITIONS.

RECOMMENDATION

Receive the Sonora Police Department's 2022 employee recognitions.

DISCUSSION

Each year the Police Department recognizes exceptional performance in the following categories: Officer of the Year, Reserve / Part-Time Employee of the Year, Civilian Employee of the Year, the Marshall McMaster Community Service Volunteer of the Year, and the Ronald Billings II Police Explorer of the Year. These recognitions are peer-nominated, and leadership endorsed.

The following individuals were selected as the Sonora Police Department's employees of the year for 2022.

Ronald Billings II Explorer of the Year, Lisa Corpus – Lisa is now a part-time Police Dispatcher for us, but during 2022, she volunteered as a Police Explorer. The time she committed to volunteering with the Poice Department all while continuing to work on her education, was recognized by the leadership and the volunteer coordinators. Her motivation and enthusiasm for public service have no doubt culminated in her achievement of becoming a dispatcher. She works hard, takes her duties seriously, and doesn't give up, all while keeping a smile on her face.

Marshall McMaster Community Service Volunteer (CSV) of the Year, Chaplain Randy Ehle – Randy is always there when we need him with enthusiasm and support. As a Police Chaplain, he is a volunteer, so it is expected that his day job would limit his ability to participate; however, his participation has been exceptional. He epitomizes what this recognition characterizes while representing the Police Department and the City of Sonora. Randy plays a major role in the success of our Sonora Police Department-rooted Regional Peer Support Team, which has helped bring healing to members of more than fifteen agencies. Randy has a passion for his work and is there for community events such as Coffee with a Cop, the Special Olympics Polar Plunge, and Badges and Hoops basketball games. He helps out with our firing range operation and brings a positive vibe wherever he goes. As a Police Chaplain, he responds to both City and County needs for support when members of the community need emotional support during traumatic situations. Our staff very much appreciate his check-ins and willingness to just listen when the challenges of the job start to feel extra heavy.

Reserve / Part-Time Employee of the Year, Charles Shadle – Charles came to us at the end of 2021 with an impressive resume being retired both from the Federal Government and the US Army as a Commissioned Officer. He said he just wanted to contribute and help out a little during his retirement. The tasks he was assigned as a part-time Community Service Officer quickly multiplied as the

department navigated through staffing challenges. Charles wasn't discouraged, even when handed the property and evidence room for reorganization. He works hard and has been creating and updating procedural manuals relating to the various aspects of the job position. Charles does all this with a smile on his face, a positive attitude, and always has a witty remark locked and loaded. Staff noted that he is great to work with, and his efforts allow officers to focus more on their assigned duties.

Civilian Employee of the Year, Dispatcher Sara Westfall – Sara is recognized by many of her peers for taking on many extra shifts and being flexible on scheduling adjustments. She has become a Communications Training Officer, which involves a significant amount of responsibility and energy. She takes her job seriously and always works hard at improving her skill sets. She brings a unique style of humor to the workplace, and despite her failed attempts at appearing cynical, her smile and willingness to help others keep the atmosphere light around the office. Sara played an integral role in establishing and helping to expand our peer-support program, which is now regional. As with Randy, she shows a passion for the success of the Peer Support Team and gives up some of her free time to help provide this vital resource for others. As one employee noted in the nomination, "She is awesome."

Officer of the Year, Officer Antonio Shouse – Antonio has worked more than his fair share of overtime, and his coworkers appreciated his willingness to take on a modified shift assignment, which consists of a 55-hour week. Even with this unfavorable shift, he still signed up for additional coverage days; his reasoning, he explained, was to lighten the burden on his coworkers. He is a joy to work with and does not complain about the extra work. Antonio has also put a great deal of energy into helping to develop the K9 program and putting forth the extra time, cost, and effort associated with being a K9 handler. Officer Shouse is described as a team player and always there to help and take part in community activities. He maintains a positive attitude and is a pleasure to work with. Shouse is also appreciated by his peers for helping to guide junior officers, volunteer staff, and support staff. He represents the department in a professional, courteous manner.

FISCAL IMPACT

There is no fiscal impact on the General Fund.



CITY COUNCIL AGENDA REPORT

MEETING DATE: May 1, 2023
TO: City Council Members
FROM: Aimee New, Fire Chief
SUBJECT: Fire Department Fire Fighter of the Year Award - 2022

RECOMMENDATION

Receive Fire Department Fire Fighter of the Year Award - 2022

DISCUSSION

Each year the City of Sonora recognizes outstanding employees across all Departments. This is the time when we are given the opportunity to recognize and thank those we believe deserving of special recognition. All employees in the following categories are eligible (Volunteer, Intern, Part-time, and Career) for nomination as Employee of the Year.

The Fire Fighter of the year award began in 1994, and is unique in the City, in that our recognition program is entirely peer driven. Recognition that comes from peers acknowledging each other for outstanding service is especially rewarding.

For the 2022 Fire Fighter of the Year, the Sonora Fire Department would like to recognize Brian Bock. Brian was hired in March of 2020 as a Volunteer Firefighter. Brian has continued to go beyond by coming in at all hours of the day and night when requested for emergencies, callbacks and special events. Brian has a great attitude, work ethic and is a well of knowledge. He can always be counted on and works diligently to improve his skills.

Enhancing his career options in the fire service, Brian enrolled and completed his paramedic license in 2022. To prove his dedication and drive, Brian was hired on with the Alameda City Fire Department as a Firefighter Paramedic, while continuing to volunteer with the City of Sonora. Brian continues to be a contributing member of this department and we congratulate him on his achievements.

FISCAL IMPACT

N/A



CITY COUNCIL AGENDA REPORT

MEETING DATE: May 1, 2023
TO: City Council Members
FROM: Tracy Skelly, City Clerk
SUBJECT: Meeting Minutes for May 2, 2022 and May 16, 2022

RECOMMENDATION

Consider approval of City Council Minutes for May 2, 2022 and May 16, 2022.

DISCUSSION

Staff recommends that the City Council approve meeting minutes for May 2, 2022 and May 16, 2022.

FISCAL IMPACT

No fiscal impact to the General Fund.

ATTACHMENTS

- 05-02-2022 Meeting Minutes
- 05-16-2022 Meeting Minutes



CITY COUNCIL REGULAR MEETING

Monday, May 02, 2022 at 4:00 PM

94 N. Washington Street, Sonora, CA 95370

(209) 532-4541

MINUTES

NOTICE IS HEREBY GIVEN that the Sonora City Council will have their regular meeting on Monday, May 2, 2022 at 4:00 PM in the City of Sonora Council Chambers located at 94 N. Washington Street Sonora, CA 95370.

NOTICE: THIS MEETING WILL BE HELD IN ACCORDANCE WITH GOVERNMENT CODE SECTION 52953(E) AND THE CITY OF SONORA CITY COUNCIL RESOLUTION NO. 04-18-2022-A.

THIS MEETING IS PHYSICALLY OPEN TO THE PUBLIC AND MEMBERS OF THE PUBLIC MAY PARTICIPATE IN THE MEETING VIA VIDEO CONFERENCING AT:

Zoom Meeting Link:

<https://us06web.zoom.us/j/87460555933?pwd=UFBFZ0EyR3pjXNXZWtXVIZLQTJoQT09>

Dial: (669) 900-6833

Meeting ID: 874 6055 5933

Passcode: 7dY809

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CLOSED SESSION - 4:00 PM**CALL TO ORDER**

Called to order at 4:03 PM.

ROLL CALL**PRESENT**

Mayor Matt Hawkins

Mayor Pro Tem Mark Plummer

Council member Ann Segerstrom

Council member Colette Such

Council member Jim Garaventa

PUBLIC COMMENTS

No public comments.

ADJOURN INTO CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATORS (Government Code 54957.6): Employee Organizations: Sonora Employees' Association (SEA); Sonora Management Employees' Association (SMEA)

RECONVENE INTO OPEN SESSION**OPEN SESSION - 5:00 PM**

Called to order at 5:02 PM.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Plummer led the Pledge of Allegiance.

ROLL CALL**PRESENT**

Mayor Matt Hawkins

Mayor Pro Tem Mark Plummer

Council member Ann Segerstrom

Council member Colette Such

Council member Jim Garaventa

CITY CLERK'S REPORT ON AGENDA POSTING

The Agenda was posted on Thursday, April 28, 2022, at 2:00 PM.

APPROVAL OF THE AGENDA

The Agenda was approved without change.

REPORT OUT OF CLOSED SESSION

Staff was given direction.

PRESENTATIONS

2. Receive an update from Tuolumne County District 1 Supervisor David Goldemberg.

District 1 Supervisor David Goldemberg updated the Council on COVID-19 statistics, the Fire Safety Advisory Committee, the Climate Action Plan, upcoming Board of Supervisors meetings, the California State Association of Counties Legislative Session, and ATCAA.

3. Swearing in ceremony and introduction of two (2) Police Community Service Officers:

1. Charles Shadle
2. Rylan Matyshock

Police Chief Turu VanderWiel presented this item to the Council and swore in Charles Shadle and Rylan Matyshock.

4. Introduction and Swearing in of Police Officer Michelle Hopper.

Police Chief Turu VanderWiel presented this item to the Council and swore in Michelle Hopper.

5. Receive the Sonora Fire Department's Firefighter of the Year for 2021.

Fire Chief Aimee New presented this item to the Council and awarded Brittan Gregory as Firefighter of the Year for 2021.

6. Receive the Sonora Police Department's 2021 Employee Recognitions.

Police Chief Turu VanderWiel presented this item to the Council and awarded Officer Thomas Brickley as the Officer of the Year, Officer Danny Duffy as the Reserve Officer of the Year, Dispatcher Naomi Moran as the Civilian Employee of the Year, Chaplain Randy Ehle as the Marshall McMaster Community Service Volunteer (CSV) of the Year, and Lisa Corpus as the Ronald Billings II Explorer of the Year.

7. Receive the Sonora Employee's Association (SEA) Employee of the Year for 2021.

Community Development Director Rachelle Kellogg presented this item to the Council and awarded Mike Lagomarsino as the Sonora Employee's Association Employee of the Year for 2021.

8. Receive a presentation from the Tuolumne County Alliance for Resources and Environment (TuCARE).

TuCARE Chairman, Randy Hanvelt, presented this item to the Council, updating the Council on fuel breaks, and related TuCARE projects.

TuCARE Board of Director Member, Jeff Sargo, played a video on the Washington and Paradise Fires for those in attendance.

Councilmembers discussed.

No public comments.

PUBLIC COMMENT (NON-AGENDA ITEMS)

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A member of the public commented in disapproval of removing trees on Washington Street.

CONSENT CALENDAR

Items on the Consent Calendar are considered routine and will be voted on in one motion unless a Council member or member of the public has a question or wishes to discuss an item. In that case, the item will be removed from the Consent Calendar and considered separately.

Councilmembers discussed.

No public comments.

Motion made by Council member Garaventa, Seconded by Mayor Pro Tem Plummer.

Voting Yea: Mayor Hawkins, Mayor Pro Tem Plummer, Council member Segerstrom, Council member Such, Council member Garaventa.

9. Approval of City Council Minutes for January 11, 2022, January 18, 2022, February 7, 2022, and February 22, 2022.
10. Approve an agreement between the City of Sonora and the Sonora Union High School District to lease the city owned parking lot on the south side of School Street, for a term of five (5) years, for a total annual amount of ten thousand eight hundred ninety dollars (\$10,890); and authorize the City Administrator to execute the agreement.
11.
 1. Authorize the City Administrator to sign a Purchase Order with Pacific Displays in the amount of \$50,000 for the replacement of City Christmas Decorations destroyed in the Washington fire, and authorize the subsequent budget adjustment and accompanied budget transfer; requires 4/5th vote.
 2. Authorize the budget adjustment and accompanied budget transfer in the amount of \$25,000 from unrestricted fund balance to fund a sewer line replacement located at the public works facility; requires 4/5th vote.
12. Approval of disbursements in the amount of \$168,699.59 for payroll, inclusive of employee salaries, employer and employee taxes and retirement contributions, miscellaneous voluntary employee deductions, holiday pay, and other adjustments, including retro-pay.

NEW BUSINESS

13. Planning Commissioner Appointments:

1. Consideration of the Mayor's recommendation to reappoint Bess Levine to serve as a City of Sonora Planning Commissioner for a four-year term, expiring on July 1, 2026.

2. Consideration of the Mayor's recommendation to appoint Nathan Morales to serve as a City of Sonora Planning Commissioner for a three-year term, expiring on July 1, 2025.

Community Development Director Rachelle Kellogg presented this item to the Council.

Councilmembers discussed.

No public comments.

Nathan Morales introduced himself to the Council.

Bess Levine was appointed 5-0.

Motion made by Mayor Pro Tem Plummer, Seconded by Council member Garaventa.

Voting Yea: Mayor Hawkins, Mayor Pro Tem Plummer, Council member Segerstrom, Council member Such, Council member Garaventa.

Nathan Morales was appointed 5-0.

Motion made by Mayor Pro Tem Plummer, Seconded by Council member Such.

Voting Yea: Mayor Hawkins, Mayor Pro Tem Plummer, Council member Segerstrom, Council member Such, Council member Garaventa.

COUNCIL MEMBER/DEPARTMENT HEAD REPORTS

Fire Chief Aimee New reminded the Council of National Firefighters Day.

Community Development Director Rachelle Kellogg updated the Council on the Red Church Project and addressed a previous public comment.

Councilmember Segerstrom attended a Love Tuolumne Volunteer Event, a meeting with the Chamber of Commerce, and the Home and Garden Show.

Councilmember Garaventa attended the Access Tuolumne Meeting.

Councilmember Such attended multiple Tuolumne County Commission on Homelessness Meetings and an ATCAA Meeting and updated the Council on the Project Opioid Training.

Mayor Hawkins updated the Council on an upcoming meeting with the Governor's Office.

ADJOURNMENT

Meeting adjourned at 6:32 PM.

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CITY COUNCIL REGULAR MEETING

Monday, May 16, 2022 at 4:00 PM

94 N. Washington Street, Sonora, CA 95370

(209) 532-4541

MINUTES

NOTICE IS HEREBY GIVEN that the Sonora City Council will have their regular meeting on Monday, May 16, 2022 at 4:00 PM in the City of Sonora Council Chambers located at 94 N. Washington Street Sonora, CA 95370.

NOTICE: THIS MEETING WILL BE HELD IN ACCORDANCE WITH GOVERNMENT CODE SECTION 52953(E) AND THE CITY OF SONORA CITY COUNCIL RESOLUTION NO. 04-18-2022-A.

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Zoom Meeting Link:

<https://us06web.zoom.us/j/87460555933?pwd=UFBFZ0EyR3pjXNXZWtXVIZLQTJoQT09>

Dial: (669) 900-6833

Meeting ID: 874 6055 5933

Passcode: 7dY809

MEMBERS OF THE PUBLIC WILL BE GIVEN THE OPPORTUNITY TO PROVIDE PUBLIC COMMENT.

THIS MEETING WILL BE OPEN TO THE PUBLIC AND WILL BE AVAILABLE VIA ZOOM. IT WILL ALSO BE LIVE STREAMED ON THE CITY'S WEBSITE AT www.sonoraca.com.

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CLOSED SESSION - 4:00 PM**CALL TO ORDER**

Called to order at 4:07 PM.

ROLL CALL**PRESENT**

Mayor Matt Hawkins

Mayor Pro Tem Mark Plummer

Council member Colette Such

Council member Jim Garaventa

ABSENT

Council member Ann Segerstrom

PUBLIC COMMENTS

No public comments.

ADJOURN INTO CLOSED SESSION

Adjourned into Closed Session at 4:08 PM.

1. Threat to Public Services or Facilities (Government Code 54957(a)): Consultation with Police Chief, Turu VanderWiel.
2. Conference with Legal Counsel – Anticipated Litigation

Significant exposure to litigation pursuant to Gov. Code, § 54956.9(d)(2): One Potential Case

RECONVENE INTO OPEN SESSION**OPEN SESSION** - 5:00 PM

Called to order at 5:08 PM.

PLEDGE OF ALLEGIANCE

Councilmember Garaventa led the Pledge of Allegiance.

ROLL CALL**PRESENT**

Mayor Matt Hawkins

Mayor Pro Tem Mark Plummer

Council member Ann Segerstrom

Council member Colette Such

Council member Jim Garaventa

REPORT OUT OF CLOSED SESSION

A report was received. The Council returned to Closed Session at the end of the meeting.

CITY CLERK'S REPORT ON AGENDA POSTING

The Agenda was posted on Thursday, May 12, 2022, at 1:00 PM.

APPROVAL OF THE AGENDA

The Agenda was approved without change.

PRESENTATIONS

3. Swearing in ceremony and introduction of Police Community Service Officer, Kayla Parker.

Police Chief Turu VanderWiel introduced and swore in Police Community Service Officer, Kayla Parker.

PUBLIC COMMENT (NON-AGENDA ITEMS)

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A member of the public representing the League of Women's Voters informed those in attendance of their presence.

A member of the public commented in support of the Council's work and made multiple traffic requests.

A member of the public informed those in attendance of the Sonora Action Sports Park activities.

CONSENT CALENDAR

Items on the Consent Calendar are considered routine and will be voted on in one motion unless a Council member or member of the public has a question or wishes to discuss an item. In that case, the item will be removed from the Consent Calendar and considered separately.

No public comments.

**Motion made by Council member Garaventa, Seconded by Council member Such.
Voting Yea: Mayor Hawkins, Mayor Pro Tem Plummer, Council member Segerstrom, Council member Such, Council member Garaventa.**

4. Approval of City Council Minutes for March 7, 2022, March 21, 2022, April 6, 2022, and April 18, 2022.
5. Adopt Resolution 05-16-2022-A authorizing remote teleconferencing meetings of the City Council and its committees and commissions for 30 days pursuant to Government Code Section 52953(e) Brown Act provisions.
6. Approval of a Letter of Support for the Historic Building Restoration Grant Program, authorizing the Mayor to sign the letter.

7. Approval of disbursements in the amount of \$165,093.13 for payroll, inclusive of employee salaries, employer and employee taxes and retirement contributions, miscellaneous voluntary employee deductions, holiday pay, and other adjustments, including retro-pay.

NEW BUSINESS

8. Adopt Resolution 05-16-2022-B establishing an electronic signature use policy.

Deputy City Clerk Jackie Smith presented and detailed this item to the Council.

Councilmembers discussed.

No public comments.

Motion made by Council member Garaventa, Seconded by Council member Segerstrom. Voting Yea: Mayor Hawkins, Mayor Pro Tem Plummer, Council member Segerstrom, Council member Such, Council member Garaventa.

MONTHLY REPORTS

9. Receive the Sonora Police Department Monthly Report for April 2022.
10. Receive the Sonora Fire Department Monthly Report for April 2022.
11. Receive the Sonora Public Works Department Report for April 2022
12. Receive the Sonora Community Development Department Report for April 2022.

COUNCIL MEMBER/DEPARTMENT HEAD REPORTS

Police Chief Turu VanderWiel informed those in attendance that it was National Peace Officer Memorial Week and shared some relevant statistics.

Administrative Services Director Chris Gorsky informed those in attendance that the fiscal proposed budget for the upcoming year would be discussed at the next City Council meeting.

Community Development Director Rachelle Kellogg updated those in attendance on the Bank of Stockton, the Sidewalk Project, the Bathroom Project, and the Farmer's Market.

Mayor Pro Tem Plummer attended a recent Local Area Formation Commission (LAFCO) Meeting and the Tuolumne Utilities District (TUD), Board of Supervisors (BOS), and City Council Joint Meeting.

Councilmember Segerstrom attended the TUD, BOS, and City Council Joint Meeting, the Tuolumne County Transportation Council (TCTC) & Vision Sonora Committee Walking Tour, a YES Partnership Meeting, and a Cal Cities speech from the Secretary of State.

Councilmember Garaventa attended a Solid Waste Committee Meeting and a Tuolumne County Transportation Council Meeting.

Councilmember Such attended a Amador Tuolumne Community Action Agency (ATCAA) Meeting, the TUD, BOS, and City Council Joint Meeting, and a Tuolumne County Commission on Homelessness Meeting.

Mayor Hawkins attended the TUD, BOS, and City Council Joint Meeting and attended the opening of the Senior Center.

Adjourned into Closed Session at 5:50 PM.

Staff was given direction.

ADJOURNMENT

Meeting adjourned at 6:14 PM.

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CITY COUNCIL AGENDA REPORT

MEETING DATE: May 1, 2023
TO: City Council Members
FROM: Tracy Skelly, Administrative Services Officer
SUBJECT: Disbursements in the amount of \$168,463.02 for payroll

RECOMMENDATION

Consider approval of disbursements in the amount of \$168,463.02 for payroll, including employee salaries, employer and employee taxes, retirement contributions, miscellaneous voluntary employee deductions, holiday pay, and other adjustments, including retro-pay.

DISCUSSION

This payroll was the second (2nd) payroll of the month, which was an expected amount.

This payroll is the 21st payroll of 26 for FY22-23, we would have expected to expend 80.77% of the budgeted amount. In total, we have expended 72.10% of the Salaries and Wages for the FY 22/23 budget.

FISCAL IMPACT

Disbursements are part of the approved FY22-23 Budget.



CITY COUNCIL AGENDA REPORT

MEETING DATE: May 1, 2023

TO: City Council Members

FROM: Chris Gorsky, Administrative Services Director
Tracy Skelly, Administrative Services Officer

SUBJECT: Approval of Comparator Agencies for Compensation Study

RECOMMENDATION

Consider approval of thirteen (13) identified comparator agencies to benchmark against for the City's compensation study.

BACKGROUND

In an effort to recruit and retain qualified employees, a citywide compensation study was approved by Council on January 17, 2023. A well-designed and competitive compensation plan is a key part of delivering quality public services to the community. Regional Government Services (RGS) was selected, through a competitive process and the City entered into an agreement with RGS to complete a Compensation study. As part of the process, RGS analyzed the listed agencies utilizing standard criteria and recommended them to the City and the City Associations.

DISCUSSION

RGS will complete a comprehensive total compensation study using comparable agencies, agreed upon by the City and City Associations, using not only job titles but duties and responsibilities based upon the classification specifications from the City. To accomplish this the Consultant will complete an internal base salary relationship analysis and develop appropriate internal relationship guidelines based on 13 comparator or benchmark agencies. It is important that all parties, the Associations, City Administrator, and City Council are in agreement that the selected comparators accurately reflect a similarity of work and positions that exist at the City of Sonora.

The associations provided RGS with some original suggestions of comparator agencies; however, RGS uses six objective criteria to develop a suggested list of agencies. The criteria used to determine comparators consist of the following factors:

- Geographic Proximity
- Population
- Full-Time Equivalents (FTE)
- Operational Budget
- Percentage above/below U.S. Cost of Living Average
- Comparable Services

After discussion and revisions, the City Administration, City Associations, and RGS agreed upon a final list of thirteen (13) comparator agencies that staff recommend for approval and agreement by the City Council. The recommended comparator agencies are as follows:

Comparator Agency	Overall Criteria Comparison Score
Angels Camp	25
Jackson	25
Escalon	23
Willits	20
Livingston	19
Newman	19
Placerville	17
Paradise	16
Lodi	14
Modesto	10
Stockton	10
County of Tuolumne	13
Grass Valley	13

This distribution should provide the best overall review of agencies with similar structure, job classifications, and functions to analyze all classifications within the City.

FISCAL IMPACT

The contract's total estimated cost is not to exceed \$35,000.00 and was budgeted as part of the FY22/23 Budget approved in June 2022.



CITY COUNCIL AGENDA REPORT

MEETING DATE: May 1, 2023

TO: City Council Members

FROM: Chris Gorsky, Administrative Services Director

SUBJECT: Approve Resolution 05-01-23-A Authorizing the City Administrator to execute an agreement with the Bank of Stockton to provide the City with banking services.

RECOMMENDATION

Approve Resolution 05-01-23-A authorizing the City Administrator to execute an agreement with the Bank of Stockton to provide the City with banking services.

DISCUSSION

For years the City of Sonora has had a satisfactory banking relationship with the Bank of America. However, over the last few years the cost of the services and the lack of features offered to a small City has led to the decision to look for a new banking relationship. After reviewing the services it was determined that the Bank of Stockton is best suited to meet those needs.

Some of the benefits of the Bank of Stockton offerings are:

- Provides earning credit on account balances, that at the City's current monthly average balance, will offset all costs of services provided.
- Provide interest bearing checking account and a higher earning sweeps account. This will help the City maximize investment earnings
- Provides a feature called "Positive Pay" which only allows transactions that have been expressly approved to clear the account.
- Allows the City to remote deposit checks received.

The transition to the new bank be completed by the end of the Fiscal Year.

FISCAL IMPACT

The fiscal impact for the General Fund includes annual savings in bank fees of more than \$5,000 and will provide increased interest revenues.

ATTACHMENTS

- Resolution No. 05-01-23-A

RESOLUTION No. 05-01-2023-A
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONORA AUTHORIZING
THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH THE BANK
OF STOCKTON TO PROVIDE BANKING SERVICES

WHEREAS, fiscal prudence and financial responsibility are crucial for maintaining a stable and sustainable public agency budget; and

WHEREAS, checking and savings accounts are mechanisms for depositing and expending funds to conduct the business of the City of Sonora; and

WHEREAS, administrative staff have conducted a detailed review of existing banking services received by the City and determined they are deficient in several key areas and a new banking relationship is necessary; and

WHEREAS, staff have reviewed the banking needs of the City and determined that the Bank of Stockton is best suited to meet those needs.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Sonora does hereby approve Resolution No. 05-01-23-A Authorizing the City Administrator to execute an agreement with the Bank of Stockton to provide the City with banking services.

PASSED, APPROVED AND ADOPTED as a Resolution by the Sonora City Council at a meeting held by the City Council on the 1st day of May 2023, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Mark Plummer, Mayor

ATTEST: _____
Tracy Skelly, City Clerk, City of Sonora



CITY COUNCIL AGENDA REPORT

MEETING DATE: May 1, 2023

TO: City Council Members

FROM: Turu VanderWiel, Chief of Police

SUBJECT: Accept Homeless Housing Assistance and Prevention Program Grant Award

RECOMMENDATION

Authorize the City of Sonora to accept an award from the Central Sierra Continuum of Care Homeless Housing Assistance and Prevention Program, not to exceed \$135,220, and approve associated budget adjustments for the use of the funding.

DISCUSSION

In August of 2022, the Sonora Police Department, on behalf of the City of Sonora, responded to RFPs for a grant opportunity through the Central Sierra Continuum of Care (CSCOC), Homeless Housing Assistance and Prevention Program (HHAP). The grant provides local jurisdictions with funds to support regional coordination and expand or develop local capacity to address their immediate homelessness challenges.

Our project focuses on enhancing the Homeless Outreach Support Team's (HOST) capabilities and effectiveness and the City of Sonora's overall response to the homelessness crisis. These funds will be used specifically for Street Outreach efforts and Service Coordination by supporting a part-time Homeless Outreach Coordinator employee, overtime, and the tools and equipment needed for the project.

There is no required local match, and HHAP funds will be disbursed quarterly through Amador Tuolumne Community Action Agency (ATCAA) after submitting and receiving approval of project-related Funding Requests. Funds must be expended by June 30, 2026; however, no less than fifty percent is to be contractually obligated by May 2023.

FISCAL IMPACT

The overall budget appropriation for the Police Department would be increased by approximately \$135,220.

Date 5/1/2023

Fiscal Year FY 2022/23 - FY 2025/26

Department **POLICE**

Budget Transfer # _____

Transfer From			
Fund	Department	Account #	Amount
CSCOC	HHAP Round 3	Grant Program	
Total			\$0.00

Transfer To			
Fund	Department	Account #	Amount
001	5000	503	\$135,220.00
Total			\$135,220.00

REQUIRED: Please provide justification to support the need for the budget transfer.

Budget Adjustment for Award of the CSCOC HHAP Round 3 Grant Award

Finance Use Only	
Transaction Date	_____
Document Number	_____
Entered By:	_____

Authorization		
Department Head		4-26-23 (Date)
Finance Director		(Date)
City Administrator		(Date)



CITY COUNCIL AGENDA REPORT

MEETING DATE: May 1, 2023

TO: City Council Members

FROM: Rachelle Kellogg, Community Development Director

SUBJECT: Ordinance 891 – Chapter 17.44, Cargo Containers

RECOMMENDATION

Introduce by title Ordinance No. 891, amending Section 17.04.010, Definitions, amending Section 17.32.065, Additional Activities Requiring Design Review, and adding Chapter 17.44, Cargo Containers, under Title 17, Zoning, of the Sonora Municipal Code, and waive the first reading.

DISCUSSION

There have been multiple complaints submitted to the Community Development Department regarding cargo containers being placed unpermitted, within parking areas, and in a way that would create a negative impact on the image of the neighborhood. The current code regulating cargo container placement is found in Section 17.32.065, Additional Activities Requiring Design Review, and is limited to the Design Review boundary. The section lacks specific requirements and standards for placement leaving staff to ambiguously interpret implementation of the code. Due to this lack of current standards, staff has struggled to address these concerns.

In response to this staff prepared Ordinance 891, Cargo Containers, for the City Council's consideration which addresses the placement of cargo containers within City limits. The purpose of this ordinance is to allow cargo containers to be placed on private property in a manner that is safe and secure and will not create adverse impacts to either the property on which they are located or to the immediate neighborhood. With the rising popularity and use of cargo containers and similar structures, the goal is to allow the benefit to property owners while achieving standards that will prevent them from becoming a nuisance to the community and creating any unsafe conditions.

As stated above, the proposed ordinance takes into consideration design aesthetics, safety, and zoning regulations so as not to create an adverse effect on surrounding areas. The proposed ordinance establishes a procedure for staff to follow in reviewing cargo containers proposed in the City by requiring submittal of a Use Permit Application pursuant to Chapter 17.62. This would require applications for cargo containers to be conditionally approved at the discretion of the Planning Commission after demonstrating compliance with the ordinance.

The ordinance outlines the requirements in placement, design, and safety to ensure the container will not provide for any negative impacts to the area or unsafe conditions. It includes standards regarding design and aesthetics to reduce the visual impact to surrounding areas. Many of the cargo containers are worn, have branding from freight use, missing paint, and surface rust. Standards for screening, location, setbacks, height, and painting will alleviate much of these concerns. Further, a permanent cargo container must acquire a building permit and be secured on a permanent foundation to prevent hazards. Also, door modifications to allow exiting cargo containers from the inside must be verified in the building

permit. Fire safety and right-of-way access must be maintained as well. The storage of hazardous materials and combustible or flammable liquids is also addressed under the proposed ordinance.

While not all cargo container proposals may follow within the specific standards and parameters of the proposed ordinance, with cargo containers requiring a use permit, unique situations can be analyzed individually. Through this, staff can present their recommendations for best implementation of standards in the ordinance to minimize impacts.

At their April 10, 2023 Planning Commission Meeting, Commissioners reviewed the Title 17 text amendment related to Cargo Containers and approved Resolution No. 04-10-2023-A recommending to the Sonora City Council approval of an ordinance as described within the attached Resolution and included within the draft Ordinance No. 891.

CEQA DETERMINATION:

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(3), Common Sense Exemption, of the CEQA Guidelines, which exempts an activity that has no potential for causing a significant effect on the environment.

FISCAL IMPACT

None

ATTACHMENTS

1. Public Hearing Notice
2. Planning Commission Resolution #04-10-2023
3. Draft Ordinance 887

Attachment 1 -**PLANNING COMMISSION RESOLUTION**

RESOLUTION NO. 04-10-2023-A

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SONORA RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING TITLE 17, ZONING ORDINANCE OF THE SONORA MUNICIPAL CODE, INCLUSIVE OF THE FOLLOWING: AMENDING SECTION 17.04.010, DEFINITIONS, AMENDING SECTION 17.32.065, ADDITIONAL ACTIVITIES REQUIRING DESIGN REVIEW, AND ADDING CHAPTER 17.44, CARGO CONTAINERS.

WHEREAS, the City of Sonora Planning Commission is officially formed by Chapter 2.32 of the Sonora Municipal Code (SMC); and,

WHEREAS, Section 2.32.010 of the SMC states that the purpose of the Planning Commission is to promote and insure the comprehensive and adequate planning of the City, and Section 2.32.080(B) of the SMC prescribes that the Planning Commission investigate and make recommendations to the City Council upon reasonable and practicable means for putting the general plan into effect, in order that it will serve as a pattern and guide for the orderly physical growth and development of the City; and

WHEREAS, zoning is one of the primary means for promoting the comprehensive and adequate planning of the City and for implementing the general plan; and

WHEREAS, at its regular meeting conducted on April 10, 2023, the Planning Commission conducted a public hearing to consider the Text Amendments to Title 17, Zoning Ordinance of the Sonora Municipal Code;

NOW, THEREFORE, BE IT RESOLVED THAT THE SONORA PLANNING COMMISSION HEREBY RECOMMENDS to the Sonora City Council adoption, by ordinance, a Text Amendment to Title 17, Zoning, of the Sonora Municipal Code, inclusive of the following: amending Section 17.04.010, Definitions, amending Section 17.32.065, Additional Activities Requiring Design Review, and adding Chapter 17.44, Cargo Containers, as contained in the attached Ordinance No. 891 and based on the following findings:

The proposed text amendments:

- A. Are consistent with the objectives, policies, and general land uses and programs specified in the General Plan;
- B. Are in conformity with public convenience, general welfare, and good land use practice;
- C. Will not be detrimental to the health, safety, and general welfare;

- D. Will not adversely affect the orderly development of property or the preservation of property values; and
- E. The project has been reviewed in compliance with CEQA and is exempt from further review pursuant to the California Environmental Quality Act.

PASSED AND ADOPTED as a resolution by the Sonora Planning Commission on this 10th day of April 2023, by the following vote:

Members of the Commission:

AYES: Anderson; Ghiorso; Levine; Morales

NOES: Opie

ABSENT: _____

ABSTAIN: _____

SIGNED:



Kevin Anderson, Chair
Planning Commission

ATTEST:



Rachelle Kellogg, Secretary
Planning Commission

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Sonora City will conduct a public hearing at 5:00 PM, or shortly thereafter, on the 1st day of May, 2023, in the Sonora City Council Chambers, 94 North Washington Street, Sonora, CA for the purpose of considering the following:

1. **Code Amendment. Title 17 Text Amendment – Cargo Containers** Text amendment to Title 17, Zoning, of the Sonora Municipal Code, amending Section 17.04.010, Definitions, amending Section 17.32.065, Additional Activities Requiring Design Review, and adding Chapter 17.44, Cargo Containers.

This meeting is physically open to the public or members of the public may participate in the meeting via video conferencing. The posted meeting agenda will include the phone number and passcode needed to participate in the teleconference. Pursuant to State law, challenges in court to actions on the above proposal may be limited to issues raised during public hearings or meetings conducted on the matter, or in correspondence submitted prior to the start of the meeting.

At its meeting of April 10, 2023, the City of Sonora Planning Commission held a public hearing on said project. Subsequent to the hearing the Commission voted to recommend approval by the City Council. The above text amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15282(h) and Public Resource Code Section 21080.17 which exempts the adoption of an ordinance regarding second units.

The project staff report will be available for review at the City of Sonora Community Development Department, 94 North Washington Street, Sonora CA 95370, Monday through Friday, between the hours of 8:00 AM and 4:00PM or on the City's website at www.sonoraca.com.. Questions regarding the project may be directed to Community Development Director Rachelle Kellogg at (209) 532-3508 ext. #2.

Upon request, the agenda and the documents in the meeting agenda packet can be made available to persons with a disability. In compliance with the Americans with Disabilities Act, the City encourages those with disabilities to participate fully in the meeting process. Any person requiring special assistance to participate in the meeting should call 209-532-4541 at least forty-eight (48) hours prior to the meeting.

Rachelle Kellogg
Community Development Director

-v-

Publication Date: April 21, 2023

The Union Democrat
Sonora, CA

ORDINANCE NO. 891

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA AMENDING SECTION 17.04.010, DEFINITIONS, AMENDING SECTION 17.32.065, ADDITIONAL ACTIVITIES REQUIRING DESIGN REVIEW, AND ADDING CHAPTER 17.44, CARGO CONTAINERS, TO THE SONORA MUNICIPAL CODE.

WHEREAS, due to rising popularity of cargo containers used on private property, the City of Sonora should strategically implement into the municipal code standards and requirements regarding such; and

WHEREAS, the existing cargo container regulations in Section 17.32.065, Additional Activities Requiring Design Review, are lacking, ambiguous, and difficult to implement; and

WHEREAS, the purpose of the proposed ordinance amendments, including the addition of Chapter 17.44, Cargo Containers, is to establish procedures for regulating cargo containers including design, location, safety, and construction standards; and

WHEREAS, the proposed new Chapter 17.44 clearly outlines the standards for cargo containers, making it easier for both property owners in the City and staff to interpret and process applications for cargo containers; and

WHEREAS, the proposed new Chapter 17.44 provides standards to safeguard life, health, property, and public welfare in keeping with the character of the City and its historic area.

NOW, THEREFORE, THE CITY OF SONORA CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1. AMENDMENTS TO TITLE 17, ZONING.

- 1. Section 17.04.010, Definitions, of Title 17, Zoning, of the Sonora Municipal Code shall be amended to include the following text in alphabetical order:**

“Cargo container” means a pre-manufactured metal shipping container or standardized, reusable vessel, designed without axle or wheels, that was originally designed and fabricated for, or used in, the packing, shipping, movement or transport of freight, articles, goods, or commodities from one location to another and that is delivered to a site as a fully assembled unit. The term “cargo container” shall not include a storage shed that is assembled at the site or a trailer with wheels used in the transport of freight. This term shall only apply to those containers that are accessory to the primary use of the property for the storage of directly related nonflammable, noncombustible, nonhazardous materials, and supplies. This definition means also terms

including “shipping container”, “c-train”, “conex box”, and similar verbiage for means of implementation.

2. **Section 17.32.065(B), Additional Activities Requiring Design Review, of Title 17, Zoning, of the Sonora Municipal Code shall be amended as follows (a deletion of text is shown as a strike through):**

B. The placement of nonresidential manufactured or modular buildings, ~~storage or cargo containers.~~

3. **Section 17.44, Cargo Containers, of Title 17, Zoning, of the Sonora Municipal Code shall be added to the Sonora Municipal Code as follows:**

Chapter 17.44 Cargo Containers

17.44.010 Purpose

The purpose of this section is to allow cargo containers, as defined in this Title, to be placed on private property in a manner that is safe and secure, will not create adverse impacts to either the property on which they are located or to the immediate neighborhood, will achieve community architectural and design standards, and will not become a nuisance to the community.

17.44.020 Temporary Use

Temporary use of cargo containers shall be allowed as follows:

- A. No cargo container permit shall be required when the cargo container is used during construction and a valid building permit is active for the property; provided, that use and placement is approved by the Building Official and Fire Department.
- B. No cargo container permit shall be required to place a cargo container on private property for a period of ten (10) days or less; provided, that all applicable conditions of approval listed in section 17.44.080 of this chapter are met. For residential uses only, such temporary cargo containers are not required to be screened and may be placed in the front yard on a paved driveway so long as the cargo container does not encroach into the landscaped area, onto sidewalks, or into public rights-of-way, and there is sufficient room to open the garage door to allow access and egress in case of emergency.
- C. A temporary use of land permit shall be obtained from the Community Development Department for a period of greater than ten (10) days but no more than three (3) months each year; provided, that all of the conditions of approval applicable in section 17.44.080 of this chapter are met, with the exception that cargo containers screened from public view from the public right-of-way or an adjacent property shall not be required to meet the design requirements of section 17.44.080(K) of this chapter. The complete application shall be provided with a fee in the amount of \$100.

- D. The cargo container must be removed immediately upon completion of the temporary term or upon expiration or finalization of the building permit.

17.44.030 Exceptions

City-owned property and City Uses. For city-owned property and city uses (regardless of the underlying zoning district), one or more cargo containers for storage use may be permitted with approval of the Community Development Director. The number of cargo containers allowed and the time period for which a cargo container may be used under this subsection shall be established by the Community Development Director.

17.44.040 Extended and Permanent Use of Cargo Containers

A use permit shall be required prior to placing a cargo container on any private property for more than three (3) months. The approval shall be specific to a location and shall not be transferable to other locations or property. An application for a use permit shall be submitted for approval of a cargo container not less than sixty (60) days before the use is intended to begin. The application shall be on a form prescribed for that purpose by the Community Development Department and shall include the written consent of the owner of the property on which the use is to be located.

17.44.050 Public Right-of-Way Restriction

No cargo container may be placed in the public right-of-way unless an encroachment permit is approved and issued by the Community Development Department.

17.44.060 Cargo Container Use Permit Application Review and Approval

All procedures for processing cargo container use permit applications shall be in accordance with those outlined in Sonora Municipal Code 17.62, Use Permit and Variance Procedure.

- A. Once the use permit application has been accepted as complete, the Community Development Director or designee shall refer the use permit application to City Departments and any other agencies deemed appropriate by the Community Development Director for comment.
- B. In considering application for a use permit pursuant to this section, the Planning Commission shall approve the permit only if the following findings are made and subject to the limitations and conditions of this section:
 1. The proposal is consistent with the General Plan, the zoning ordinance, the design guidelines, and any other applicable plans or standards applicable to the property; and
 2. The proposal meets all applicable design standards and provisions of this section; and
 3. The proposal is in harmony with the existing or proposed development in the general area or neighborhood and will be compatible with adjacent structures and uses, including those on adjoining properties; and
 4. That the site for the proposed use is adequate in size and shape to accommodate such uses, all yards, open spaces, walls, fences, parking, loading, landscaping, and other features required by the Sonora Municipal Code or the Planning

Commission to make sure such use is compatible with the land and uses in the vicinity; and

5. Any structural element contained within the proposal is of high-quality design consistent with the intent of the Sonora General Plan and the exterior design, appearance, materials, and colors will not cause the nature of the neighborhood to materially depreciate; and
6. The proposal will not otherwise constitute a nuisance or be detrimental to the public safety, health, and welfare of the neighborhood and community.

17.44.070 Fee

A fee shall be paid by the applicant according to the fee schedule set by the City Council for use permit applications.

17.44.080 Conditions of Approval

In authorizing any use permit for a cargo container, the Community Development Director shall include as conditions of approval the following minimum provisions:

- A. **Accessory use.** A cargo container may be erected on a property when the use thereof is clearly incidental and secondary to the primary use of the property: For purposes of this section, a cargo container shall not be issued for a property where there is no approved primary use. The primary use of the property shall dictate which development standards are applicable to placement of the cargo container.
- B. **Height.** Cargo container(s) shall not be stacked and shall not be greater than ten (10') feet in height including the foundation system, as measured from the property grade.
- C. **Setbacks.** Cargo container(s) shall meet all applicable side and rear setback requirements. Cargo container(s) shall not be permitted in any front yard setback or areas adjacent to front yard setbacks visible to the public.
- D. **Location.** The proposed location shall not interfere with other uses, pedestrian/vehicular visibility, required parking, landscaping, or circulation on the property, or create any other safety problem. The cargo container(s) shall not be placed in a "fire lane" or other fire access lanes. The cargo container(s) must be accessible by a paved drive aisle. Cargo containers are not allowed to be placed permanently within the historic area as defined in Sonora Municipal Code Section 17.32.030(B).
- E. **Contents.** Cargo containers permitted pursuant to this Chapter are for permitted for storage purposes only. Human occupancy is prohibited. No hazardous materials and combustible or flammable liquids may be stored in the container.
- F. **Screening.** Cargo container(s) shall be screened from view from the public right-of-way and from view of adjacent residential uses or districts using methods such as, but not limited to, line of sight behind buildings or walls with landscaping and construction of walls with vines.

- G. **Number and size.** The number shall be limited to one (1) container per property, no greater than forty (40') in length. Lot coverage cannot exceed the allowed amount for the specific zone district.
- H. **Signs.** No advertising or directional signs shall be mounted, painted, or displayed on the container except that temporary containers may display the rental or leasing company name and/or logo permanently affixed or painted on the container.
- I. **Building permit.** A building permit shall be required for all permanent cargo containers. Doors shall be modified to allow persons to freely exit the cargo container.
- J. **Foundation system.** All permanent cargo containers must be structurally secured to a foundation system approved by the Building Official.
- K. **Design.** All applicable development standards and design guidelines for the zoning district shall apply. Permanent cargo containers must be painted to match the primary building to achieve architectural compatibility.

17.44.090 Amortization

All cargo containers existing in the city as of the effective date of the ordinance codified in this section shall conform to the following:

- A. Cargo containers for which prior approval was granted by the city or another agency with jurisdiction over the permit issuance shall be allowed to remain, subject to continued compliance with their original conditions of approval, if any.
- B. Cargo containers that have been installed without prior approval of the city shall be removed within ninety (90) days of the effective date of this ordinance or shall be brought into conformance with the requirements of this chapter.

SECTION 2. SEVERABILITY. If any section, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3. PUBLICATION AND EFFECTIVE DATE. This ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least within fifteen (15) days after its passage or a summary of the Ordinance is published in a newspaper of general circulation at least five (5) days prior to adoption and again at least within fifteen (15) days after its passage.

SECTION 4. CERTIFICATION OF COUNCIL ADOPTION AND APPROVAL. This Ordinance was introduced at a regular meeting of the City Council held on the 1st of May, 2023, and passed and adopted as Ordinance No. 891 at a regular meeting of the City Council held on the 15th of May, 2023 by the following vote:

AYES: _____

NOES: _____

ABSENT OR ABSTAIN: _____

Mark Plummer, Mayor

ATTEST: _____
Tracy Skelly, Deputy City Clerk

Approved as to Form:

Douglas L. White, City Attorney

Publish: The Union Democrat, Sonora
_____, 2023



CITY COUNCIL AGENDA REPORT

MEETING DATE: April 18, 2022

TO: City Council Members

FROM: Melissa Eads

SUBJECT: Ratification of the City Administrator's Emergency Contract Award to Dewberry Engineers Inc., for the Main Drain Field Inspection and Condition Assessment

RECOMMENDATION

Ratify the City Administrator's execution of a Professional Services Agreement between the City of Sonora and Dewberry Engineers Inc., in an amount not to exceed \$49,750 for an emergency Field Inspection and Condition Assessment of the City's Main Drain as a result of severe storms and flooding.

DISCUSSION

The City Administrator has executed the attached Professional Services Agreement with Dewberry Engineers Inc., in the amount of \$49,750 for an emergency Field Inspection and Condition Assessment of the City Main Drain. Staff became increasingly concerned with the conditions of the facility as a result of the January storms. An effort was made to immediately secure an engineer with the capacity for inspection. Out of an abundance of concern for safety, time and consideration was made to secure a consultant team with needed engineering experience and oversight paired with the technology capacity for drone exploration as well as confined space rescue stand-by services.

BACKGROUND

The Sonora Main Drain (Main Drain) serves as the principal stormwater conveyance system for large areas within the City of Sonora (City), southeast of Stockton Road (SR-49) and on either side of Washington Street, Stewart Street, and Restano Way. The Main Drain consists of approximately 1,200 ft of stacked rock (stone) tunnel, 650 ft of 18-inch high-density polyethylene (HDPE) pipe, 3,100 ft of 24-36 inch corrugated metal pipe (CMP), 75 ft of 36-inch reinforced concrete pipe (RCP), and 100 ft of concrete culvert. The stone tunnel component of the Main Drain is over 150 years old and is now located below a state highway (SR-49), parking areas, buildings, and City streets. The limits of the Main Drain are illustrated in Figure 1.

Certain limited sections of the stone tunnel have experienced collapses based on photographs compiled from authorized and unauthorized individuals accessing the Main Drain. Collapses of the sidewalls of the stone tunnel have prompted concerns regarding the overall integrity of the Main Drain and the possibility of a catastrophic failure of the system, particularly below SR-49. These concerns have been shared with Caltrans staff, resulting in a subsequent action by the City to initiate a field inspection and condition assessment of the Main Drain. The City has requested assistance from Dewberry Engineers Inc. (Consultant) to conduct the field inspection and to prepare a condition

assessment report of the Main Drain which could then serve as a basis for possible repair, rehabilitation, or replacement options.

To complete the field inspection and condition assessment, the Consultant will utilize the services of the following:

- HRL LLC d/b/a Hovrtek – confined space drone inspection
- Rescue Solutions – confined space rescue stand-by services
- 360 Pipeline Inspections – CCTV inspection of storm drain pipelines

An anticipated list of tasks includes the following:

- Task 1 – Coordination of Field Inspection Services
- Task 2 – Field Inspections of Main Drain
- Task 3 – Condition Assessment
- Task 4 – Development of Repair/Rehabilitation/Replacement Options
- Task 5 – Summary Report
- Task 6 – Meetings

Each task is detailed in the attached Contract Exhibit A Scope of Services.

FISCAL IMPACT

Funding for this project was allocated as an emergency set aside in the FY 2023/2024 and included in the January Emergency declaration.



IMAGE NO. 1
CONCRETE OUTLET UNDER BRIDGE LOOKING EASTERLY



IMAGE NO. 2
DRAINAGE INLET LOOKING DOWN



IMAGE NO. 3
STORM DRAIN MANHOLE LOOKING DOWN



IMAGE NO. 4
DRAINAGE INLET LOOKING NORTHERLY



IMAGE NO. 5
DRAINAGE INLET LOOKING NORTH WESTERLY



IMAGE NO. 6
DRAINAGE INLET LOOKING SOUTH EASTERLY



IMAGE NO. 7
STORMDRAIN MANHOLE LOOKING NORTHERLY



IMAGE NO. 8
DRAINAGE INLET LOOKING WESTERLY



IMAGE NO. 9
DRAINAGE INLET LOOKING NORTHERLY



IMAGE NO. 10
STORM DRAIN MANHOLE LOOKING DOWN



IMAGE NO. 11
DRAINAGE INLET LOOKING DOWN

EXHIBIT 3

SONORA MAIN DRAIN FIELD
INSPECTION AND CONDITION ASSESSMENT

IMAGES AT POSSIBLE ENTRY POINTS TO STONE TUNNEL





LEGEND

- 36-IN CMP
- 36-IN CMP (TO BE VERIFIED)
- 24-IN CMP
- CONCRETE CULVERT
- 18-IN HDPE
- STONE TUNNEL
- 36-IN RCP

POSSIBLE ENTRY POINTS

LOCATION NO.	IMAGE NO.	DESCRIPTION
①	1	CONCRETE OUTLET UNDER BRIDGE —CONCRETE DOOR
②	2	DRAINAGE INLET
③	3	STORM DRAIN MANHOLE
④	4	DRAINAGE INLET
⑤	5	DRAINAGE INLET
⑥	—	MANHOLE IN BUILDING
⑦	6	DRAINAGE INLET
⑧	7	STORM DRAIN MANHOLE
⑨	8	DRAINAGE INLET
⑩	9	DRAINAGE INLET
⑪	10	STORM DRAIN MANHOLE
⑫	11	DRAINAGE INLET



EXHIBIT 2
SONORA MAIN DRAIN FIELD
INSPECTION AND CONDITION ASSESSMENT
POSSIBLE ENTRY POINTS
TO STONE TUNNEL
 Dewberry

10/27/2023
Final Report
The Sonora, CA, Community Water System
10/27/2023 - 3:40 pm
10/27/2023 - 3:40 pm
10/27/2023 - 3:40 pm



City of Sonora

94 N. Washington Street
Sonora, CA 95370
(209) 532-4541
sonoraca.com

Item 13.

Main Drain Field Inspection and Conditions Assessment

This Agreement is made and entered into as of the _____, day of _____, 2023 by and between the **CITY OF SONORA**, a municipal corporation ("City") and Dewberry, Consultant").

RECITALS:

A. Consultant is specially trained, experienced, and competent to perform the special services which will be required by this Agreement; and

B. Consultant possesses the skill, experience, ability, background, certification, and knowledge to provide the services described in this Agreement on the terms and conditions described herein.

C. City desires to retain Consultant to render professional services as set forth in this Agreement.

AGREEMENT

1. Scope of Services. The Consultant shall furnish the following services in a professional manner: ***"Consultant shall perform the services described on Exhibit A which is attached hereto and incorporated herein by reference. Consultant shall provide said services at the time, place, and in the manner specified in Exhibit A, subject to the direction of the City through its staff that it may provide from time to time."***

2. Time of Performance. The services of Consultant are to commence upon execution of this Agreement and shall continue until all authorized work is approved by the City.

3. Compensation. Compensation to be paid to Consultant shall be no more than **\$49,750**. In no event shall Consultant's compensation exceed \$49,750 without additional written authorization from the City. Payment by City under this Agreement shall not be deemed a waiver of defects, even if such defects were known to the City at the time of payment.

4. Method of Payment. Consultant shall submit monthly billings to City describing the work performed during the preceding month. Consultant's bills shall include a brief description of the services performed, the date the services were performed, the number of hours spent and by whom, and a description of any reimbursable expenditures. City shall pay Consultant no later than 30 days after approval of the monthly invoice by City staff.

5. Extra Work. At any time during the term of this Agreement, City may request that Consultant perform Extra Work. As used herein, "Extra Work" means any work which is determined by City to be necessary for the proper completion of the Project, but which the parties did not reasonably anticipate would be necessary at the execution of this Agreement. Consultant shall not perform, nor be compensated for, Extra Work without written authorization from City.

6. Termination. This Agreement may be terminated by the City immediately for cause or by either party without cause upon fifteen days' written notice of termination. Upon termination, Consultant shall be entitled to compensation for services performed up to the effective date of termination.

7. Ownership of Documents. All plans, studies, documents and other writings prepared by and for Consultant, its officers, employees and agents and subcontractors in the course of implementing this Agreement, except working notes and internal documents, shall become the property of the City upon payment to Consultant for such work, and the City shall have the sole right to use such materials in its discretion without further compensation to Consultant or to any other party. Consultant shall, at Consultant's expense, provide such reports, plans, studies, documents, and other writings to City upon written request by City. Consultant shall not be responsible for any unauthorized modification or use of such information for other than its intended purpose.

8. Consultant's Books and Records.

a. Consultant and subconsultants, shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services, or expenditures and disbursements charged to City for a minimum period of three (3) years, or for any longer period required by law, from the date of final payment to Consultant to this Agreement.

b. Consultant and subconsultants, shall maintain all documents and records which demonstrate performance under this Agreement for a minimum period of three (3) years, or for any longer period required by law, from the date of termination or completion of this Agreement.

c. Any records or documents required to be maintained pursuant to this Agreement shall be made available for inspection or audit, at any time during regular business hours, upon written request by the City Administrator, City Attorney, City Auditor, or a designated representative of these officers. Copies of such documents shall be provided to the City for inspection at City Hall when it is practical to do so. Otherwise, unless an alternative is mutually agreed upon, the records shall be available at Consultant's address indicated for receipt of notices in this Agreement.

d. Where City has reason to believe that such records or documents may be lost or discarded due to dissolution, disbandment or termination of Consultant's business, City may, by written request by any of the above-named officers, require that custody of the records be given to the City and that the records and documents be maintained in City Hall. Access to such records and documents shall be granted to any party authorized by Consultant, Consultant's representatives, or Consultant's successor-in-interest.

9. Independent Contractor. It is understood that Consultant, in the performance of the work and services agreed to be performed, shall act as and be an independent contractor and shall not act as an agent or employee of the City. Consultant shall obtain no rights to retirement benefits or other benefits which accrue to City's employees, and Consultant hereby expressly waives any claim it may have to any such rights.

10. Interest of Consultant. Consultant (including principals, associates and professional employees) covenants and represents that it does not now have any investment or interest in real property and shall not acquire any interest, direct or indirect, in the area covered by this Agreement or any other source of income, interest in real property or investment which would be affected in any manner or degree by the

performance of Consultant's services hereunder. Consultant further covenants and represents that in the performance of its duties hereunder no person having any such interest shall perform any services under this Agreement.

Consultant is not a designated employee within the meaning of the Political Reform Act because Consultant:

- a. will conduct research and arrive at conclusions with respect to his/her rendition of information, advice, recommendation, or counsel independent of the control and direction of the City or of any City official, other than normal agreement monitoring; and
- b. possesses no authority with respect to any City decision beyond rendition of information, advice, recommendation, or counsel. (FPPC Reg. 18700(a)(2).)

11. Professional Ability of Consultant. City has relied upon the professional training and ability of Consultant to perform the services hereunder as a material inducement to enter into this Agreement. Consultant shall therefore provide properly skilled professional and technical personnel to perform all services under this Agreement. All work performed by Consultant under this Agreement shall be in accordance with applicable legal requirements and shall meet the standard of quality ordinarily to be expected of competent professionals in Consultant's field of expertise.

12. Compliance with Laws. Consultant shall use the standard of care in its profession to comply with all applicable federal, state, and local laws, codes, ordinances, and regulations.

13. Licenses. Consultant represents and warrants to City that it has all licenses, permits, qualifications, insurance, and approvals of whatsoever nature which are legally required of Consultant to practice its profession. Consultant represents and warrants to City that Consultant shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this Agreement, any licenses, permits, insurance and approvals which are legally required of Consultant to practice its profession.

14. Indemnity. Consultant shall indemnify and hold harmless City, its elected and appointed officials, officers, employees, and volunteers (collectively, "City") from losses, costs, liabilities and expenses for any damage, injury or death (collectively, "Liability") arising directly or indirectly from or connected with the services provided under this Agreement to the extent that such Liability is caused by the negligence or willful misconduct of Consultant, its officers, employees, agents, contractors, subcontractors, consultants, or any person under its direction or control and shall make good to and reimburse City for any expenditures, including reasonable attorneys' fees, the City may incur by reason of such matters. Consultant's obligations under this Section shall exist regardless of concurrent negligence or willful misconduct on the part of the City or any other person; provided, however, that Consultant shall not be required to indemnify City for the proportion of Liability a court determines is attributable to the negligence or willful misconduct of the City. The City acknowledges that this indemnity does not require the Consultant to provide an up-front legal defense to the City. This indemnification clause shall survive the termination or expiration of this Agreement.

Consultant further agrees to provide, at Consultant's expense, reasonable assistance to the City in responding to third party claims to the extent such claims implicate the quality of the Consultant's performance under this Agreement, which assistance shall include selection, management, and compensation of expert witnesses as necessary to substantiate or defend the quality of the Consultant's performance under this Agreement, as well as making Consultant's employees and project work product available as reasonably necessary to assist in the defense of such claims. This shall not preclude the City from recovering its reasonable attorneys' fees and defense costs in responding to third party claims to

the extent such claims are found to have been caused by the Consultant's negligence or willful misconduct.

15. Insurance Requirements.

a. Consultant, at Consultant's own cost and expense, shall, procure and maintain, for the duration of the contract, the following insurance policies.

i. Workers' Compensation Coverage. Consultant shall maintain Workers' Compensation Insurance and Employer's Liability Insurance for his/her employees in accordance with the laws of the State of California. In addition, Consultant shall require each subcontractor to similarly maintain Workers' Compensation Insurance and Employer's Liability Insurance in accordance with the laws of the State of California for all of the subcontractor's employees. Any notice of cancellation or non-renewal of all Workers' Compensation policies must be received by the City at least thirty (30) days prior to such change. The insurer shall agree to waive all rights of subrogation against City, its officers, agents, employees, and volunteers for losses arising from work performed by Consultant for City.

ii. General Liability Coverage. Consultant shall maintain commercial general liability insurance in an amount not less than one million dollars (\$1,000,000) per occurrence for bodily injury, personal injury, and property damage. If a commercial general liability insurance form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit.

iii. Automobile Liability Coverage. Consultant shall maintain automobile liability insurance covering bodily injury and property damage for all activities of the Consultant arising out of or in connection with the work to be performed under this Agreement, including coverage for owned, hired, and non-owned vehicles, in an amount of not less than one million dollars (\$1,000,000) combined single limit for each occurrence.

iv. Professional Liability Coverage. Consultant shall maintain professional errors and omissions liability insurance for protection against claims alleging negligent acts, errors or omissions which may arise from Consultant's operations under this Agreement, whether such operations be by the Consultant or by its employees, subcontractors, or sub-consultants. The amount of this insurance shall not be less than one million dollars (\$1,000,000) on a claims-made annual aggregate basis, or a combined single limit per occurrence basis.

b. Endorsements. Each general liability and automobile liability insurance policy shall be with insurers possessing a Best's rating of no less than A: VII and shall be endorsed with the following specific language:

i. The City, its elected or appointed officers, officials, employees, agents, and volunteers are to be covered as additional insured with respect to liability arising out of work performed by or on behalf of the Consultant, including materials, parts or equipment furnished in connection with such work or operations.

ii. This policy shall be considered primary insurance as respects the City, its elected or appointed officers, officials, employees, agents, and volunteers. Any insurance

maintained by the City, including any self-insured retention the City may have, shall be considered excess insurance only and shall not contribute with it.

iii. This insurance shall act for each insured and additional insured as though a separate policy had been written for each, except with respect to the limits of liability of the insuring company.

iv. The insurer waives all rights of subrogation against the City, its elected or appointed officers, officials, employees, or agents.

v. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its elected or appointed officers, officials, employees, agents, or volunteers.

vi. The insurance provided by this policy shall not be suspended, voided, canceled, or reduced in coverage or in limits except after thirty (30) days written notice has been received by the City.

c. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by the City. At the City's option, Consultant shall demonstrate financial capability for payment of such deductibles or self-insured retentions.

d. Certificates of Insurance. Consultant shall provide certificates of insurance with original endorsements to City as evidence of the insurance coverage required herein. Certificates of such insurance shall be filed with the City on or before commencement of performance of this Agreement. Current certification of insurance shall be kept on file with the City at all times during the term of this Agreement.

16. Notices. Any notice required to be given under this Agreement shall be in writing and either served personally or sent prepaid, first-class mail. Any such notice shall be addressed to the other party at the address set forth below. Notice shall be deemed communicated within 48 hours from the time of mailing if mailed as provided in this section.

If to City: City of Sonora
94 N Washington Street
Sonora CA 95370
Attention: Melissa Eads, City Administrator

If to Consultant: Dewberry Engineers Inc.
903 West Center Street, Suite 1
Manteca, CA 95337

17. Entire Agreement. This Agreement constitutes the complete and exclusive statement of Agreement between the Agency and Consultant. All prior written and oral communications, including correspondence, drafts, memoranda, and representations, are superseded in total by this Agreement.
18. Amendments. This Agreement may be modified or amended only by a written document executed by both Consultant and City and approved as to form by the City special counsel.
19. Assignment and Subcontracting. The parties recognize that a substantial inducement to City for entering into this Agreement is the professional reputation, experience, and competence of Consultant. Assignments of any or all rights, duties or obligations of the Consultant under this Agreement will be permitted only with the express consent of the City. Consultant shall not subcontract any portion of the work to be performed under this Agreement without the written authorization of the City. If City consents to such subcontract, Consultant shall be fully responsible to City for all acts or omissions of the subcontractor. Nothing in this Agreement shall create any contractual relationship between City and subcontractor nor shall it create any obligation on the part of the City to pay or to see to the payment of any monies due to any such subcontractor other than as otherwise is required by law.
20. Waiver. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver of a subsequent breach of the same or any other provision under this Agreement.
21. Severability. If any term or portion of this Agreement is held to be invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall continue in full force and effect.
22. Litigation Expenses and Attorneys' Fees. If either party to this Agreement commences any legal action against the other party arising out of this Agreement, the prevailing party shall be entitled to recover its reasonable litigation expenses, including court costs, expert witness fees, discovery expenses, and attorneys' fees.
23. Mediation. The parties agree to make a good faith attempt to resolve any disputes arising out of this Agreement through mediation prior to commencing litigation. The parties shall mutually agree upon the mediator and shall divide the costs of mediation equally. If the parties are unable to agree upon a mediator, the dispute shall be submitted to JAMS/ENDISPUTE ("JAMS") or its successor in interest. JAMS shall provide the parties with the names of five qualified mediators. Each party shall have the option to strike two of the five mediators selected by JAMS and thereafter the mediator remaining shall hear the dispute. If the dispute remains unresolved after mediation, either party may commence litigation.
24. Execution. This Agreement may be executed in several counterparts, each of which shall constitute one and the same instrument and shall become binding upon the parties when at least one copy hereof shall have been signed by both parties hereto. In approving this Agreement, it shall not be necessary to produce or account for more than one such counterpart.
25. Authority to Enter Agreement. Consultant has all requisite power and authority to conduct its business and to execute, deliver, and perform the Agreement. Each party warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and to bind each respective party.
26. Prohibited Interests. Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid, nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or

making of this Agreement. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no member, officer, or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

27. Equal Opportunity Employment. Consultant represents that it is an equal opportunity employer, and it shall not discriminate against any subcontractor, employee or applicant for employment because of race, religion, color, national origin, handicap, ancestry, sex or age. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff, or termination. Consultant shall also comply with all relevant provisions of City's Minority Business Enterprise program, Affirmative Action Plan or other related programs or guidelines currently in effect or hereinafter enacted.

IN WITNESS HEREOF, the parties have caused this Agreement to be executed on the date first written above.

CITY OF SONORA:

DEWBERRY ENGINEERS INC.

By: _____
Melissa Eads,
City Administrator

By: _____

ATTEST:

Tracy Skelly

City Clerk

APPROVED AS TO FORM:

Douglas White, City Attorney

SCOPE OF SERVICES

Task 1 – Coordination of Field Inspection Services

Coordination of field inspection services by the Consultant will include the following:

- 1.1 Collection and review of available documentation to create a database related to the historic condition of the stone tunnel and storm drain pipelines.
- 1.2 Outreach to Caltrans staff to solicit available information derived from previous limited inspection efforts.
- 1.3 Preparation of a Field Inspection Plan (FIP) for review by City staff. The FIP will outline the approach and objectives for field inspection activities and preliminary criteria to be used in the subsequent condition assessment. Entry to confined spaces is not anticipated in preparation of the FIP.
- 1.4 Preparation of a Safety and Rescue Plan (SRP) by Rescue Solutions for review by the City Fire Chief.
- 1.5 Outreach to City Public Work staff to confirm assistance to be provided during field inspection activities.
- 1.6 Scheduling of Consultant team, City staff, and Caltrans personnel during field inspections.

Task 2 – Field Inspections of Main Drain

Although manned confined space inspections are not planned as part of the Main Drain inspection, some limited personnel entry at the access points may be required to facilitate the launching/ retrieval of an inspection drone and a CCTV camera. Consistent with the approved SRP, a standby confined space rescue team will be onsite during all inspection activities. The standby confined space rescue team furnished by Rescue Solutions will consist of two rescue technicians (fire department personnel) trained as CPR/EMS first responders and certified in confined space rescues. The confined space rescue team will be equipped with ropes and hardware for anchoring and rigging retrieval lines, multi-pod Sked/Stokes litter, SCBA/supplied air, hard line communication, radios, air monitoring equipment, and ventilation fan. Additional information regarding the capabilities and qualifications of Rescue Solutions is found in Attachment 1.

Visual inspection of the stone tunnel will be accomplished by a drone piloted by HRL. The drone will enter/exit the stone tunnel at multiple access points as illustrated in Figure 2. Assistance by City forces is assumed in the removal of grates, storm drain manhole covers, inlet covers, and other obstructions that limit access to the stone tunnel. Any required right of entry to private property to access the stone tunnel will be obtained by the City. The drone camera will be monitored continuously by the drone pilot and a structures engineer

from the Consultant. As the drone inspection work progresses, Dewberry's structures engineer will direct the pilot to stop at locations of concern (structure sloughing, blockage, damage, etc.) to mark the location and take additional video of that particular location. The intent of the video feed monitoring is to form an opinion of the overall condition of the tunnel and note the locations and number of areas of concern within the tunnel to determine the overall magnitude of the existing problems. Dimensions of the areas of concern will be approximated but not physically measured. A video file of the stone tunnel inspection will be created including accompanying narration to highlight key observations and comparisons to historical information regarding the stone tunnel condition.

Field inspections of storm drain pipelines will be accomplished by 360 Pipeline Inspections using a closed-circuit television (CCTV) camera. The periphery of storm drain pipelines will be televised using a pan and tilt resolution camera with 10x optical/12x digital zoom with automatic iris, 530 lines of resolution, and one lux sensitivity to light. The camera will be attached to a six-wheel, steerable crawler with backeye camera for maneuvering past obstacles. Where sharp bends or diameters smaller than the transporter camera are encountered, a push/rod reel with high-resolution digitally zoom 3x self-leveling axial color camera with shadow-less adjustable illumination up to 12K lux with footage counter will be employed.

Flushing of storm drain pipelines by City forces is assumed prior to CCTV pipeline inspections. The CCTV inspection will be documented in an electronic, high-resolution MPEG-4 color video recording and will include image files and National Association of Sewer Service Companies (NASSCO) Pipeline Assessment Certification Program (PACP) defect coding database/report. In support of CCTV inspection activities, traffic control plans will be submitted to the City for approval with traffic control measures employed subsequently by 360 Pipeline Inspections.

The results of the field inspections will be summarized in a brief technical memorandum (TM) and submitted to City and Caltrans staff. Conclusions from the Consultant will then be shared in a post-field inspection meeting with City staff and the City Council as outlined under Task 6.2.

Task 3 – Condition Assessment

Upon completion of the field inspection work, the Consultant will prepare an overall assessment of the stone tunnel. The assessment includes a location and description of each observed area of concern on a plan view map of the existing tunnel and associated pictures.

For storm drain pipelines, the condition assessment will include documentation of inspection findings, health of selected storm drain pipe and manholes using a rating system based on NASSCO PACP and Manhole Assessment Certification Program (MACP) grading system. This system will compare the Structural Defects and Operation and Maintenance Defects of each

pipe segment and then assign a rating grade. The category with the highest rating would indicate the likeliest Probability of Failure (PoF) for an asset. PoF ratings will range from Critical Condition (80%-100% PoF) to Excellent Condition (0-19% PoF).

Task 4 – Development of Repair/Rehabilitation/Replacement Options

Following completion of the condition assessment, repair/rehabilitation/replacement options will be identified as follows:

- Areas of immediate repairs needed within the stone tunnel as noted during the field investigation.
- Methods to rehabilitate/reconstruct segments of the tunnel to extend service life and improve durability.
- Segments of stone tunnel that are readily replaced with a box culvert or reinforced concrete pipe.
- Storm drain pipeline improvements including:
 - Cured-in-place pipe lining (CIPP)
 - Slip lining
 - Pipe bursting
 - Spray lining
 - Excavation and replacement

Order of magnitude projections of probable construction costs for preferred options will be developed along with suggested implementation steps. The results of Task 4 will be included in the Summary Report to be prepared under Task 5.

Task 5 – Summary Report

The results of the field inspections and condition assessment for the stone tunnel and storm drain pipelines for the Main Drain will be documented in a summary report along with an overview of alternative repair/rehabilitation/replacement options. Feedback from key stakeholders will be presented along with recommended next steps in implementing improvements to the Main Drain. A tentative outline of the Summary Report is as follows:

- Summary of Background Information
- Description of Main Drain Components
- Conclusions from Previous Inspection Efforts
- Description of Methodologies Used to Inspect Main Drain
- Results of Confined Space Inspections of Main Drain
- Summary of Condition Assessment
- Discussion of Repair/Rehabilitation/Replacement Options
- Recommended Implementation Plan

The draft Summary Report will be submitted to City staff for review and comment. A presentation to City Council highlighting the conclusions of the report is anticipated under

Task 6.4. Comments received from City staff and key stakeholders will then be incorporated into the document and a final Summary Report will be submitted to the City.

Task 6 – Meetings

The following meetings are anticipated during completion of field inspection and condition assessment activities:

- 6.1 Pre-field inspection meeting: the FIP and SRP will be reviewed with City and Caltrans staff and questions answered during a virtual meeting prior to initiating the field inspection work. Based on input received during the meeting, the SIP and SRP will be revised and resubmitted to the City.
- 6.2 Post-field inspection meeting: the results of the field inspection will be shared with City and Caltrans staff along with initial conclusions regarding system condition. A briefing to City Council is anticipated in conjunction with the post-field inspection meeting.
- 6.3 Draft Summary Report review meeting: following submission of the draft summary report, a virtual meeting will be conducted with City staff to present conclusions and recommendations. Based on input received during the meeting, the draft Summary Report will be revised and resubmitted to the City.
- 6.4 Presentation of Summary Report to City Council: the Consultant will present the final summary report to City Council and respond to questions. Assistance to City staff in preparing the staff report is anticipated under this subtask.

The results of project meetings will be documented by the Consultant in meeting minutes to be submitted to City staff within one week following the meeting.

FEE ESTIMATE SUMMARY

The projected fee to complete the field inspections and condition assessment is \$49,750 summarized as follows:

Task 1 – Coordination of Field Inspection Services	\$4,500
Task 2 – Field Inspections of Main Drain	\$26,500
Task 3 – Condition Assessment	\$6,000
Task 4 – Development of Repair/Rehabilitation/Replacement Options	\$3,000
Task 5 – Summary Report	\$2,500
Task 6 - Meetings	\$7,250



City of Sonora

94 N. Washington Street
Sonora, CA 95370
(209) 532-4541
sonoraca.com

April 19, 2023

Tuolumne County
County Administrative Officer Riggs
2 So. Green Street, Sonora CA 95370

Dear Ms. Riggs and Members of the Tuolumne County Board of Supervisors,

Thank you for asking for the City's perspective on homeless services and our experience as it relates to serving as the County seat.

The City of Sonora serves as home to 50% of the total County chronic homeless and 34% of total County homeless individuals, despite being 9% of the County population. This per capita number for the City of Sonora according to data provided by Resiliency Village, .019, exceeds the largest US Cities experiencing the highest homeless counts. As of recent, 17% of calls for police are homeless related. Numbers such as this, concentrated in a small geographical region of 3.1 miles and amongst a population of 5,004 residents, places an unmitigated financial burden on the City of Sonora. This burden is impacting the overall health, safety, and wellbeing of our residents and limiting our ability to respond with adequate levels of service to meet community needs and expectations.

To balance the demands placed on our community and to protect the rights of all residents, the City has embraced a **compassionate but accountable** philosophy in its approach to addressing the threat to public health, safety, and welfare this social crisis has imposed. This approach included several policy decisions. Among them, the adoption of the *Protection of Critical Infrastructure and High Fire Severity Zones Ordinance No. 889*, and the *Homeless Encampment Health and Hygiene Ordinance No. 888*. In addition to the adoption of the Ordinances, the City approved Clean and Clear Policies for the safe maintenance of allowable camping areas on City facilities. These policy decisions are aimed at protecting the basic human need for respite and sleep, while also managing our ability to protect the community from the public health concerns of unmanaged encampments, the fire danger that camping in high fire severity zones creates, as well as provides for the protection of critical infrastructure necessary to sustain the response of our public safety teams.

In addition to policy, and to further respond to this threat to public health, safety, and welfare, the City utilized Permanent Local Housing Allocation funding (PLHA) to support a full time County Behavioral Health and Human Services Employee necessary to provide for the supportive service needs of the homeless community. Additionally, the City Police Department has funded a Sworn Officer to serve as the Homeless Liaison and has created a Memorandum of Understanding (MOU) to bring a collaborative group of supportive service partners to form a Mobile Navigation Center and Street Outreach Team. The City has also secured a Continuum of Care (CoC) grant to support the Street Outreach efforts with a part-time non-sworn position.

The Community of Sonora has also opened its doors to many services, programs, and donations aimed at supporting the unsheltered. Homeless services within the incorporated City include but are not limited to:

The Washington Street Shelter
 The Center for a Non-violent Community- Guardian House
 Nancy's Hope, Non- Profit Services
 The Lambert House, A Non- Profit Drop in Center
 Give Someone a Chance, Mobile Showers
 Laundry Facilities
 The Enrichment Center, A County Run Drop In Center
 Numerous County Supportive Services
 Faith Based Ministries Food Pantries and Food Distribution
 Stewart Street Shelter, Under Development

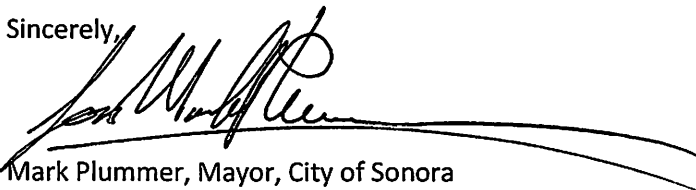
Unfortunately, despite our best efforts, the crisis grows. With this case history, the City believes itself to be over-contributing to the solution, thereby exacerbating the problem disproportionately for Sonora residents. Other than the \$135,000 CoC Grant and PLHA funds, the City receives no other state or federal funds to provide supportive services for this deeply in need population. The general fund is the only source the City has to address the associated issues of homelessness including increased demand for fire response and medical calls, increased police calls for service, and increased demand on public works crews to clean and maintain vandalized facilities, roads and sidewalks littered with human excrement, food containers, sleeping bags, and shopping carts.

We need the County's help in addressing this issue. We ask that the County open its doors to solutions to this County-wide crisis. We ask that the County decentralize homeless support services or adequately financially mitigate the impacts of those services, recognizing the risk and burden to the City's wellbeing. The City seeks geographic equity in response to solutions to this crisis. We further ask the County NOT even consider Shelter options or additional services in the Historic Downtown Core as hotels and facilities are a much needed amenity for the City's tourism economy and the basis of our general fund revenue.

We ask that the County partner with the City in the adoption of City Ordinances No. 888 and 889 to ensure unified enforcement on County property within the City limits. This is necessary to provide for the health, safety, and wellbeing of our community. We further ask that the County sign the City of Sonora Police Department MOU, bringing resources to the people today, while long term planning efforts such as the construction of the Navigation Center and shelter acquisition continues. Finally, we ask the County to develop a matrix, or set of criteria, for the evaluation of policies and impacts on outcomes. As the City leads the region in the location of supportive services, shelters, transportation, and drop-in centers, those services have not yielded decreases in homelessness within the incorporated City.

We thank the County for considering the Soulsbyville Oak Terrace facility. We support this facility as a Shelter option. We further encourage all Districts to open their doors to solutions to this social crisis. Geographic equity and decentralization of services will truly create a balanced and healthy regional approach to the homeless crisis within our community and ease the disproportionate impact County policy has on the City's population.

Sincerely,



Mark Plummer, Mayor, City of Sonora

Attachments:

Sonora Policy Department MOU-Homeless Outreach Support Team (HOST)
 City of Sonora Toolkit
 Ordinances No 888 & 889

MEMORANDUM OF UNDERSTANDING

BETWEEN

**CITY OF SONORA POLICE DEPARTMENT
AND
CITY OF SONORA FIRE DEPARTMENT
TUOLUMNE COUNTY SHERIFF'S DEPARTMENT
TUOLUMNE COUNTY BEHAVIORAL HEALTH
AMADOR TUOLUMNE COMMUNITY ACTION AGENCY
TUOLUMNE COUNTY DEPARTMENT OF SOCIAL SERVICES
TUOLUMNE COUNTY HOMELESS SERVICES COORDINATOR
FOR
HOMELESS OUTREACH SUPPORT TEAM (HOST)**

SECTION 1

1.1 PARTIES TO AGREEMENT

- 1.1.1 City of Sonora Police Department (Sonora PD)
- 1.1.2 City of Sonora Fire Department (Sonora FD)
- 1.1.3 Tuolumne County Behavioral Health (TCBH)
- 1.1.4 Amador Tuolumne Community Action Agency (ATCAA)
- 1.1.5 Tuolumne County Department of Social Services (DSS)
- 1.1.6 Tuolumne County Sheriff Department (SO)
- 1.1.7 Tuolumne County Homeless Services Coordinator

SECTION 2

2.1 INTRODUCTION AND HISTORY

2.1.1 Over the years, the needs of the community have shifted as a result of an increase in homelessness throughout all of California. This shift is driven by a lack of affordable housing opportunities, a change in state drug laws, and the challenges in engaging individuals to take advantage of mental health resources. The demand for local services is steadily growing, resulting in the need to re-examine how services are deployed to persons experiencing homelessness, substance use, and/or mental health issues.

As indicated by recent Point in Time (PIT) counts, Tuolumne County experiences the highest homeless population in the region (Tuolumne, Calaveras, Mariposa, and Amador). The City of Sonora is at the hub of our county's homelessness issues due to the close proximity of the hospital, parks, a jail, grocery stores, and other retail and charitable organizations. Law enforcement, Ambulance, and Fire personnel are responding to calls relating to homelessness at increased rates.. First responders are limited in their capacity to effectively triage for referrals and follow-up services. Additionally, the goal would be to reduce impacts on the hospital emergency department and outpatient services.

Tuolumne County Behavioral Health (TCBH) and local Law Enforcement are already collaborating in an effort to link individuals to mental health services. TCBH and the City of Sonora Police Department (Sonora PD), and TCSO will continue to aid and assist persons in crisis through crisis response collaboration. However, a *Homeless Outreach Support Team* (HOST) will be established to include a sworn Homeless Liaison Officer from Sonora PD, a Fire EMT from the City of Sonora Fire Department (Sonora FD), a TCBH service provider, a DSS service provider, Tuolumne County Homeless Services Coordinator, and a Housing Resource Coordinator from Amador Tuolumne Community Action Agency (ATCAA). HOST will respond to community needs based on priorities identified by the partnering agencies. The purpose of this team would be to interact with individuals, learn who is willing to engage in services and resources, and link those individuals with those opportunities.

SECTION 3

3.1 PURPOSE OF THE AGREEMENT

3.1.1 The purpose of this MOU is to establish a working relationship among the parties and document each party's responsibilities relative to the Homeless Outreach Support Team (HOST). HOST is designed to enhance collaboration and facilitate the deployment of services and resources to high-risk individuals that frequently impact emergency systems. Parties of this understanding agree to work together in the most efficient and professional manner in order to best serve the community.

3.1.2 The term of this agreement is ongoing, with the effective commencement date being December 1, 2022. This MOU may be amended only in writing with the signed approval

of all parties. A representative of any participating agency can request a review of the MOU at any time if deemed necessary for operational effectiveness. Participating agencies may elect to terminate their participation in this MOU by providing written notification to the *HOST* participants. Termination will take effect not less than thirty (30) days after receipt of written notification or upon a date established by mutual agreement or whichever is earlier.

3.1.3 Overview of *Homeless Outreach Support Team* Model

HOST will deploy a team comprised of representatives of each participating agency as available and appropriate, but no more than monthly. *HOST* will respond to community members who are pre-identified by the team who are frequently impacting emergency systems. The schedule of operation will be between Monday through Friday and the hours of 8 a.m.- 5p.m., not to exceed an 8-hour project on a pre-determined date. The team will respond to various locations in the county (i.e., residences, streets, shelters, clinics, hospitals, homeless camps, and schools). Ideally, the team will deploy in partnering agency vehicles. Vehicles deployed by law enforcement partners will not be obviously identified as law enforcement in an effort to minimize the potential of trauma or anxiety to the high-risk individual scheduled to be engaged.

SECTION 4

4.1 GOALS OF THE *HOMELESS OUTREACH SUPPORT TEAM*

HOST will be deployed to offer outreach and support to those experiencing homelessness based on individual needs. *HOST* will focus on meeting program goals and outcomes and doing what is in the best *interest* of each individual served while providing support, referrals, and linkage to additional services in an effort to reduce psychiatric hospitalizations, homelessness, and future impacts on emergency services.

4.1.1 *HOST* makes the assumption that by providing outreach services and clinical interventions to engage high-risk individuals of concern, the following goals will be accomplished:

4.1.1(a) Immediate Goals:

Encourage individuals to access housing opportunities, mental health, and substance abuse services;

- Reduce impact on emergency systems;
- Provide appropriate referrals to community resources.
- Provide wrap-around services and follow-up as accepted by the individual.
- HOST will develop a process to utilize the Homeless Information Management System (HMIS) to track program goals and outcomes and to provide housing need opportunities for clients.

4.1.1(b) Long-term goals:

- Reduce the impact on emergency departments and Tuolumne County Jail;
- Reduce the percentage of incidents involving law enforcement officers and the homeless population;
- Reduce calls for response by law enforcement and other first responders;
- Reduce the number of persons experiencing chronic homelessness in our community;
- Reduce the need for psychiatric hospitalization;
- Reduce the impact of crimes associated with homelessness in residential areas and business districts;
- Increase the number of chronically homeless voluntarily accessing outpatient behavioral health services.

SECTION 5

RESPONSIBILITIES OF PARTIES

5.1 Responsibilities of *Tuolumne County Behavioral Health*

5.1.1 Provide a service provider trained to work with the homeless population.

5.1.2 Provide the medically necessary interventions for each appropriate referral received.

5.1.3 Provide clinical and administrative training and oversight for the TCBH members of HOST.

5.1.4 Ensure confidentiality within State and Federal guidelines.

5.1.5 Share outcome data as appropriate with HOST partners for continued quality improvement. This would be supported by obtaining a signed waiver from the patient/individual in crisis

5.1.6 Provide representation at quarterly MOU meetings.

5.1.7 Provide recommendations for members of the community identified as needing field intervention by HOST.

5.2.1 Responsibility of the City of Sonora Police Department/Tuolumne County Sheriff

5.2.2 Provide a California POST Certified sworn Peace Officer trained in de-escalation, crisis intervention, and homeless response

5.2.3 Responds to calls for Welfare Checks whenever a person is determined to be in imminent danger as a result of a mental health crisis

5.2.4 Follow standard law enforcement procedures of initiating an application per W&I Code 5150 / 5585, when it is determined that TCBH mobile triage services will be unable to respond to a law enforcement's request for assistance

5.2.5 Work closely with participating agencies to ensure appropriate communication exchange of information related to law enforcement involvement

5.2.6 Provide security for the *HOST* during an intervention

5.2.7 Share outcome data as appropriate with *HOST* partners for continued quality improvement.

5.2.8 Provide safety guidance and legal oversight as it pertains to criminal violations. Whenever possible, traditional criminal enforcement procedures will not be implemented during a field intervention unless an immediate risk to public safety exists.

5.2.9 Provide recommendations for members of the community identified as needing field intervention by the *HOST*.

5.2.10 Provide representation at the quarterly MOU meetings.

5.2.11 Provide the necessary oversight and training of Sonora PD/TCSO law enforcement personnel to be familiar with the *HOST* program, protocol, and law enforcement responsibilities as they partner within this program.

5.2.12 If necessary, provide secured transportation from the scene to the appropriate City of Sonora or Tuolumne County located facility.

5.2.13 Ensure confidentiality within legal guidelines for individuals receiving assistance from the *HOST*.

5.3 Responsibilities of the City of Sonora Fire Department

5.3.1 Provide, operate and maintain a certified Fire Paramedic with the training and authority to evaluate and release patients in the field. In the absence of an available Fire Paramedic, a Fire EMT will be assigned to the team.

5.3.2 Provide general medical assessments and referrals during *HOST* field interventions.

5.3.3 Provide medical oversight for the *HOST* during field interventions. Make appropriate requests for immediate medical transport as needed.

5.3.4 Provide fire safety evaluations, guidance, and direction during field interventions.

5.3.5 Ensure confidentiality within State and Federal guidelines

5.3.6 Share outcome data as appropriate with *HOST* partners for continued quality improvement. This would be supported by obtaining a signed waiver from the patient/individual in crisis

5.3.8 Provide representation at quarterly MOU meetings

5.3.9 Provide recommendations for members of the community identified as needing field intervention by the *HOST*.

5.4 Responsibilities of *Amador Tuolumne Community Action Agency*

5.4.1 Provide, operate and maintain a Housing Resources Coordinator.

5.4.2 Provide assessments for housing or shelter needs.

5.4.3 Provide assistance with housing applications and financial assistance requests.

5.4.4 Provide linkage to all additional relevant services available through ATCAA and partnering agencies.

5.4.5 Provide direction, guidance, and assistance to the City of Sonora's Homeless Outreach Coordinator. (The existence of this position is contingent upon a potential grant award)

5.4.6 Through coordination with the City of Sonora's Homeless Outreach Coordinator, provide wrap-around services through follow-up with individuals linked to resources through the *HOST*.

5.4.7 Ensure confidentiality within State and Federal guidelines

5.4.8 Share outcome data as appropriate with *HOST* partners for continued quality improvement.

5.4.9 Provide representation at quarterly MOU meetings

5.4.10 Provide recommendations for members of the community identified as needing field intervention by the *HOST*.

5.5 Responsibilities of *Tuolumne County Department of Social Services*

5.5.1 Provide a service provider to connect participants to DSS services, including securing public assistance benefits, homeless services, and case management as accepted.

5.5.2 Coordinate with ATCAA and other community partners on the appropriate funding sources to support direct services

5.5.3 Ensure confidentiality within State and Federal guidelines

5.5.4 Share outcome data as appropriate and in accordance with Multi-Disciplinary Team laws with *HOST* partners for continued quality improvement.

5.5.5 Provide representation at quarterly MOU meetings.

5.5.6 Provide recommendations for members of the community identified as needing field intervention by *HOST*.

SECTION 6

6.1 GUIDELINES FOR APPROPRIATE REFERRALS TO THE HOMELESS OUTREACH SUPPORT TEAM

6.1.1 While it is difficult to establish exact criteria for appropriate responses for *HOST*, the following serves as a guideline

6.1.2 Examples of appropriate field response for the Homeless Outreach Support Team:

It is understood that most, if not all, circumstances generating a *HOST* response have already been triaged from an emergency/urgency perspective by first responders or other participating entities.

6.1.2.1 Any situation which involves a person chronically accessing emergency services.

6.1.2.2 Repeated demonstration of unsafe behaviors affecting an individual's ability to care for their basic needs.

6.1.2.3 Regular and prolonged public intoxication impacting community and emergency services.

6.1.2.4 Persons experiencing chronic homelessness and lacking functional capacity due to mental, substance abuse, and/or health limitations.

6.2.1 Examples of inappropriate field response for the Homeless Outreach Support Team:

6.2.1.1 Imminent medical emergency.

6.2.1.7 Need for immediate incarceration due to serious criminal activity.

6.2.1.9 The individual is homeless but presents with the ability to find food, shelter, and clothing and has repeatedly refused available services.

SECTION 7

TRAINING AND LICENSING CERTIFICATION

The signatories to this MOU will ensure that all agency personnel involved in carrying out the agreed-upon protocol will be properly trained to perform the duties detailed herein.

SECTION 8

The Sonora Police Department shall host a meeting for the parties of this agreement quarterly to discuss the following: timeliness and utilization data, quality improvement activities, conduct case reviews of difficult cases as referred, and review adherence to practices as described in this MOU. All agencies shall come prepared to discuss cases or referrals in detail.

SECTION 9

9.1 TERMS OF AGREEMENT

9.1.1 All signatory agencies shall use their best efforts to move forward in accordance with the guidelines outlined in this agreement. This MOU is not intended to create any legally binding obligations or causes of action for or against any party. This MOU is made for the benefit of the parties and is not intended to benefit any third party or be enforceable by any third party

9.1.2 The City of Sonora has authorized the execution of this MOU indicated by the signatures below.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Understanding on the _____ day of _____, 2022.

CITY OF SONORA:

Melissa Eads
Melissa Eads, City Administrator

Turu VanderWiel, Chief of Police

Aimee New, Fire Chief

COUNTY OF TUOLUMNE:

Tracie Riggs, County Administrator

Rebecca Espino, Health and Human Services Director

Bill Pooley, Tuolumne County Sheriff

Tami Mariscal, Behavioral Health Director

Michelle Clark, Social Services Director

AMADOR TUOLUMNE COMMUNITY ACTION AGENCY:

Name, Title

Name, Title

ORDINANCE NO. 888

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA, ADDING SONORA MUNICIPAL CODE CHAPTER 9.62, HEALTH AND HYGIENE, OF TITLE 9, PUBLIC PEACE, MORALS AND WELFARE.

WHEREAS, a shelter crisis exist due to a significant number of persons without the ability to obtain shelter; and

WHEREAS, homeless encampments attract illegal dumping, rodents, fire hazards, and contamination of the surrounding area; and

WHEREAS, the perpetual accumulation of debris creates a health and fire risk; and

WHEREAS, the shelter crisis is an immediate threat to the health, safety and welfare of the public, including encampment occupants; and

WHEREAS, until more shelter becomes available, managing encampments is necessary to maintain healthy and hygienic communities.

The City Council of the City of Sonora does ordain as follows:

SECTION 1. Amendment. Chapter 9.62, Health and Hygiene, shall be added to Title 9, Public Peace, Morals and Welfare of the Sonora Municipal Code as follows:

9.62.010 Findings and purpose.

The city council finds as follows: (1) a shelter crisis exists due to a significant number of persons without the ability to obtain shelter; (2) homeless encampments attract illegal dumping, rodents, fire hazards, and contamination of the surrounding area; (3) the shelter crisis is an immediate threat to the health, safety, and welfare of the public, including encampment occupants; (4) until more shelter becomes available, managing encampments is necessary to maintain healthy and hygienic communities.

The purpose of this chapter is to alleviate the hazardous conditions of encampments by authorizing the Public Works Department, or City authorized agent, to conduct temporary clean and clear operations and permanent encampment closures as necessary to protect the public welfare, health and safety.

9.62.020 Definitions.

When used in this chapter, the following words and phrases have the following meanings:

- A. "Abandoned" shall mean any property that based on words, act or other objective indications, it is reasonable to conclude that a person has relinquished ownership of the property.
- B. "Camp" and "camping" mean the placement on public or private property for the purpose of making a living accommodation for one or more nights of tents, tarpaulins, temporary shelters, house trailers, motor vehicles or parts thereof, trailers, cooking facilities, cots,

ground covers, bedding, hammocks, backpacks, sleeping bags and other equipment of a similar nature used to live temporarily in the outdoors.

- C. "Camp facilities" include, but are not limited to, tents, huts, or temporary shelters.
- D. "Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks, or non-city designated cooking facilities and similar equipment.
- E. "Clean and Clear" means the temporary closure of an encampment to all occupants to remove hazardous materials, refuse, or other types of waste.
- F. "Environmental" means relating to the natural or artificial conditions of the environment of the area of concern.
- G. "Fire Hazard" has the same meaning as in Section 14.01.170.
- H. "Hazardous waste" has the same meaning as in California Public Resources Code Section 40141.
- I. "Illegal Dumping" has the same meaning as in Section 8.16.040.
- J. "Infectious waste" has the same meaning as in California Code of Regulations, Title 14, Section 17225.36.
- K. "Natural Disaster" includes floods, earthquakes, wildfires, and other serious environmental events that create emergencies that endanger the safety of the city's population.
- L. "Refuse" includes garbage and rubbish.
- M. "Routine" means occurring repeatedly on a weekly, monthly, or annual basis at any interval (bi-weekly, bi-monthly, etc.)
- N. "Solid waste or wastes" includes all putrescible and non-putrescible solid and semisolid wastes, such as refuse, garbage, rubbish, paper, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes and other discarded solid and semisolid wastes, and also includes liquid wastes disposed of in conjunction with solid waste disposal sites.

9.62.030 Relation to Other Laws

Nothing in this chapter is meant to preempt or otherwise replace the enforcement of violations under the Sonora Municipal Code or as otherwise permitted under law.

9.62.040 Abatement

- A. The Public Works Department is authorized to carry out both one-time or routine Clean and Clear operations at camping locations to prevent the buildup of hazardous waste, illegal dumping, infectious waste, refuse, or solid waste.
- B. Clean and Clear operations require that affected occupants receive notice of the action at least seventy-two (72) hours prior to its scheduled time, in accordance with Sonora's Encampment Management Policy.
- C. Any property left at the campsite during the Clean and Clear operation shall be considered abandoned and subject to disposal. City officials will collect and log any unabandoned and temporarily unattended items that a safe for storage for retrieval by occupants after the operation ends. The city shall secure any collected belongings for no less than ninety (90) days.
- D. Any items that are not safe for storage, including but not limited to food, food wrappers, soiled items, or items used for personal hygiene (not including medication), may be immediately discarded. Additionally, property that is hazardous or poses and immediate threat to public health and safety may also be discarded.
- E. Permanent closure of a campsite is warranted where an existing or expected natural disaster or environmental harm poses a threat to the health and safety of a camp's occupants. Permanent closure entails the same requirements of this Section, unless an emergency makes notice and logging personal property infeasible.

9.62.050 Interference.

In accordance with California Penal Code § 148, every person who willfully resists, delays, or obstructs any public officer, peace officer, or an emergency medical technician, as defined in Division 2.5 (commencing with Section 1797) of the Health and Safety Code, in the discharge or attempt to discharge any duty of his or her office or employment to enforce this Chapter shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.

Section 2. Severability. If any section, subdivision, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof and shall continue to be in full force and effect.

Section 3. Effective Date and Publication. This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of

general circulation at least within fifteen (15) days after its passage or a summary of the Ordinance is published in a newspaper of general circulation at least five (5) days prior to adoption and again at least within fifteen (15) days after its passage.

This Ordinance was introduced at a regular meeting of the City Council held on the 5TH of JULY, 2022, and passed and adopted as Ordinance No. 888 at a regular meeting of City Council held on the 18TH of JULY, 2022 by the following vote:

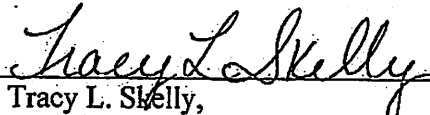
AYES: PLUMMER, SEGERSTROM, CRUZ, HAWKINS, MERRILL

NOES:

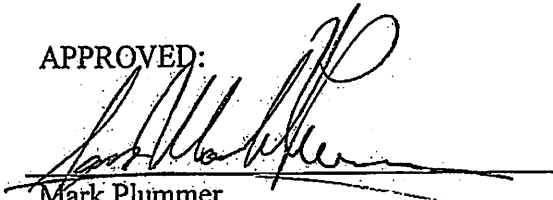
EXCUSED:

ABSTAIN:

ATTEST:


Tracy L. Skelly,
City Clerk

APPROVED:


Mark Plummer,
Mayor

ORDINANCE NO. 889

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA, ADDING SONORA MUNICIPAL CODE CHAPTER 9.61, PROTECTION OF CRITICAL INFRASTRUCTURE AND FIRE SEVERITY ZONE, OF TITLE TITLE 9, PUBLIC PEACE, MORALS, AND WELFARE.

WHEREAS, camping and use of camping paraphernalia near critical infrastructure poses an immediate threat to public health, safety and welfare due to potential destruction of, damage to, and interference with infrastructure critical to the provision of public services, such as law enforcement, fire prevention, transportation, and utilities, including communication, water and waste disposal; and

WHEREAS, destruction of, damage to, or interference with critical infrastructure is caused by fire, contamination, blocked access, or other causes; and

WHEREAS, the perpetual accumulation of debris creates a health and fire risk; and

WHEREAS, destruction of, damage to, or interference with critical infrastructure is often caused by persons whose activities are not permitted or authorized in, on, or near critical infrastructure.

The City Council of the City of Sonora does ordain as follows:

SECTION 1. Amendment. Chapter 9.61, Protection of Critical Infrastructure and Fire Severity Zones shall be added to Title 9, Public Peace, Morals and Welfare of the Sonora Municipal Code as follows:

9.61.010 Findings and purpose.

The city council finds as follows: (1) an immediate threat to the public health, safety, and welfare is the potential destruction of, damage to, or interference with, infrastructure that is critical to the provision of public services such as law enforcement, fire prevention, transportation, and utilities, including communication, water, and waste disposal; (2) destruction of, damage to, or interference with, critical infrastructure is caused by fire, contamination, blocked access, or other causes; and (3) destruction of, damage to, or interference with, critical infrastructure is often caused by persons whose activities are not permitted or authorized in, on, or near critical infrastructure.

The purpose of this chapter is to mitigate the threat of fire and other potential causes of destruction and damage to and interference with critical infrastructure to protect the health, safety, and welfare of the public, by authorizing the removal of persons and their personal property in, on, or near critical infrastructure.

9.61.020 Definitions.

When used in this chapter, the following words and phrases have the following meanings:

A. "Camp" and "camping" mean the placement on public or private property for the purpose of making a living accommodation for one or more nights of tents, tarpaulins, temporary shelters,

house trailers, mobile homes, motor vehicles or parts thereof, trailers, cooking facilities, cots, ground covers, bedding, hammocks, backpacks, sleeping bags and other equipment of a similar nature used to live temporarily in the outdoors.

- B. "Camp facilities" include, but are not limited to, tents, huts, or temporary shelters.
- C. "Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks, or non-city designated cooking facilities and similar equipment.
- D. "Critical infrastructure" means real property or a facility, whether privately or publicly owned, that the City Administrator designates as being so vital and integral to the operation or functioning of the city or in need of protection that its damage, incapacity, disruption, or destruction would have a debilitating impact on the public health, safety, or welfare. Critical infrastructure may include, but is not limited to, government buildings, such as fire stations, police stations, jails, or courthouses; hospitals; schools; wastewater facilities; structures, such as antennas, bridges, roads, train tracks, waterways, drainage systems, or levees; or systems, such as computer networks, public utilities, electrical wires, natural gas or propane pipes, telecommunication centers, or water sources.
- E. "Facility" means a building, structure, equipment, system, or asset.
- F. "Fire prevention official" means the Fire Chief, or designee.
- G. "Garbage" includes all kitchen and table food waste, and animal or vegetable waste that attends or results from the storage, preparation, cooking or handling of, foodstuffs.
- H. "Hazardous waste" has the same meaning as in California Public Resources Code Section 40141.
- I. "Infectious waste" has the same meaning as in California Code of Regulations, Title 14, Section 17225.36.
- J. "Refuse" includes garbage and rubbish.
- K. "Solid waste or wastes" includes all putrescible and non-putrescible solid and semisolid wastes, such as refuse, garbage, rubbish, paper, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes and other discarded solid and semisolid wastes, and also includes liquid wastes disposed of in conjunction with solid waste disposal sites.
- L. "Fire Severity Zones" California law requires CAL FIRE to identify areas based on the severity of the fire danger expected to prevail there. These zones or "zones" are based on factors such as fuel, slope, and fire weather. There are three zones according to the increased fire hazard: medium, high and very high.

9.61.030 Relation to Other Laws.

Nothing in this chapter is meant to preempt or otherwise replace the enforcement of violations under the Sonora Municipal Code or as otherwise permitted under law.

9.61.040 Prohibited activities.

A. It is unlawful and a public nuisance for any person to camp, occupy camp facilities, or use camp paraphernalia at the following locations:

1. Critical infrastructure;
2. Within twenty-five feet of critical infrastructure;
3. Within twenty-five feet of a vehicular or pedestrian entrance or exit of critical infrastructure;
4. On those portions of a right-of-way that are required by local, state, or federal law to be free of obstruction to first responders, including, but not limited to, members of law enforcement, fire prevention, or emergency medical services agencies; or
5. Areas designated as a Fire Severity Zone.

B. It is unlawful and a public nuisance for any person to store personal property, including camp facilities and camp paraphernalia, in the following locations without the written consent of the owner, except as otherwise provided by resolution of the city council:

1. Critical infrastructure;
2. Within twenty-five feet of critical infrastructure;
3. Within twenty-five feet of a vehicular or pedestrian entrance or exit of critical infrastructure;
4. On those portions of a right-of-way that are required by local, state, or federal law to be free of obstruction to first responders, including, but not limited to, members of law enforcement, fire prevention, or emergency medical services agencies; or
5. Areas designated as a Fire Severity Zone.

C. It is not intended by this section to prohibit overnight camping on private residential property by friends or family of the property owner, so long as the owner consents and the overnight camping is limited to the period that the owner has given their consent. All overnight camping on private residential property within the City is subject to applicable building and fire codes under the Sonora Municipal Code and prohibitions on the use of trailers and mobile homes as set forth in Title 17 of the Sonora Municipal Code.

D. Nothing in this chapter is intended to prohibit or make unlawful the activities of an owner of private property or other lawful user of private property that are normally associated with and incidental to the lawful and authorized use of private property for residential or other purposes; and nothing is intended to prohibit or make unlawful the activities of a property owner or other

lawful user if such activities are expressly authorized by Title 17 or other laws, ordinances, and regulations.

9.61.050 Abatement.

- A. Any violation of Section 9.60.040 may result in abatement of an occupant's personal property after providing them with no less than seventy-two (72) hour written notice that the occupant's camp, camp paraphernalia, or camp facility is located in or on a designated Critical Infrastructure or a Fire Severity Zone.
- B. Summary abatement without prior notice is warranted when conditions or violations are so severe that immediate action is required to prevent the serious threat of harm.
- C. Abatement pursuant to subsections A or B may include, but is not limited to, removal of camp facilities, camp paraphernalia, personal property, garbage, hazardous waste, infectious waste, junk, or refuse; and securing the perimeter of the property with fencing, gates, or barricades to prevent further occurrences of the nuisance activity.
- D. Regardless of the city's authority to conduct abatement pursuant to this section, every owner, occupant, or lessee of real property, and every holder of any interest in real property, is required to maintain the property in compliance with the Sonora Municipal Code, and applicable provisions of state and federal law; and is liable for violations thereof.
- E. The cost of abatement, including all administrative costs of any action taken hereunder, may be assessed against the subject premises as a lien, made a personal obligation of the owner, or both, in accordance with procedures in Section 1.08.090.

9.61.060 Interference.

In accordance with California Penal Code § 148, every person who willfully resists, delays, or obstructs any public officer, peace officer, or an emergency medical technician, as defined in Division 2.5 (commencing with Section 1797) of the Health and Safety Code, in the discharge or attempt to discharge any duty of his or her office or employment to enforce this Chapter shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.

9.61.070 Violation—Penalty.

- A. In addition to any other remedy allowed by law, any person who violates a provision of this chapter is subject to criminal, civil, and administrative penalties pursuant to Chapters 1.08 and 1.20.
- B. Violations of this chapter are hereby declared to be a public nuisance.
- C. All remedies prescribed under this chapter are cumulative and the election of one or more remedies does not bar the city from the pursuit of any other remedy to enforce this chapter.

Section 2. Severability. If any section, subdivision, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent

jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof and shall continue to be in full force and effect.

Section 3. Effective Date and Publication. This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least within fifteen (15) days after its passage or a summary of the Ordinance is published in a newspaper of general circulation at least five (5) days prior to adoption and again at least within fifteen (15) days after its passage.

This Ordinance was introduced at a regular meeting of the City Council held on the 5TH of JULY, 2022, and passed and adopted as Ordinance No. 889 at a regular meeting of City Council held on the 18TH of JULY, 2022 by the following vote:

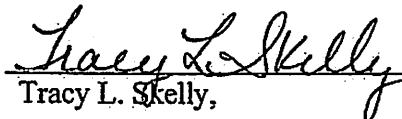
AYES: PLUMMER, SEGERSTROM, CRUZ, HAWKINS, MERRILL

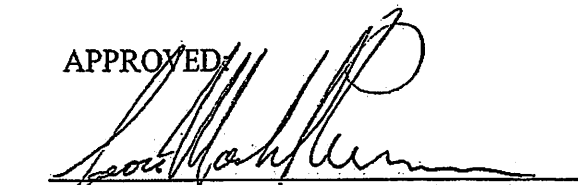
NOES:

EXCUSED:

ABSTAIN:

ATTEST:


Tracy L. Skelly,
City Clerk

APPROVED:

Mark Plummer,
Mayor



City of Sonora and Police Department
non-emergency phone number: **209-532-8141**

BUSINESS TOOLKIT FOR HOMELESS INTERACTIONS

It's important to understand that homeless persons are members of our community and should be extended the same level of consideration as housed populations. Avoid applying stereotypes, stigmas, and myths. People experiencing homelessness should not be defined by their housing status, as homelessness can be caused by uncontrollable circumstances and a lack of housing opportunities.

• WHEN A HOMELESS PERSON IS AT YOUR BUSINESS

- Make eye contact and treat everyone with respect.
- If a homeless person is in your establishment to make a purchase, you should treat them like any other customer.
- Establish an amicable relationship and ask their name.
- If someone is being disruptive, homeless or not, try to deescalate the situation if you are comfortable doing so.
- Politely ask unwanted persons to leave, deflecting your request to a third party (e.g., the property owner).
- Let people know your boundaries and call the Police Department to report illegal activity.
- If anyone is interfering with your ability to do business and will not leave, call the non-emergency number of the Police Department to request assistance.
- If someone is threatening harm to themselves or others, acting violent or reckless, or appearing to be experiencing a crisis, ask them to leave clearly and politely and call 911.
- If you feel calling the police may agitate the person further, call 911 and pretend you are talking to a friend or coworker while trying to help the dispatcher understand the problem and your exact location.

• PREP YOUR BUSINESS FOR UNWANTED ACTIVITY

- Install motion-sensitive security lights.
- Lock or turn off exterior power outlets.
- Install security cameras and signs indicating the area is under surveillance. Recommend security cameras with features that include 30-day storage and high resolution (1080p) with color night vision. Common format offloading requiring no proprietary software is the best for police department's ability to use the video to investigate cases.
- Keep trash bins, storage areas, and gates locked.
- Immediately report unwanted occupation of privately-owned areas under your control.
- Keep the area in front of your business clean. Doing this will encourage others to respect the space.
- Report all suspicious activity to the Police Department as it is occurring, regardless of whether or not it directly impacts your business.



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BUSINESS TOOLKIT FOR HOMELESS INTERACTIONS

• WHAT TO AVOID

- Offering food, goods, or money. It encourages repeat requests and panhandling and could potentially contribute to unhealthy lifestyles. There are local professional organizations that specialize in the charitable distribution of goods.
- Allowing anyone to camp on your property for any amount of time. Agreeing to this activity could establish certain rights and make evicting unwanted guests problematic.
- Allowing anyone to store personal belongings or shopping carts on your property.
- Indicating you are alone in the business. Consider announcing that your associate will return momentarily.

• LOCAL SERVICES

Find an organization that you want to support and help by directing people experiencing homelessness or mental health challenges to them. Below are some trusted organizations.

- Amador Tuolumne Community Action Agency (ATCAA)
427 N. Highway 49, Suite 305, Sonora; Ph# 209-533-1397.
- Lambert Community Center
347 W. Jackson Street, Sonora; Ph# 209-533-4879.
- Tuolumne County behavioral health Crisis Assessment Intervention Program (CAIP)
105 Hospital Road, Sonora; Ph# 800-630-1130, or 209-533-7000 for Holidays/After Hours.
- Mother Lode Job Training
197 Mono Way Suite B, Sonora; Ph# 209-533-3396.

• FAQ ABOUT LAWS AND HOMELESSNESS

Is it illegal to loiter?

The state statute defines loitering as lingering or prowling with the specific intent to commit a crime. Loitering in its common meaning is not unlawful.

Can I have someone arrested for trespassing?

Yes, but there is a process for advising a trespasser and ultimately enforcing the violation by arrest if the problem persists. In December 2019, the City of Sonora passed a trespass ordinance. It's important to note that this was not a homelessness enforcement ordinance but a tool for local business owners to manage the environment of their locations. Most businesses are classified as privately owned land/properties open to the general public, and existing state laws are deficient in addressing the specific needs of business owners/operators. Sonora's ordinance provides a tool for business owners experiencing disruptive and meddlesome patrons. Again, we strongly recommend you focus on the conduct and behavior of the person rather than their status. The Police Department will not assist with trespass enforcement if the basis for the request is unlawful or unethical. More about Sonora's Trespass on Private Property or Business Premises ordinance (Municipal Code 9.60) can be found online.



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BUSINESS TOOLKIT FOR HOMELESS INTERACTIONS

• FAQ ABOUT LAWS AND HOMELESSNESS (CONTINUED)

Does it take an eviction process to make an unwanted camper leave my property?

No. As long as there has been no verbal or written agreement for someone to stay for a specified amount of time. Under these circumstances, once someone refuses your request to leave, it becomes an illegal trespass. As a matter of process, however, if someone has established a hasty encampment, they will be given a reasonable amount of time to vacate before our officers cite or arrest. A reasonable amount of time can range from a few hours to a couple of days, depending on the persons' ability and opportunity to relocate.

What happens to the items left behind once an encampment has been vacated?

Property that has been clearly abandoned can be discarded. Items left in an area that has not been fully vacated should be considered personal property. An effort should be made to notify the owner of the personal property that it will be kept no longer than 18 days, after which it can be disposed of so long as the value is less than \$300. Personal property that would be unsafe or hazardous to store may be discarded immediately.

Is it unlawful to camp in public areas?

In 2014 the City of Sonora passed an ordinance prohibiting camping on public property, but court rulings have since held that to enforce no-camping ordinances, cities must be able to identify that there is an available place to sleep before issuing citations or taking other action such as arresting individuals on public property. It is problematic to have violators move off of public property when we can't cite them.

Case law also requires cities and counties to give transients due process to remove their property. That includes posting notification requiring the removal of the property and giving them time to remove it. If the police have to remove the property, they are bound by found property laws, requiring officers to collect, inventory, and hold the property securely for the owner's retrieval within 90 days.

However, when someone is camping on private property, the owner or agent needs to decide to have unwanted campers trespassed and removed. Property owners would be responsible for covering the costs of cleanup.

Is panhandling illegal?

Several court cases in California have determined that panhandling is a free speech right protected by the first amendment. As a result, ordinances against general panhandling in many cities have been struck down, and cities can be held financially liable for damages.

The Sonora City Council has passed an ordinance outlawing Aggressive Solicitation, which focuses on conduct rather than the person's status and requires that we show a reasonable relationship between the prohibition and the behavior being regulated. Passively displaying a sign is not unlawful. More about Sonora's Aggressive Solicitation ordinance (Municipal Code 9.54) can be found online.



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BUSINESS TOOLKIT FOR HOMELESS INTERACTIONS

• FAQ ABOUT LAWS AND HOMELESSNESS (CONTINUED)

What are the consequences for drug use or committing theft and vandalism?

State legislation and federal court rulings, especially AB 109 (Public Safety Realignment Act of 2011) and Propositions 47 (Safe Neighborhoods and Schools Act/Criminal Sentencing) and Proposition 57 (Californians for Public Safety and Rehabilitation/ Non-Violent Felonies), have drastically changed the way those committing low-level crimes are dealt with in California. Although these legislative changes were promoted as public safety measures, often, people are being released into communities without rehabilitation, employment, or meaningful parole supervision. Because legislation also pushes the responsibility for incarceration down to the county facilities, our jails, which are already at capacity, have all but ceased accepting or holding individuals in custody for misdemeanor nuisance crimes such as theft, vandalism, and drug possession.

Do we need more Police Officers?

We can always benefit from more police officers, and there is no doubt issues surrounding homelessness have a significant impact on policing resources. However, we cannot arrest ourselves out of the situation, and it will take a community effort to identify sustainable solutions.

Why is there so much homelessness in our area?

There is a number of factors contributing to the homelessness epidemic as a whole; AB 109 and Prop 47 have exasperated the problem by removing consequences for "low level" crimes. The limited availability of mental health services, drug treatment programs, and affordable housing significantly contributes to homelessness. Additionally, the outreach and support services offered in Sonora and the surrounding community attract unsheltered individuals to the area.