



Mission Statement: To foster a safe, vibrant, and prosperous community that enhances the quality of life for all

**CITY OF SONORA
City Council Regular Meeting
Agenda
Monday, January 06, 2025
5:00 PM**

NOTICE IS HEREBY GIVEN that the Sonora City Council will have their regular meeting on January 6, 2025, 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 citizens who wish to provide public comment during the meeting will be invited to do so by the Mayor.

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.

Public Access Audio and Video Live Streaming

The Public will not have access to give public comments via public access audio and video live streaming; they are available for audio and visual only; and can be accessed via our website at .

Remote viewing of the meeting via live streaming is provided to members of the public as a courtesy. If the live streaming connection malfunctions for any reason and no Council Members are attending via teleconference, the City Council will continue the public meeting in Chambers without remote access.

CITY COUNCIL appreciates your interest and encourages participation. Regularly scheduled meetings are held on the 1st and 3rd Monday of each month.

The numerical order of the items on this agenda is for convenience of reference. Items may be taken out of order upon request of the Mayor or Council Members. All questions shall be directed to the Mayor who, at their discretion, will refer to Staff.

Mayor Ann Segerstrom

Vice Mayor Suzanne Cruz

Council Members Bess Levine, Andy Merrill, Stephen Opie

City Administrator Melissa Eads

City Attorney Douglas White

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CLOSED SESSION - 3:00 PM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENTS**
- 4. ADJOURN INTO CLOSED SESSION**

A. Conference with Legal Counsel – Existing Litigation - Government Code Section 54956.9(d)(1) - Lee Pagni vs. City of Sonora et al. (Superior Court of Tuolumne County; Case No. CV66705); Doug White, City Attorney, Tyler Summersett, Community Development Director.

B. Conference with Labor Negotiators (Government Code § 54957.6): Agency Designated representatives: Melissa Eads, City Administrator; Chris Gorsky, Administrative Services Director; Employee Organizations: Sonora Management Employee Association (SMEA), Sonora Confidential Employee Association (SCEA), Sonora Fire Fighters Association (SFFA), Sonora Police Officers' Association (SPOA), Sonora Employee Association (SEA).

C. Threat to Public Services or Facilities (Gov. Code Section 54957(a)). Consultation with Police Chief Turu VanderWiel.

- 5. RECONVENE INTO OPEN SESSION**

OPEN SESSION - 5:00 PM

- 6. REPORT OUT OF CLOSED SESSION**
- 7. PLEDGE OF ALLEGIANCE**
- 8. ROLL CALL**
- 9. CITY CLERK'S REPORT ON AGENDA POSTING**
- 10. APPROVAL OF THE AGENDA**
- 11. 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.

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12. 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.

A. Consider Authorization for the Sonora Police Department to Submit a Central Sierra Continuum of Care (CSCOC), Homeless Housing and Prevention (HHAP) Round 5 Application, Authorize the City Administrator to Execute all Documents Relating to the Grant Application, and Direct the Police Chief to Return to City Council with the Application Results to Accept the Award; Turu VanderWiel, Police Chief.

B. Consider Approval of the City Council Meeting Minutes from December 16, 2024; Stacy Enos-Del Razo, Deputy City Clerk.

13. PUBLIC HEARINGS

A. Waive First Reading, Read by Title Only, and Introduce Ordinance No. 900 and No. 901 of the Sonora City Council Amending Sections 9.50.010, 9.50.020, 9.56.020, 9.56.050, 9.56.060, and 9.61.050, Adding Section 9.04.046, Bathing and Washing in Public Fountains or Public Restrooms, and Adding Chapter 9.80, Shopping Carts, to Title 9 of the Sonora Municipal Code; Douglas White, City Attorney.

14. COUNCIL MEMBER REPORTS

15. ADJOURNMENT

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at City Hall (209) 532-4541, tskelly@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.

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CITY COUNCIL AGENDA REPORT

CITY HALL

CITY OF SONORA 94 N. WASHINGTON STREET, SONORA, CA 95370 P: (209) 532-4541

SERVICE, INNOVATION, INTEGRITY, COLLABORATION, RESPECT, LEADERSHIP

DATE: January 6, 2024

TO: Honorable Mayor and Members of the City Council

FROM: Turu VanderWiel, Chief of Police

SUBJECT: Central Sierra Continuum of Care Homeless Housing Assistance and Prevention Program Application.

RECOMMENDATION:

Consider Authorization for the Sonora Police Department to Submit a Central Sierra Continuum of Care (CSCOC), Homeless Housing and Prevention (HHAP) Round 5 Application, Authorize the City Administrator to Execute all Documents Relating to the Grant Application, and Direct the Police Chief to Return to City Council with the Application Results to Accept the Award.

BACKGROUND:

HHAP makes available grant allocations to cities, counties, and continuums of care with funding to prevent and end homelessness in their regions. CSCOC is our regional or local planning body coordinating housing and services funding for homeless families and individuals. The previous awards from HHAP Round 3 and Round 4 provided funding to establish the City's Homeless Outreach Support Team (HOST) project and to support the Homeless Outreach Coordinator Position.

The legislature appropriated \$1 billion to fund HHAP Round 5. \$360,454 is allocated for Tuolumne County projects and distributed through the Amador-Tuolumne Community Action Agency (ATCAA). The City of Sonora and the Sonora Police Department are applying for continued funding to support the Homeless Outreach Coordinator position and associated costs for street outreach through HOST and encampment management. Applications are due January 22, 2025.

FISCAL IMPACT:

The amount of the award would increase the overall budget appropriation for the Police Department. The application amount is estimated to be approximately \$150,000.00, inclusive of relocation expenses, salaries, and encampment clean-up costs. A local match contribution will also be determined after the application is completed. The Council has set aside a general fund contribution for the grant match.

ATTACHMENTS:

- HHAP Round 5 Request For Proposal



CITY COUNCIL AGENDA REPORT

CITY HALL

CITY OF SONORA 94 N. WASHINGTON STREET, SONORA, CA 95370 P: (209) 532-4541
SERVICE, INNOVATION, INTEGRITY, COLLABORATION, RESPECT, LEADERSHIP

CORE COUNCIL PRIORITIES:

Fiscal Responsibility and Stability, Homelessness Issues, Staffing - Salary, Benefits, Training, and Retention.



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REQUEST FOR PROPOSAL (RFP) HHAP ROUND 5

Please use this format for your response to the HHAP Round 5 RFP - To be submitted no later than: January 22, 2025 by 5:00 pm

- 1) Complete this RFP in the sections provided - (use size 12 font, single space, margins as set within this document)
- and
- 2) Complete blank logic model provided

SECTION ONE

Check One County below for your request for funding:

- ☐ Amador: \$488,274
- ☐ Calaveras: \$233,013
- ☐ Mariposa: \$192,733
- ☐ Tuolumne: \$360,454

Circle yes or no if you have been awarded HHAP funding in previous HHAP rounds: Yes No

If yes, please state which round(s) of funding and complete Section Six: _____

If no, skip Section Six.



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Applicant Information

Organization Name: _____

Contact Person Name: _____

Contact email: _____ Contact phone: _____

Contact Address: _____

Authorized Signer: _____ email: _____
Typed Name and Title

Dollar Amount Requested: _____ for full grant period.

Number of Clients to be Served: _____ for full grant period. **NOTE: If awarded funding can be retroactive to October 1, 2024.**

Grant period begins: 10/1/2024

Grant period ends: 06/30/2028



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Statement of Agreement:

I, _____ agree with the requirements as stipulated in this Request for Proposal (RFP).
Authorized Signer Name

I also agree with the Central Sierra Continuum of Care Regional Action Plan - and the local Homeless Action Plan for the County in which I am applying for funding as evidenced by the need:

I also agree, if funded, our agency will enter and review data in the CSCoC Homeless Management Information System (HMIS) in a timely basis, maintaining current data, and submit response to data request forms as required by CSCoC.

I also agree, if funded, our agency staff will participate in CSCoC regular meetings.

I also agree, if funded, our agency will participate in the CSCoC Coordinated Entry System (CES), and attend required meetings.

I also agree, if funded, our agency will maintain appropriate HMIS data for all CSCoC funded projects and enter data in a timely manner.

Authorized Signature: _____

Date: _____



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SECTION TWO

Narrative: (please type in the box your response(s)).

Indicated next to each section that applies - which of the State Priorities your project will address, and which of the CSCoC System Performance Measures you project will use to measure Outcomes. ***State Priorities see Appendix A - CSCoC System Performance Measures*** of this RFP.

DO NOT EXCEED SPACE PROVIDED

PROPOSED USE OF FUNDS	CSCoC System Performance Measures – All that apply
Rapid Rehousing – i.e., rental subsidies and case management	
Rapid Rehousing – i.e., incentives to landlords, such as security deposits and holding fees	
Operating Subsidies – i.e., new and existing affordable or supportive housing units, emergency shelters, and navigation centers. Operating subsidies may include operating reserves.	
Street Outreach – i.e., assist persons experiencing homelessness to access permanent housing and services, case management	
Service Coordination – i.e., may include access to workforce, education, and training programs, or other services needed to promote housing stability in supportive housing	
Systems Support – i.e. activities necessary to create regional partnerships and maintain a homeless services and housing delivery system, particularly for vulnerable populations including families and homeless youth	
Delivery of Permanent Housing – i.e., innovative housing solutions, such as hotel and motel conversions	
Prevention and Shelter Diversion – i.e., to permanent housing, including rental subsidies and case management	
Interim Sheltering – i.e., newly developed clinically enhanced congregate shelter, new or existing noncongregate shelters, and operations of existing navigation centers and shelters based on demonstrated need, and case management (See additional information on page 4)	
Improvements – i.e., to lower barriers and increase privacy	



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DO NOT EXCEED THIS ONE PAGE

PROVIDE UP TO A ONE PAGE NARRATIVE describing your program:



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If awarded, applicants will comply with the following: if you agree, initialing each box (electronic or in ink):

Initials

Housing First: All projects must provide housing and services that are Housing First compliant, per Health and Safety Code Section 5022.5(g), and delivered in a low barrier, trauma informed, and culturally responsive manner. Individuals and families assisted with these funds will not be required to receive treatment or perform any other prerequisite activities as a condition for receiving shelter, housing, or other services for which these funds are used. Housing First will be adopted including outreach and emergency shelter, short-term interventions like rapid rehousing, and longer-term interventions like supportive housing.	
Prioritization: Applicants are strongly encouraged to prioritize the use of HHAP funds to assist people experiencing literal homelessness move into safe, stable housing, with a particular focus on rehousing individuals currently living in Project Roomkey (PRK) sites. HHAP funding should be housing-focused – either funding permanent housing interventions directly or, if used for shelter or street outreach, have clear pathways to connect people to permanent housing options.	
Youth Set Aside: All programs require use of at least ten percent (10%) of the allocation for services for homeless youth populations, which are defined as unaccompanied youth who are between 12 and 24 years old and experiencing homelessness. Funds spent under this provision must still also comply with the eligible use requirements above.	
Coordinated Entry System (CES) and Homeless Management Information System (HMIS): Awarded projects must participate in the CES and HMIS as required by the CSCoC.	
Administrative Costs: No more than seven percent (7%) of funding may be expended on administrative costs.	



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SECTION THREE

Describe how this project will be sustained in the future:

Describe your management and past experience with similar projects:

Financial Information: has your organization done an organization audit to meet federal, state or local requirements ☐ **Yes** ☐ **No**

If yes: Provide date and type of most recent audit. If there are unresolved findings, list them and provide a brief narrative as to how they will be resolved and by what date:

If no: Provide information regarding conducting an audit after the first year if awarded:

If funded, applicant agrees to share financials with CSCoC Governing Board with expenditure details **Yes** ☐ **No** ☐



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SECTION FOUR: Budget Request Amounts
AMOUNTS ARE FOR FULL GRANT PERIOD *optional match

CATEGORY	Year One	Year Two	Year Three	Amount Requested	MATCH *	TOTAL
Rapid Rehousing						
Prevention and Shelter Diversion						
Delivery of Permanent Housing and Innovative Solutions						
Operating Subsidies – Perm Hsg						
Operating Subsidies – Interim Hsg						
Interim Sheltering						
Improvements to Existing Emergency Shelters						
Street Outreach						
Service Coordination						
Systems Support						
HMIS						
Administration						
TOTAL Requested Amount						



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DO NOT EXCEED THIS ONE PAGE – Though a match is not required at this time, it is highly recommended and additional points will be available up to 10 points for identifying both match amounts and funding sources.

Budget Narrative: Identify specifics as to how funds will be utilized. Also, identify additional matching funding sources for this project.



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SECTION FIVE: Logic Model

COUNTY:

Applicant:

Project:

Need 	Service 	Outcome 	Projected Indicator 	Actual Indicator 	Date of Report	Data Procedure	Frequency 
	# to be served		## or % obtained emergency housing ## or % obtained/maintain interim housing ## or % obtained/maintained permanent housing	DO NOT COMPLETE	DO NOT COMPLETE	DO NOT COMPLETE	DO NOT COMPLETE

Total Requested \$

Time Period: 10/1/2024 – 06/30/2028



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SECTION SIX: Data Performance

HHAP Round 1 Project Name(s)	HMIS Data current to what date?	Projected to serve	Actually served	Projected ES	Actual EH	Projected Interim H	Actual Interim H	Projected Perm H	Actual Perm H
Youth Served									
HHAP Round 2 Project Name(s)	HMIS Data current to what date?	Projected to serve	Actually served	Projected ES	Actual EH	Projected Interim H	Actual Interim H	Projected Perm H	Actual Perm H
Youth Served									
HHAP Round 3 Project Name(s)	HMIS Data current to what date?	Projected to serve	Actually served	Projected ES	Actual EH	Projected Interim H	Actual Interim H	Projected Perm H	Actual Perm H
Youth Served									



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Certifications

The following certification **must** be completed and **signed by an authorized agency representative** to be further considered for HHAP program funding. The undersigned agency hereby certifies that:

- The information contained herein and in the attached is complete and accurate. No material information has been omitted, including financial information.¹
- The agency certifies to the best of its knowledge and belief that its principals are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal debarment or agency.
- The agency shall comply with all federal and County policies and reporting requirements applicable to the HHAP program as appropriate for the funding if received.
- If HHAP funds are approved in the requested amount, then to the best of your knowledge, sufficient funds will be available to complete the project as proposed.
- The agency certifies that the funded program will participate in the CSCoC approved CES and HMIS system.

Name of Agency	
Typed Name and Title of Agency Official	
Agency Official's Signature	Date of Signature
Phone Number of Agency Official	E-Mail Address of Agency Official

¹ U.S. Code, Title 31, Section 3729, False Claims, provides a civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages for any person who knowingly presents, or causes to be presented, a false or fraudulent claim; or who knowingly makes, or caused to be used, a false record or statement; or conspires to defraud the Government by getting a false or fraudulent claim allowed or paid. HUD will prosecute false claims and statements and conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802.



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APPEAL PROCESS

The applicant shall make a written request to the CSCoC Governing Board, setting forth, in detail, the specific grounds for challenging the CSCoC Governing Board's decision to deny funding. The appeal shall be filed within 10 business days following the date of the written notification from the CSCoC Governing Board that the applicant's proposal has not been awarded funding, or not awarded the amount in their application.

An appeal regarding the CSCoC's decision to reject a proposal or award shall contain the following items:

1. Identification of the RFP (i.e. title and/or service description and issue date);
2. The specific grounds for challenging the rejection or intended contract award, including all arguments, materials and/or other documentation that may support the protester's position that the contract award should be rescinded; and
3. A statement as to whether the protesting applicant requests an opportunity for oral presentation and the reason(s) for the request.

Once the Governing Board has received the written appeal with all required documentation, the Governing Board may place on their next regular meeting Agenda the item to discuss – uphold original decision – or - rescind original decision. If original decision is upheld no further action is required. If decision is to rescind original decision, award will be revised and approved at the next Governing Board meeting following the decision to rescind. Funding awarded affected by the appeal process will be on hold until such time as a final decision is made.



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RFP RESPONSE TO BE SUBMITTED NO LATER THAN:

January 22, 2024 by 5:00 pm

Submit to: pjdavis47@yahoo.com

Watch for Frequently Asked Questions
On the CScoc Website: centralsierracoc.org

Other questions: PJ Davis, CScoc Coordinator
pjdavis47@yahoo.com



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APPENDIX A: CSCoC System Performance Measures

SPM 1a: Number of people accessing services who are experiencing homelessness

SPM 7.1a: Racial and ethnic disparities among those accessing services who are experiencing homelessness

SPM 1b: Number of people experiencing unsheltered homelessness on a single night (unsheltered PIT count)

SPM 7.1b: Racial and ethnic disparities among those experiencing unsheltered homelessness on a single night

SPM 2: Number of people accessing services who are experiencing homelessness for the first time

SPM 7.2: Racial and ethnic disparities in the number of people accessing services who are experiencing homelessness for the first time

SPM 3: Number of people exiting homelessness into permanent housing

SPM 7.3: Racial and ethnic disparities in the number of people exiting homelessness into permanent housing

SPM 4: Average length of time that people experienced homelessness while accessing services

SPM 7.4: Racial and ethnic disparities in the average length of time that people experienced homelessness while accessing services

SPM 5: Percent of people who return to homelessness within 6 months of existing homelessness response system to permanent housing

SPM 7.5: Racial and ethnic disparities in the percent of people who return to homelessness within 6 months of exiting homelessness response system to permanent housing

SPM 6: Number of people with successful placements from street outreach projects

SPM 7.6: Racial and ethnic disparities in the number of people with successful placements from street outreach projects



CITY COUNCIL AGENDA REPORT

CITY HALL

CITY OF SONORA 94 N. WASHINGTON STREET, SONORA, CA 95370 P: (209) 532-4541
SERVICE, INNOVATION, INTEGRITY, COLLABORATION, RESPECT, LEADERSHIP

DATE: January 6, 2024

TO: Honorable Mayor and Members of the City Council

FROM: Stacy Enos-Del Razo, Deputy City Clerk

SUBJECT: Meeting Minutes from December 16, 2024

RECOMMENDATION:

Approve City Council Meeting Minutes from December 16, 2024.

DISCUSSION / ANALYSIS:

Staff Recommends that the City Council Approve Meeting Minutes from December 16, 2024.

FISCAL IMPACT:

No Fiscal impact to the General Fund.

ATTACHMENTS:

Meeting Minute from December 16, 2024.

CORE COUNCIL PRIORITIES:

Fiscal Responsibility and Stability, Infrastructure and Engineering, Public Safety and Disaster Preparedness, Economic Development/Growth and General Plan, Homelessness Issues, Staffing - Salary, Benefits, Training, and Retention



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**CITY OF SONORA
City Council Regular Meeting
Minutes
Monday, December 16, 2024
5:00 PM**

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**Mayor Ann Segerstrom
Vice Mayor Suzanne Cruz
Council Members Bess Levine, Andy Merrill, Stephen Opie
City Administrator Melissa Eads
City Attorney Douglas White**

Vision Statement: With leadership and integrity, the City of Sonora commits to excellent service through collaboration and innovation



Mission Statement: To foster a safe, vibrant, and prosperous community that enhances the quality of life for all

CLOSED SESSION - 4:00 PM

CALL TO ORDER

Called to order at 4:00 PM.

ROLL CALL

PRESENT

Mayor Ann Segerstrom

Vice Mayor Suzanne Cruz

Councilmember Stephen Opie

ARRIVING LATE

Councilmember Bess Levine

ABSENT

Councilmember Andy Merrill

PUBLIC COMMENTS

No public comments.

ADJOURN INTO CLOSED SESSION

Adjourned at 4:01 PM.

1. Conference with Legal Counsel - Liability Claim (Government Code Section §54956.95): Two (2) Potential Cases, Claimant: Crummey, Claimant: Krista; Agency Claimed Against: City of Sonora; Chris Gorsky, Administrative Services Director.

RECONVENE INTO OPEN SESSION

OPEN SESSION - 5:00 PM

Called to order at 5:00 PM.

REPORT OUT OF CLOSED SESSION

Mayor Ann Segerstrom stated direction was given to staff.

PLEDGE OF ALLEGIANCE

Vice Mayor Suzanne Cruz led the Pledge of Allegiance.

Vision Statement: With leadership and integrity, the City of Sonora commits to excellent service through collaboration and innovation



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ROLL CALL

PRESENT

Mayor Ann Segerstrom

Vice Mayor Suzanne Cruz

Councilmember Bess Levine

Councilmember Stephen Opie

ABSENT

Councilmember Andy Merrill

CITY CLERK'S REPORT ON AGENDA POSTING

The Agenda was posted on Thursday, December 12, 2024, at 2:39 PM.

APPROVAL OF THE AGENDA

Motion made by Vice Mayor Suzanne Cruz, Seconded by Councilmember Bess Levine. Voting Yea: Mayor Ann Segerstrom, Vice Mayor Suzanne Cruz, Councilmember Bess Levine, Councilmember Stephen Opie

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.

Mark Plummer wished the Council and Staff a Merry Christmas and Happy New Year; and shared his support for the parade.

City Administrator Melissa Eads gave an update on the parade.

PRESENTATIONS

2. Receive a Presentation on the Results of the Impact Assessment Study Related to Joining Pioneer Community Energy; Lisa DeLaby, Pioneer Community Outreach Manager, Gina Stassi-Vanacore, Pioneer Director of Communications; and Robbie Bergstrom, Tuolumne County Economic Development. (20 minutes)
3. Receive an Update from the President of the Sonora Chamber of Commerce Katie Dunn; Tracy Skelly; Administrative Services Officer/City Clerk. (10 minutes)

Vision Statement: With leadership and integrity, the City of Sonora commits to excellent service through collaboration and innovation



Mission Statement: To foster a safe, vibrant, and prosperous community that enhances the quality of life for all

Katie Dunn President of the Sonora Chamber of Commerce updated those in attendance on the marketing efforts for Christmas Town Sonora; Christmas Town Sonora events; the Community Mixer is Tuesday at the Opera Hall from 5:00 - 8:00 PM; and the office is closed from December 24th - January 2nd.

4. Receive a Presentation on How the City's New Online Permit Management System Works for Our Residents, Contractors and Businesses Pulling Permits in the City of Sonora; Tyler Summersett, Community Development Director. (15 minutes)

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.

5. Consider Approval of the City Council Meeting Minutes from June 9, 2023; October 1, 2024; and November 18, 2024; Stacy Enos-Del Razo; Deputy City Clerk.
6. Consider Approval of Disbursements in the Amount of \$204,663.21 and \$177,609.99 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/City Clerk.
7. Consider Acceptance of an Informational Report for the November 2024 Accounts Payable Payment Register and Void Report; Chris Gorsky, Administrative Services Director
8. Consider Approval of the City of Sonora's Traffic Impact Mitigation Fund Report as Presented for the Fiscal Year Ended June 30, 2024; Carlye Buchholz, PE, PLS, City Engineer; Chris Gorsky, Administrative Services Director.

Motion made by Vice Mayor Suzanne Cruz, Seconded by Councilmember Stephen Opie. Voting Yea: Mayor Ann Segerstrom, Vice Mayor Suzanne Cruz, Councilmember Bess Levine, Councilmember Stephen Opie

NEW BUSINESS

9. Consider Approval of Dewberry's Task Order 25-4 in the Amount of \$20,000.00 to Conduct Investigations, Land Surveying, and Preliminary Design of Drainage Improvements to Correct the Failure of a 12" CMP Storm Drainpipe Located between the Properties of 191 and 207 Elk Drive; Mike Pugh, City Engineer; and Melissa Eads, City Administrator.

Mike Pugh City Engineer explained the scope of work for Task Order 25-4.

No public comment.

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Motion made by Councilmember Stephen Opie, Seconded by Vice Mayor Suzanne Cruz. Voting Yea: Mayor Ann Segerstrom, Vice Mayor Suzanne Cruz, Councilmember Bess Levine, Councilmember Stephen Opie

10. Consider Approval of Dewberry's Task Order 25-5 in the Amount of \$36,333.00 to Perform the Design and Engineering Services for the New Public Works Maintenance Building; Mike Pugh, City Engineer; and Melissa Eads, City Administrator.

Mike Pugh City Engineer explained the scope of work for Task Order 25-5.

No public comment.

Motion made by Councilmember Stephen Opie, Seconded by Vice Mayor Suzanne Cruz. Voting Yea: Mayor Ann Segerstrom, Vice Mayor Suzanne Cruz, Councilmember Bess Levine, Councilmember Stephen Opie

11. Consider Approval of Dewberry's Task Order 25-6 in the Amount of \$24,919.00 to Perform the Design and Engineering Services for the New Pickleball Court at Woods Creek Rotary Park; Mike Pugh, City Engineer; and Melissa Eads, City Administrator.

Mike Pugh City Engineer explained the scope of work for Task Order 25-6.

Melissa Eads City Administrator explained the use of the grant funds for this project.

No public comment.

Motion made by Vice Mayor Suzanne Cruz, Seconded by Councilmember Bess Levine. Voting Yea: Mayor Ann Segerstrom, Vice Mayor Suzanne Cruz, Councilmember Bess Levine, Councilmember Stephen Opie

12. Consider Approval of a Memorandum of Understanding with Habitat for Humanity to Rehabilitate the Structure Located at 290 S. Stewart Street from a Multi-Use Building with Commercial Zoning into a 4-Unit Rental; Tyler Summersett, Community Development Director.

Tyler Summersett Community Development Director explained the vision and future of the property located at 290 S Stewart Street.

Mike Lemke Habitat for Humanity Board Member explained Habitat for Humanity's perspective on this project; the work they do in the community; and the opportunity they see with this project.

Sharon Marovich shared Tuolumne Heritage Committee would like to see this project move forward; and gave a brief history of the property.

Jeff Hollis shared this is the best idea for the property.

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Motion made by Councilmember Stephen Opie, Seconded by Vice Mayor Suzanne Cruz. Voting Yea: Mayor Ann Segerstrom, Vice Mayor Suzanne Cruz, Councilmember Bess Levine, Councilmember Stephen Opie

MONTHLY REPORTS

13. Receive the City of Sonora Administrative Services Department Report for October 2024 (FY24/25); Chris Gorsky, Administrative Services Director
14. Receive the City of Sonora Community Development Departments Monthly Report for November 2024; Tyler Summersett; Community Development Director.
15. Receive the City of Sonora Fire Department Monthly Report for November 2024; Aimee New, Fire Chief.
16. Receive the City of Sonora Police Department Monthly Report for November 2024; Turu VanderWiel, Police Chief.
17. Receive the City of Sonora Public Works Monthly report for November 2024; Mike Lagomarsino, Public Works Supervisor.

COUNCIL MEMBER REPORTS

Councilmember Stephen Opie attended the parade.

Councilmember Bess Levine attended the Collaborative Housing meeting; Visit Tuolumne County; and attended the downtown night walking tour for side walk safety.

Vice Mayor Suzanne Cruz attended the League of California Cities Christmas Dinner; toured Christmas Tree Lane; attended the Tuolumne County Transit Council Retirement of Darin Grossi; and read a Christmas Salutation.

Mayor Ann Segerstrom attended the Christmas Town lighting ceremony; helped with the parade set up and Christmas Tree Lane; listened to the Weather Webinar; welcomed Senator Alvarado-Gil's Team to City Hall for a Team building exercise; attended Access Tuolumne and the Christmas Dinner at the League of California Cities; and wished everyone the Merriest of Holidays.

ADJOURNMENT

Adjourned at 6:45 PM.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at City Hall (209) 532-4541, tskelly@sonoraca.com. Notification 48 hours prior to the

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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.

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CITY COUNCIL AGENDA REPORT

CITY HALL

CITY OF SONORA 94 N. WASHINGTON STREET, SONORA, CA 95370 P: (209) 532-4541

SERVICE, INNOVATION, INTEGRITY, COLLABORATION, RESPECT, LEADERSHIP

DATE: January 6, 2025

TO: Honorable Mayor and Members of the City Council

FROM: Douglas L. White, City Attorney

SUBJECT: Waive First Reading, Read by Title Only, and Introduce Ordinances of the Sonora City Council Amending Sections 9.50.010, 9.50.020, 9.56.020, 9.56.050, 9.56.060, and 9.61.050, Adding Section 9.04.046, Bathing and Washing in Public Fountains or Public Restrooms, and Adding Chapter 9.80, Shopping Carts, to Title 9 of the Sonora Municipal Code

RECOMMENDATION:

1. Waive First Reading, Read by Title Only, and Introduce Ordinance No. 900, an Ordinance of the Sonora City Council Amending Sections 9.50.010, Obstruction Of Movement In Public Ways, 9.50.020, Sitting Or Lying Down On Public Sidewalks In Designated Areas Of The City, 9.56.020 Definitions, 9.56.050, Exceptions, 9.56.060, Enforcement, and 9.61.050, Abatement, and Adding Section 9.04.046, Bathing and Washing in Public Fountains or Public Restrooms, to Title 9, Public Peace, Morals and Welfare of the Sonora Municipal Code.
2. Waive First Reading, Read by Title Only, and Introduce Ordinance No. 901, an Ordinance of the Sonora City Council adding Chapter 9.80, Shopping Carts, to Title 9, Public Peace, Morals and Welfare of the Sonora Municipal Code.

BACKGROUND:

The City of Sonora (“City”) has experienced an increase in individuals sleeping and camping in public, impeding the public’s access to and use of public spaces. The City has already adopted multiple ordinances to address sleeping and camping in public places. For instance, the City already prohibits camping in public places under Chapter 9.56, Unlawful Camping. In addition, camping around critical infrastructure is prohibited under Chapter 9.61, Protection Of Critical Infrastructure And Fire Severity Zones. Also, the Sonora Municipal Code permits clean and clear operations and permanent encampment closures under Chapter 9.62, Health and Hygiene.

Due to the *Martin v. City of Boise* (“Martin”) decision, ordinances that prohibited sleeping or camping in public places were unenforceable against homeless individuals when there was no practical alternative shelter available. However, the United States Supreme Court overturned *Martin* with the *Grants Pass v. Johnson* (“Grants Pass”) decision issued June 28, 2024. In light of *Grants Pass*, the City now has the ability to enforce existing ordinances that were unenforceable under *Martin*.

The City recently re-examined its Municipal Code in light of the *Grants Pass* decision and determined that amendments were needed to sections 9.50.010, Obstruction Of Movement In Public Ways; 9.50.020, Sitting Or



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Lying Down On Public Sidewalks In Designated Areas Of The City; 9.56.020, Definitions; 9.56.050, Exceptions; 9.56.060, Enforcement; and 9.61.050, Abatement. Also, the City is concerned that public fountains and bathrooms are being used for bathing and washing clothes, activities that go beyond and impede the intended uses for public fountains and bathrooms. The City determined that a section should be added to Chapter 9.04 to address the extent of permissible activities in public fountains and public bathrooms.

In addition, abandoned shopping carts are frequently found in streets, parks, trails, and other rights of way throughout the City, obstructing pedestrian access, interfering with vehicular traffic, and impeding emergency response services. Abandoned shopping carts found in local waterways also create environmental and water flow hazards. The removal of shopping carts from business property creates a public nuisance that is not currently addressed by the City's Municipal Code, nor does the City currently have a mechanism to hold business owners responsible for implementing measures to prevent shopping carts from being removed from their premises.

DISCUSSION / ANALYSIS:

1. Ordinance amending sections 9.50.010, 9.50.020, 9.56.020, 9.56.050, 9.56.060, and 9.61.050 and adding section 9.04.046 to the Sonora Municipal Code

Sections 9.50.010 of the Sonora Municipal Code prohibits individuals from "maliciously" occupying a public way, and section 9.50.020 prohibits individuals from "maliciously" sitting or lying down on public sidewalks in the City's downtown area. "Maliciously" is not defined nor is there any apparent reason why the conduct must be done "maliciously" to be prohibited. The proposed ordinance amends sections 9.50.010 and 9.50.020 to remove the unnecessary "maliciously" requirement.

Section 9.50.020 prohibits individuals from sitting or lying down on public sidewalks, but only in the City's downtown area. To address the widespread problem with individuals impeding the use of public spaces by sitting or lying on any City sidewalk, the proposed ordinance expands section 9.50.020 to include all public sidewalks in the City.

Chapter 9.56, Unlawful Camping, was enacted in 2017 and contains a definition for "camp" or "camping" in section 9.56.020. In 2022, the City enacted Chapter 9.61, Protection Of Critical Infrastructure And Fire Severity Zones, and Chapter 9.62, Health and Hygiene, with more thorough definitions of "camp" and "camping." The proposed ordinance amends the definition of "camp" or "camping" in section 9.56.020 to align with the more thorough definitions in sections 9.61.020 and 9.62.020.

The proposed ordinance amends section 9.56.050 to clarify that the parking restrictions in section 10.08.040 apply to overnight camping in a recreational vehicle parked on a public street. In addition, the proposed ordinance amends the five-day period within which an individual must cease violations in section 9.56.060 to align with the seventy-two-hour period in Chapter 9.61, Protection of Critical Infrastructure, and Chapter 9.62, Health and Hygiene.

Subdivision A of section 9.61.050, Abatement, specifies that any violation of section 9.60.040 may result in abatement. However, section 9.60.040 contains the definitions for Chapter 9.60, Trespass on Private Property Or



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Business Premises Prohibited, and appears unrelated to Chapter 9.60, Protection Of Critical Infrastructure And Fire Severity Zones. The proposed ordinance amends section 9.61.050 to remove the reference to section 9.60.040 and instead reference section 9.61.040, Prohibited Activities.

The Sonora Municipal Code currently does not address washing clothes or bathing in public fountains and bathrooms. The proposed ordinance adds section 9.04.046, Bathing and Washing in Public Fountains or Public Restrooms, to restrict individuals from bathing, washing, or otherwise making contact with the water in the City's public decorative fountains. The added section also prohibits individuals from using a drinking fountain or public restroom to wash clothing or any portion of their body beyond their arms, neck, or face.

2. Ordinance adding Chapter 9.80, Shopping Carts, to the Sonora Municipal Code

The proposed ordinance makes it unlawful to remove a marked shopping cart or to be in possession of a marked shopping cart outside of business premises.

The proposed ordinance also imposes the following responsibilities on shopping cart owners:

- Shopping cart ownership identification on all shopping carts.
- Installation of shopping cart removal warning signs.
- Submittal of an abandoned cart prevention plan to the City.

The proposed ordinance contains an exemption for businesses with fifteen (15) or fewer shopping carts. The proposed ordinance also contains an exemption for businesses that install and maintain a security system that causes the wheel of a shopping cart to lock when the shopping cart is moved across a designated perimeter line of the premises parking area, preventing carts from being taken off-site.

The proposed ordinance is consistent with and incorporates state law where the Legislature has determined that statewide regulation is necessary. Chapter 19, Shopping and Laundry Carts, of the California Business and Professions Code outlines unlawful conduct pertaining to shopping carts, the parameters under which cities may impound abandoned shopping carts, and other provisions that have been incorporated into the proposed ordinance.

FISCAL IMPACT:

The City will bear the cost of enforcing the proposed ordinances. However, provisions drafted into the proposed Shopping Carts ordinance authorize the City to impose administrative penalties and recover actual costs from shopping cart owners related to shopping cart impounding.



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ENVIRONMENTAL:

The Ordinance is not a “project” under the California Environmental Quality Act since it does not have the potential to cause a direct or reasonably foreseeable indirect physical change in the environment.¹

OPTIONS:

1. Motion to waive first reading, read by title only, and introduce Ordinance No. 900 and Ordinance No. 901; or
2. Continue introduction of the ordinances to a later City Council meeting, with direction to staff with changes; or
3. Reject Ordinance No. 900 and Ordinance No. 901.

ATTACHMENTS:

- Ordinance No. 900 Amending sections 9.50.010, 9.50.020, 9.56.020, 9.56.050, 9.56.060, and 9.61.050 and Adding Section 9.04.046, Bathing and Washing in Public Fountains or Public Restrooms, to the Sonora Municipal Code.
- Ordinance No. 901 Adding Chapter 9.80, Shopping Carts, to the Sonora Municipal Code.

CORE COUNCIL PRIORITIES:

Public Safety and Disaster Preparedness; Homelessness Issues.

¹ Pub. Res. Code, § 21065.

ORDINANCE NO. 900

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA AMENDING SECTIONS 9.50.010, 9.50.020, 9.56.020, 9.56.050, 9.56.060, AND 9.61.050 AND ADDING SECTION 9.04.046 TO TITLE 9, PUBLIC PEACE, MORALS AND WELFARE, OF THE SONORA MUNICIPAL CODE

WHEREAS, the City of Sonora ("City") reviewed Title 9 of the Sonora Municipal Code in light of the Supreme Court overturning the *Martin v. City of Boise* decision that had made ordinances prohibiting sleeping or camping in public places unenforceable against homeless individuals when there was no practical alternative shelter available; and

WHEREAS, the City determined that sections 9.50.010, 9.50.020, 9.56.020, 9.56.050, 9.56.060, and 9.61.050 necessitate amendments; and

WHEREAS, obstruction of sidewalks in the City poses a threat to public health, safety, and welfare by impeding public and emergency services use; and

WHEREAS, sections 9.50.010 and 9.50.020 unnecessarily require that conduct be done "maliciously" to be prohibited; and

WHEREAS, section 9.50.020 only prohibits sitting or lying down on public sidewalks in the downtown area of the City; and

WHEREAS, it is necessary to expand section 9.50.020 to include all areas of the City; and

WHEREAS, Chapter 9.61, Protection of Critical Infrastructure and Fire Severity Zones, and Chapter 9.62, Health and Hygiene, contain matching definitions of "camp" or "camping" that are more thorough than the definitions in Chapter 9.56, Unlawful Camping; and

WHEREAS, to improve the City's ability to address unlawful camping within City limits, it is necessary to amend the definitions of "camp" or "camping" in section 9.56.020 to align with the definitions in Chapter 9.61 and Chapter 9.62; and

WHEREAS, section 9.56.050, Exceptions, should reference the parking regulations in section 10.08.040 that would apply to certain vehicles under section 9.56.050; and

WHEREAS, section 9.56.060, Enforcement, specifies five days for an individual to cease conduct in violation of Chapter 9.56, Unlawful Camping, and this timeframe should be amended to align with the seventy-two-hour abatement timeline in Chapter 9.61, Protection of Critical Infrastructure, and Chapter 9.62, Health and Hygiene; and

WHEREAS, subsection A of section 9.61.050, Abatement, incorrectly states that any violation of section 9.60.040 may result in abatement of the occupant's personal property and should be corrected to instead reference section 9.61.040; and

WHEREAS, to address concerns about public fountains and bathrooms being utilized for purposes outside of their intended use, a new section, section 9.04.046, is being added to place restrictions on bathing and washing in public fountains and restrooms.

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

SECTION 1. Section 9.50.010, Obstruction Of Movement In Public Ways, of Chapter 9.50, Conduct on Public Property, of Title 9, Public Peace, Morals and Welfare, shall be amended to read as follows:

9.50.010 Obstruction Of Movement In Public Ways

No person, after having been notified by a law enforcement officer that he or she is in violation of the prohibition in this section, shall occupy any portion of a public way or public place so as to obstruct or interfere with the flow of pedestrian or vehicular traffic thereon, whether such person does so alone or together with one or more persons, or with equipment or personal property of any nature, and whether such person does so by standing, sitting, lying or in any other manner.

SECTION 2. Section 9.50.020, Sitting Or Lying Down On Public Sidewalks In Designated Areas Of The City, of Chapter 9.50, Conduct on Public Property, of Title 9, Public Peace, Morals and Welfare, shall be amended to read as follows:

9.50.020 Sitting Or Lying Down On Public Sidewalks

No person, after having been notified by a law enforcement officer that he or she is in violation of the prohibition of this section, shall sit or lie down upon a public sidewalk or sidewalk curb, or upon a blanket, chair, stool, or any other object placed upon a public sidewalk in the city.

SECTION 3. Section 9.56.020, Definitions, of Chapter 9.56, Unlawful Camping, of Title 9, Public Peace, Safety, Morals, and Welfare, shall be amended to read as follows:

9.56.020 Definitions

Unless it is apparent from the context that another meaning is intended, the following words, when used in this section, shall have the meanings respectively ascribed to them by this chapter.

"Camp" or "camping" means 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.

"Camp facilities" include, but are not limited to, tents, huts, temporary shelters, trailers, and vehicles.

"Camp paraphernalia" includes, but is not limited to, collapsible shelters, cots, beds, sleeping bags, bed rolls, hammocks, barbeques, open fires, portable stoves, or other cooking equipment not provided or approved by the city.

"Public property" means any publicly owned property in the city, improved or unimproved, including, but not limited to, any of the following: public alleyways; public parking lots; public passageways; public streets; public rights-of-way; publicly owned, maintained, or operated parks; publicly owned, maintained, or operated landscaped areas or greenbelts; publicly owned, maintained, or operated open spaces, including, but not limited to, those adjacent to City Hall or other public facilities or buildings of any kind; public sidewalks, curbs, and gutters; public restrooms; and public waterways, creeks, and streams.

"Recreational vehicle" means any of the following:

- A. A "travel trailer" is a portable structure built on a frame designed to be used as a temporary dwelling for camping, travel, recreation, and vacation use, as identified by the manufacturer.
- B. A "camper" or "camper shell" is a structure designed primarily to be mounted upon a motor vehicle and for use as a temporary dwelling for camping, travel, recreation, and vacation purposes.
- C. A "motorized home" or "motorhome" is a portable, self-contained dwelling designed and constructed as an integral part of a self-propelled vehicle.
- D. A "tent trailer" is a canvas folding structure mounted on wheels and designed for camping, travel, recreation, and vacation use.

"Vehicle" shall have the same meaning as those terms defined in the California Vehicle Code.

SECTION 4. Section 9.56.050, Exceptions, of Chapter 9.56, Unlawful Camping, of Title 9, Public Peace, Safety, Morals and Welfare, shall be amended to read as follows (unchanged text is omitted and is shown by " * * * "):

Nothing in this chapter shall prohibit:

* * *

- D. Overnight camping in a recreational vehicle which is parked on a public street when the occupants of the recreational vehicle are guests of the owners or occupants of an adjacent residential property and:
 - 1. The recreational vehicle is legally parked directly adjacent to the residential property where the occupants are guests;
 - 2. The overnight camping in the recreational vehicle at that location shall not extend for a period of more than seven consecutive days without an interruption of at least seven consecutive non-camping days, subject to the parking regulations in section 10.08.040; and
 - 3. The recreational vehicle is self-contained, free of sewage leaks, and does not require any hook-ups to the adjacent residential property.

* * *

SECTION 5. Subsection B of section 9.56.060, Enforcement, of Chapter 9.56, Unlawful Camping, of Title 9, Public Peace, Safety, Morals, and Welfare, shall be amended to read as follows:

- B. Any person violating any provision of this chapter shall be issued a written cease and desist notice. The written notice shall set forth the section or sections that the person is violating. The written notice shall state that the individual has seventy-two (72) hours to cease any and all violations of this chapter from the date the written notice is issued.

SECTION 6. Subdivision A of section 9.61.050, Abatement, of Chapter 9.61, Protection Of Critical Infrastructure And Fire Severity Zones, of Title 9, Public Peace, Morals and Welfare, shall be amended to read as follows:

- A. Any violation of Section 9.61.040 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.

SECTION 7. Section 9.04.046, Bathing and Washing in Public Fountains or Public Restrooms, shall be added to Chapter 9.04, Offenses Against Public Order, of Title 9, Public Peace, Safety, Morals, and Welfare, to read as follows:

No person shall bathe, wash, or make contact with water in a public decorative fountain. For purposes of this section, “decorative fountain” does not include drinking fountains.

No person shall use any drinking fountain or public restroom to wash clothing or wash any portion of their body other than their arms, neck, or face.

SECTION 8. 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. The City Council of the City of Sonora hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

SECTION 9. 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.

This Ordinance was introduced at a regular meeting of the City Council of the City of Sonora, held on the 6th day of January 2025, and given its first reading at said meeting. Said Ordinance was given a second reading at a regular meeting of the City Council held on ____ day of ____, 2025, and after such reading, Councilmember ____, who moved its adoption, seconded by Councilmember ____, said Ordinance was thereupon adopted by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST:

Tracy Skelly
City Clerk, City of Sonora

APPROVED:

Ann Segerstrom
Mayor

ORDINANCE NO. 901

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA ADDING CHAPTER 9.80, SHOPPING CARTS, TO TITLE 9, PUBLIC PEACE, MORALS AND WELFARE, OF THE SONORA MUNICIPAL CODE

WHEREAS, shopping carts are routinely removed from business premises and left abandoned on public property in the City of Sonora ("City"); and

WHEREAS, the presence of abandoned shopping carts on public property is a public nuisance that contributes to a decline in the quality of life for residents of and visitors to the City; and

WHEREAS, abandoned shopping carts obstruct pedestrian and disabled access, interfere with vehicular traffic, and impede emergency services; and

WHEREAS, the presence of abandoned shopping carts in City waterways and open spaces disrupts natural flow and drainage patterns and contributes to environmental degradation; and

WHEREAS, the City Council desires to implement regulations to require adequate containment measures by shopping cart owners and to make it unlawful to remove a shopping cart from business premises.

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

SECTION 1. Chapter 9.80, Shopping Carts, shall be added to Title 9, Public Peace, Morals and Welfare, of the Sonora Municipal Code as follows:

Chapter 9.80 SHOPPING CARTS

Sections:

- 9.80.010 Declaration of Purpose**
- 9.80.020 Definitions**
- 9.80.030 Enforcement Authority**
- 9.80.040 Authority to Inspect**
- 9.80.050 Alternate Remedies**
- 9.80.060 Additional Rules and Regulations**
- 9.80.070 Signs on Shopping Carts Required**
- 9.80.080 Removal, Abandonment, Alteration, Possession Prohibited**
- 9.80.090 Penalty**
- 9.80.100 Exceptions**
- 9.80.110 Retrieval of Shopping Carts by City, Authority to Impound**
- 9.80.120 Authority to Impound Without Three-Day Notice to Owner**
- 9.80.130 Posted Notice Required**
- 9.80.140 Abandoned Cart Prevention Plan**
- 9.80.150 Abandoned Cart Prevention Plan Approval**
- 9.80.160 Shopping Cart Retrieval Businesses, Records Required**

9.80.170 Sign Required**9.80.180 Violations****9.80.190 Exemption for Businesses with 25 or Fewer Carts****9.80.010 Declaration of Purpose**

Abandoned shopping carts constitute a nuisance, create potential hazards to the health and safety of the public, and interfere with pedestrian and vehicular traffic within the City of Sonora. Wrecked, dismantled and/or abandoned shopping carts on public or private property create conditions that reduce property values, and promote blight and deterioration within the City's neighborhoods. In addition, replacing stolen or damaged shopping carts is costly for businesses, and those costs are passed to consumers through higher prices. The purpose of this chapter is to make the removal of shopping carts from the premises of a business establishment a violation of this Code and provide regulations and procedures for the retrieval of shopping carts consistent with the provisions of section 22435 of the Business and Professions Code of the State of California.

9.80.020 Definitions

For the purpose of this chapter, the following terms are defined as follows:

1. "Abandoned cart prevention plan" means a plan that meets the requirements of section 9.80.140 and has been approved by the City in accordance with section 9.80.150.
2. "Abandoned shopping cart" means any cart removed from a business establishment's premises without written permission of the owner and located on either public or private property.
3. "Business of shopping cart retrieval" means a business that searches for, gathers, and restores possession to the owner, or an agent thereof, for compensation or in expectation of compensation, of shopping carts located outside the premises or parking area of a business establishment.
4. "Owner" means any person or entity within a business establishment who owns, possesses, or has the power to make a shopping cart available to customers. For the purpose of this chapter, "owner" includes, but is not limited to, the store owner, manager, on-site manager, on-duty manager or other designated agent of a business establishment providing shopping carts for customer use.
5. "Parking area" means a parking lot or other property provided by a business establishment for use by a customer for parking an automobile or other vehicle. The parking area of a business establishment located in a multistore complex or shopping center shall include the entire parking area used by the complex or center.
6. "Premises" means the entire area owned, rented, leased, or utilized by a business establishment that provides shopping carts for customer use, including parking areas.
7. "Shopping cart" means a basket which is mounted on wheels, or a similar device generally used in a business establishment by a customer for the purpose of transporting goods of any kind. This includes but is not limited to, laundry, grocery, construction and home improvement, or shopping carts.

9.80.030 Enforcement Authority

The Chief of Police and/or his or her designated agents and designated code enforcement officers shall have the authority and powers necessary to determine whether a violation of this chapter exists and to take appropriate action to gain compliance with the provisions of this chapter and applicable State codes. These powers include the power to issue administrative citations and to inspect public and private property as allowed by State and federal law. It also includes the power to impose civil penalties for any violation of this chapter as provided in Chapters 1.08 and 1.20 of this Code.

9.80.040 Authority to Inspect

The Chief of Police and/or his or her designated agents and designated Code Enforcement Officers are authorized to enter upon any property or premises as allowed by State and federal law to ascertain whether the provisions of this chapter or applicable State codes are being obeyed, and to make any examinations as may be necessary in the performance of their enforcement duties. All inspections, entries, and examinations shall be done in a reasonable manner as allowed by State and federal law. If an owner, tenant, occupant, agent, or other responsible party refuses to grant the City permission to enter or inspect, the City may seek an inspection warrant pursuant to the procedures provided for in the California Code of Civil Procedure.

9.80.050 Alternate Remedies

Nothing in this chapter shall prevent the City from pursuing criminal, civil, administrative, or any other legal remedy to address violations of this chapter.

9.80.060 Additional Rules and Regulations

In addition to the provisions and requirements of this chapter, the City Council may, from time to time, by resolution, establish additional rules and regulations concerning programs, practices, and regulations pertaining to shopping cart retrieval.

9.80.070 Signs on Shopping Carts Required

Every shopping cart owned or provided by a business establishment in the City of Sonora must have a sign permanently affixed to it that contains the following information:

1. Identifies the owner of the shopping cart or the name of the business establishment, or both; and
2. Notifies the public of the procedure to be used for authorized removal of a shopping cart from the establishment's premises; and
3. Notifies the public that the unauthorized removal of a shopping cart from the premises or parking area of a business establishment, or the unauthorized possession of a shopping cart, is a violation of State law; and
4. Notifies the public that the unauthorized removal of the shopping cart from the premises of a business establishment, or the unauthorized possession of a shopping cart is a violation of the local municipal code; and
5. Lists a valid telephone number or address for returning the shopping cart removed from the premises or parking area to the owner or retailer.

9.80.080 Removal, Abandonment, Alteration, Possession Prohibited

It is unlawful to do any of the following acts if a shopping cart has a permanently affixed sign as required by section 9.80.070:

1. To remove a shopping cart from the premises or parking area of a business establishment with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.
2. To be in possession of any shopping cart with serial numbers removed, obliterated, or altered, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.
3. To leave or abandon a shopping cart at a location other than the premises or parking area of the retail establishment with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.
4. To alter, convert, or tamper with a shopping cart, or to remove any part or portion thereof, or to remove, obliterate, or alter serial numbers on a cart, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.
5. To be in possession of any shopping cart while that cart is not located on the premises or parking lot of a business establishment, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.

9.80.090 Penalty

Any person who violates any of the provisions of section 9.80.080 is guilty of a misdemeanor, or in the alternative, the City may use the administrative enforcement remedies set forth in Chapters 1.08 and 1.20 of this Code for violations of this section.

9.80.100 Exceptions

Section 9.80.080 shall not apply to any person who has written consent from the owner of the shopping cart authorizing possession or removal of the cart from the business establishment's premises or authorizing any of the acts specified in section 9.80.080.

For all persons authorized by an owner to remove a cart from the premises or parking area of a business establishment, the owner shall issue to such persons an "Authorization Card" in a form approved by the Chief of Police.

9.80.110 Retrieval of Shopping Carts by City, Authority to Impound

- A. The City of Sonora may impound a shopping cart when all of the following conditions are satisfied:
 1. The shopping cart has a sign affixed to it as required by section 9.80.070 of this chapter.
 2. The shopping cart is located outside the premises or parking area of a business establishment as defined in section 9.80.020.

3. Except as provided in section 9.80.120, the shopping cart is not retrieved within three business days from the date the owner of the shopping cart, or his or her agent, receives actual notice from the City of the shopping cart's discovery and location.
- B. In instances where the location of a shopping cart will impede emergency services, the City is authorized to immediately retrieve the shopping cart from public or private property.
- C. Any shopping cart that is impounded by the City pursuant to this section shall be held at a location that is both:
 1. Reasonably convenient to the owner of the shopping cart; and
 2. Open for business at least six (6) hours of each business day.
- D. Any shopping cart not reclaimed from the City within thirty (30) days of receipt of a notice of violation by the owner of the shopping cart may be sold or otherwise disposed of by the City.
- E. The City may impose an administrative penalty on the owner of a shopping cart in an amount not to exceed fifty dollars (\$50.00) for each occurrence in excess of three (3) during a specified six (6) month period for failure to retrieve shopping carts in accordance with this section. An occurrence includes all shopping carts impounded in accordance with this section in a one-day period.
- F. The City is authorized to recover actual costs incurred for impounding a shopping cart under the authority of this section.

9.80.120 Authority to Impound Without Three-Day Notice to Owner

- A. Notwithstanding paragraph 3 of subsection A of section 9.80.110 above, the City may impound a shopping cart that otherwise meets the criteria set forth in paragraphs 1 and 2 of subsection A of section 9.80.110 without complying with the three-day advance notice requirement provided that:
 1. The owner of the shopping cart, or his or her agent, is provided actual notice within twenty-four (24) hours following the impound and the notice informs the owner, or his or her agent, of the location where the shopping cart may be claimed. For the purposes of this section "actual notice" shall include any of the following noticing methods:
 - a. Personal delivery of written notice to the "owner" as defined in section 9.80.020;
 - b. Delivery of written notice by facsimile or e-mail transmission to the "owner" as defined in section 9.80.020;
 - c. Oral notice by telephone to the "owner" as defined in section 9.80.020, provided the City employee giving the oral notice confirms the giving of such notice by sending a written confirmation by facsimile or e-mail transmission to the person to whom oral notice was given within twenty-four (24) hours of giving such oral notice.
 2. Any shopping cart so impounded shall be held at a location in compliance with subsection C of section 9.80.110 above.
 3. Any shopping cart reclaimed by the owner, or his or her agent, within three (3) business days following the date of actual notice shall be released and surrendered to the owner or agent at no charge whatsoever, including the waiver of any impound and storage fees or fines that would otherwise be applicable pursuant to subsections E and F of section 9.80.110. Any cart

reclaimed within the three-business day period shall not be deemed an occurrence for purposes of subsection E of section 9.80.110.

4. Any shopping cart not reclaimed by the owner, or his or her agent, within three (3) business days following the date of actual notice shall be subject to any applicable fee or penalty imposed pursuant to subsections E and F of section 9.80.110 commencing on the fourth business day following the date of the notice.
5. Any shopping cart not reclaimed by the owner, or his or her agent, within 30 days of receipt following the date of actual notice may be sold or disposed of as provided for in subsection D of section 9.80.110.

9.80.130 Posted Notice Required

There shall be posted by the owner, prominently and conspicuously, at all public entrances and exits to the business, a notice in substantially the following form:

REMOVAL OF SHOPPING CARTS (or Laundry Carts, or other types of carts, if applicable) IS PROHIBITED BY LAW AND SHALL SUBJECT THE VIOLATOR TO A MINIMUM FINE OF \$100.00.

9.80.140 Abandoned Cart Prevention Plan

Every owner who allows or intends to allow the use of carts outside a building or enclosed area of a business shall develop, implement, and comply with an abandoned cart prevention plan.

- A. The plan must include, at a minimum, the following information:
 1. The name of the business, address and phone number of the premises where the business is conducted, and the address and phone number of the cart owner, if different;
 2. A procedure for providing notification to customers that removal of carts from the premises is prohibited and a violation of State and local law in addition to the notice required under sections 9.80.070 and 9.80.130. This notice may be provided in the form of flyers, warnings on shopping bags, or any form of written notification that will effectively notify customers of the prohibition; and
 3. A procedure for the retrieval of abandoned carts by its employees, or proof that the owner has entered into a contract for cart retrieval services that has been approved by the Sonora Code Enforcement Unit.
- B. If the City impounds more than five (5) carts from the same owner after the owner implements an abandoned cart prevention plan, the owner must amend the abandoned cart prevention plan within thirty (30) days to add a description of the physical measures that the owner will implement to prevent the removal of carts from the premises. Physical measures may include but are not limited to: devices on carts that prevent their removal from the premises; posting of a designated employee or security guard to deter and stop customers from removing carts from the premises; or prohibiting carts outside the building of the business unless accompanied by an employee. If an owner installs and maintains a security system that causes the wheel of a shopping cart to lock when the shopping cart is moved across a designated perimeter line of the premises parking area, the owner may avail itself to the exemption in section 9.80.200.

- C. Two or more businesses may collaborate and submit a single plan.

9.80.150 Abandoned Cart Prevention Plan Approval

- A. Each owner shall submit a proposed abandoned cart prevention plan to the Sonora Code Enforcement Unit within sixty (60) days of the effective date of this chapter, and by July 1 of each year thereafter. Proposed businesses shall have an approved abandoned cart prevention plan prior to commencing business. After initial submission and approval of an abandoned cart prevention plan, an owner submitting the same plan to comply with the requirement of submitting a plan by July 1 of each subsequent year, may do so by submitting a letter of intent stating that the owner is submitting the plan currently in operation.
- B. The Sonora Code Enforcement Unit shall approve or reject the proposed abandoned cart prevention plan within thirty (30) days of the plan's submission. The Sonora Code Enforcement Unit may deny a plan based upon any of the following grounds:
 - 1. The implementation of the plan violates any provision of the building, zoning, health, safety, fire, police, or other provision of this Code or any County, State, or federal law which substantially affects public health, welfare, or safety;
 - 2. The plan fails to include all of the information required by this chapter;
 - 3. The plan is insufficient or inadequate to prevent the removal of carts from the premises;
 - 4. The plan fails to address any special or unique conditions due to the geographical location of the premises as they relate to cart retention and prevention efforts;
 - 5. Implementation of the plan violates a term or condition of a plan or other requirement of this chapter; and/or
 - 6. The owner knowingly makes a false statement of fact or omits a fact required to be revealed in an application for the plan, or in any amendment or report or other information required to be made.
- C. The Sonora Code Enforcement Unit will provide owners with an approved form for an abandoned cart prevention plan for use by owners. A plan which is in substantial compliance with the approved form will be approved by the Sonora Code Enforcement Unit, unless special or unique conditions exist due to the geographical location of the premises as they relate to cart retention and prevention efforts. The approved form may be amended administratively from time to time should the Sonora Code Enforcement Unit determine that the provisions of the approved form fail to adequately address cart removal problems. For those business establishments using an approved form, the amendments shall be effective within thirty (30) days after written notice of the amendment(s) is given to the owner.
- D. If the plan is rejected as incomplete or inadequate, the Sonora Code Enforcement Unit shall indicate areas that are incomplete or inadequate, and the owner shall have an additional 30 days within which to resubmit a complete and adequate plan. The Sonora Code Enforcement Unit shall approve or reject the resubmitted plan within thirty (30) days of the date of resubmission of the plan.

- E. Once approved, the measures included in the plan shall be implemented no later than thirty (30) days after the plan's approval. If an owner is proposing new measures, the measures from the approved plan in the previous year shall be continued until the new measures are implemented.
- F. Any owner that fails to submit a plan, implement the plan measures, or implement any required modifications to the plan within the time frames specified in this chapter shall be required to keep all carts inside the building or enclosed areas of the business.
- G. Any owner who is required to but fails to keep all carts inside the building or enclosed area of the premises in violation of subsection F above, shall be subject to an administrative civil penalty in accordance with the administrative enforcement remedies set forth in Chapters 1.08 and 1.20 of this Code.
- H. The decision of the Code Enforcement Unit to deny a plan may be appealed pursuant to Chapter 1.24 of the Sonora Municipal Code.
- I. Even though approved, a plan may be reevaluated at any time by the Sonora Code Enforcement Unit if operation of the plan demonstrates the plan's insufficiency or inadequacy in preventing the removal of carts from the premises.

9.80.160 Shopping Cart Retrieval Businesses, Records Required

Any person who engages in the business of shopping cart retrieval shall retain records showing written authorization from the shopping cart owner, or any agent thereof, to retrieve the cart or carts and to be in possession of the cart or carts retrieved. A copy of the record showing written authorization shall be maintained in each vehicle used for shopping cart retrieval.

9.80.170 Sign Required

Each vehicle employed for the retrieval of shopping carts shall display a sign that clearly identifies the retrieval service.

9.80.180 Violations

Any person who violates the provisions of this chapter is guilty of a misdemeanor. In addition, the City may use the administrative enforcement remedies set forth in Chapters 1.08 and 1.20 of this Code for violations of this chapter.

9.80.190 Exemption for Businesses with 15 or Fewer Carts

The provisions of section 9.80.140 and 9.80.150 of this chapter relating to abandoned cart prevention plans and their approval shall not be applicable to owners or businesses who maintain 15 or fewer shopping carts, unless the Chief of Police determines that shopping carts from such owner or business are being routinely abandoned at locations off the site of the business. In such case, the owner or business shall be given written notice that it is necessary to comply with the provisions of this chapter, and compliance must be accomplished within sixty (60) days from the date of such notice.

9.80.200 Exemption for Businesses with Cart Removal Prevention Devices

The provisions of section 9.80.140 and 9.80.150 of this chapter relating to abandoned cart prevention plans and their approval shall not be applicable to owners or businesses who install and maintain a security system that causes the wheel of a shopping cart to lock when the shopping cart is moved across a designated perimeter line of the premises parking area, preventing carts from being taken off-site.

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. The City Council of the City of Sonora hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

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.

This Ordinance was introduced at a regular meeting of the City Council of the City of Sonora, held on the 6th day of January 2025, and given its first reading at said meeting. Said Ordinance was given a second reading at a regular meeting of the City Council held on ____ day of ____, 2025, and after such reading, Councilmember ____, who moved its adoption, seconded by Councilmember ____, said Ordinance was thereupon adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

Tracy Skelly
City Clerk, City of Sonora

Ann Segerstrom
Mayor

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Sonora will conduct a public hearing on a proposed ordinance at the regular meeting on Monday, January 6, 2025, at 5:00 p.m. in the City of Sonora Council Chambers located at 94 North Washington Street Sonora, CA for the purpose of considering the matter described below.

The City Council will consider the adoption of an ordinance amending sections 9.50.010, Obstruction Of Movement In Public Ways; 9.50.020, Sitting Or Lying Down On Public Sidewalks In Designated Areas Of The City; 9.56.020, Definitions; 9.56.050, Exceptions; 9.56.060, Enforcement; and 9.61.050, Abatement; and adding section 9.04.OXX, Bathing and Washing in Public Fountains or Public Restrooms, to Title 9, Public Peace, Morals and Welfare, of the Sonora Municipal Code. The proposed ordinance amends sections 9.50.010 and 9.50.020 to remove the requirement that conduct must be done "maliciously" to be prohibited. The proposed ordinance amends section 9.50.020 to align with the definitions in other sections of the Sonora Municipal Code. The proposed ordinance amends sections 9.56.050 and 9.56.060 to align with other sections of the Sonora Municipal Code. The proposed ordinance corrects a citation in section 9.61.050. The proposed ordinance adds a section to Chapter 9.04 placing restrictions on bathing and washing clothes in public fountains and bathrooms.

The meeting will be physically open to the public for public input. 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.

The proposed ordinance will be available for review at the City of Sonora Administration Department, 94 North Washington Street, Sonora CA 95370, Monday through Friday, between the hours of 8:00 a.m. and 4:00 p.m. or on the City's website at www.sonoraca.com. Questions regarding the project may be directed to Tracy Skelly, City Clerk, at (209) 532-4541.

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.

Date Notice Published:
December 20, 2024


Tracy L. Skelly, City Clerk

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Sonora will conduct a public hearing on a proposed ordinance at the regular meeting on Monday, January 6, 2025, at 5:00 p.m. in the City of Sonora Council Chambers located at 94 North Washington Street Sonora, CA for the purpose of considering the matter described below.

The City Council will consider the adoption of an ordinance adding a Shopping Carts chapter to Title 9, Public Peace, Morals and Welfare, of the Sonora Municipal Code. The proposed ordinance makes it unlawful to remove a marked shopping cart or to be in possession of a marked shopping cart outside of business premises. The proposed ordinance also imposes responsibilities on shopping cart owners to prevent the removal of shopping carts from their premises and requires the submission of an abandoned cart prevention plan to the City. The proposed ordinance contains exemptions for businesses with fifteen (15) or fewer shopping carts or security systems installed on shopping carts that prevent the carts from being removed from the business premises. The proposed ordinance provides regulations and procedures consistent with the provisions of Chapter 19, Shopping and Laundry Carts, of Division 8, Special Business Regulations, of California's Business and Professions Code.

The meeting will be physically open to the public for public input. 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.

The proposed ordinance will be available for review at the City of Sonora Administration Department, 94 North Washington Street, Sonora CA 95370, Monday through Friday, between the hours of 8:00 a.m. and 4:00 p.m. or on the City's website at www.sonoraca.com. Questions regarding the project may be directed to Tracy Skelly, City Clerk, at (209) 532-4541.

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Date Notice Published:
December 20, 2024


Tracy L. Skelly, City Clerk