



CITY COUNCIL REGULAR MEETING

Tuesday, January 02, 2024 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, January 2, 2024, 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.com.

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 www.sonoraca.com.

Remote viewing of the meeting via live streaming is provided to members of the public as a courtesy. If the livestreaming 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.

CLOSED SESSION - 4:00 PM

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS

ADJOURN INTO CLOSED SESSION

1. Conference with Legal Counsel – Anticipated Litigation - Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section § 54956.9: One (1) Potential Case; Doug White, City Attorney, Melissa Eads, City Administrator.
2. Conference with Legal Counsel – Anticipated Litigation - Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section § 54956.9: One (1) Potential Case; Doug White, City Attorney, Melissa Eads, City Administrator.

3. Conference with Legal Counsel – Anticipated Litigation - Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section § 54956.9: One (1) Potential Case; 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.

PRESENTATIONS

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

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 disbursements in the amount of \$220,002.67 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.
6. Waive second reading, read by title only, and adopt Ordinance 894, Adding Chapter 1.25, Appeal of Administrative Decisions, to Title 1, General Provisions, of the Sonora Municipal Code to establish a procedure for the appeal of administrative decisions that otherwise lack an appeal process; Douglas White, City Attorney.

NEW BUSINESS

7. Consider and direct the execution of a letter of support for the California Climate Investment- CAL FIRE Wildfire Prevention Grant application to be submitted by the Tuolumne County Fire Safe Council for Fuels Reduction and Fire Break/Dozer Line Maintenance in the Dragoon Gulch Area.

Consider a financial contribution to the Fire Safe Council for the planning and grant preparation efforts, in an amount not to exceed \$2,500; Melissa Eads, City Administrator and Aimee New, Fire Chief.

COUNCIL MEMBER 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: January 2, 2024
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 at the first meeting of each month.

FISCAL IMPACT

No fiscal impact to the General Fund.



CITY COUNCIL AGENDA REPORT

MEETING DATE: January 2, 2023

TO: Honorable Mayor and Members of the City Council

FROM: Tracy Skelly, Administrative Services Officer

SUBJECT: Disbursements in the amount of \$220,002.67 for payroll

RECOMMENDATION

Consider approval of disbursements in the amount of \$220,002.67 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 third (3rd) payroll of the month, this was higher than the expected amount due to leave balance payouts for three employees.

This payroll is the 13th payroll of 26 for FY23-24, we would have expected to expend 50.00% of the budgeted amount. In total, we have expended 39.34% of the Salaries and Wages for the FY 23-24 budget.

FISCAL IMPACT

Disbursements are part of the approved FY23-24 Budget.



CITY COUNCIL AGENDA REPORT

MEETING DATE: January 2, 2024

TO: City Council Members

FROM: Douglas L. White, City Attorney

SUBJECT: Waive Second Reading, Read by Title Only, and Adopt an Ordinance of the Sonora City Council Adding Chapter 1.25, Appeal of Administrative Decisions, to Title 1, General Provisions, of the Sonora Municipal Code to Establish a Procedure for the Appeal of Administrative Decisions That Otherwise Lack an Appeal Process

RECOMMENDATION:

Waive second reading, read by title only, and adopt Ordinance 894, Adding Chapter 1.25, Appeal of Administrative Decisions, to Title 1, General Provisions, of the Sonora Municipal Code to establish a procedure for the appeal of administrative decisions that otherwise lack an appeal process.

BACKGROUND:

Recently, the City of Sonora ("City") received a request to reconsider an administrative decision that was made by City staff. Upon receiving that request, City staff discovered there was no formal general process to appeal administrative decisions in the Sonora Municipal Code ("SMC"). The request, which was from the 99 Cents Only Stores related to a determination for a license to sell alcoholic beverages from the California Department of Alcoholic Beverage Control ("ABC"), was brought before the City Council for a determination.¹ The determination was made by the City Council and that reconsideration request has been completed.

When the request for reconsideration was brought before the City Council, City staff also sought the City Council's direction with regard to addressing similar requests in the future. City staff recommended the preparation of an ordinance to amend the SMC, to establish an appeal procedure to avoid similar uncertainty in the future. Following the City Council's direction, the proposed ordinance establishes a process to appeal administrative decisions otherwise lacking an appeals process ("Ordinance").

At the December 18, 2023, City Council meeting, the City Council moved to waive the first reading, read by title only, and introduce the Ordinance. Staff was directed to prepare this Report for the proposed waiver of second reading, reading by title, and adoption of the Ordinance.

¹ BPC § 23049 et seq.

DISCUSSION / ANALYSIS:

City officials make decisions that affect the rights of the people and businesses of the City frequently. Some of these decisions are highly specific processes for which the City Council has never had a reason to create an appeals process. However, under the principle of exhaustion of administrative remedies, a person or entity challenging an agency's decision must comply with all the agency's appeal procedures before filing a lawsuit. Without an mechanism for administrative appeal, future reconsideration requests, such as the one from the 99 Cents Only Store, may be able to pursue immediate legal action to challenge the decision rather than seeking an administrative appeal.²

In order to mitigate the possibility of future lawsuits and create an easier and less costly procedure for the citizens of the City, the Ordinance creates an administrative appeals process. The Ordinance, which is attached, establishes both a formal process to seek an administrative appeal and a chain of review for the appeal of administrative decisions. First, to seek an administrative appeal, an appellant must submit a written notice of appeal to the City Clerk within ten (10) calendar days from the receipt of an administrative decision. That written notice must include specific information including, among other things, the appellant's name and other identifying information, any individuals who may represent the appellant, the administrative decision being appealed, and the reason for the appeal. The appeal request would also be subject to a filing fee that can be adopted by the City Council by resolution. The chain of review for an appeal under the Ordinance provides that a decision by City staff is appealable to a City department head, and administrative decisions made by City department heads, the City Manager, and City committees, boards, and commissions are all appealable to the City Council.

The appeal procedure established by the Ordinance does not apply to administrative decisions for which there are specific appeal procedures already established under the SMC or any other provision of law. For example, SMC section 17.62.100 establishes an appeal procedure for conditional use permit and variance. The appeal procedure for those determinations under SMC section 17.62.100 would still be controlling, rather than the appeal procedure established by the Ordinance. Finally, the Ordinance also provides that decisions made by the City Council are not subject to the appeal procedure in the Ordinance unless otherwise provided by the SMC, state law, or judicial proceedings.

FISCAL IMPACT:

The costs associated with preparing and implementing an administrative appeals process are likely to be offset through the possibility of avoiding costs associated with potential lawsuits from appellants in the future.

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. (Pub. Res. Code, § 21065)

² See, e.g., *Branciforte Heights, LLC v. City of Santa Cruz* (2006) 138 Cal.App.4th 914.

OPTIONS:

1. Motion to waive second reading, read by title only, and adoption of the Ordinance;
2. Direct staff to make changes to the Ordinance for re-introduction at a future City Council meeting; or
3. Reject the Ordinance.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA, ADDING
CHAPTER 1.25, APPEAL OF ADMINISTRATIVE DECISIONS, TO TITLE 1,
GENERAL PROVISIONS, OF THE SONORA MUNICIPAL CODE TO ESTABLISH A
PROCEDURE FOR THE APPEAL OF ADMINISTRATIVE DECISIONS THAT
OTHERWISE LACK AN APPEAL PROCESS**

WHEREAS, the City of Sonora City Council ("City Council") recognizes that the Sonora Municipal Code ("SMC") does not contain a general provision for appeal of administrative decisions made by City of Sonora ("City") officials; and

WHEREAS, the City Council recognizes that this lack of administrative appeals procedure creates uncertainty with regard to the process of reviewing administrative decisions made by City staff that are not otherwise subject to an appeals procedure; and

WHEREAS, the lack of an administrative appeals procedure has the potential to be both cumbersome and costly to the people of the City; and

WHEREAS, for the health, safety, and welfare of City residents, the City may adopt regulations by ordinance to address concerns such as the lack of clarity in appealing administrative decisions; and

WHEREAS, to address the above concerns, the City seeks to implement a general appeals process for administrative decisions by City officials that lack a designated appeals process in the code.

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

SECTION 1. Chapter 1.25, Appeal of Administrative Decisions, is added to Title 1, General Provisions, of the Sonora Municipal Code to read as follows:

1.25 APPEAL OF ADMINISTRATIVE DECISIONS

Sections:

- 1.25.010 Purpose.**
- 1.25.020 Construction with Other Code Provisions and State Law.**
- 1.25.030 Decisions Made by City Council.**
- 1.25.040 Definitions.**
- 1.25.050 Right to Appeal.**
- 1.25.060 Time Within Which to File an Appeal.**
- 1.25.070 Order of Reviewing Authorities.**
- 1.25.080 Contents of the Notice for Appeal.**
- 1.25.090 Filing Fee.**
- 1.25.100 Notice of Review Hearing.**

1.25.110 Review Hearing – Department Head, City Manager.
1.25.120 Review Hearing – City Council.

1.25.010 Purpose.

The purpose of this Chapter is to set forth uniform and fair procedures for appealing the approval, denial, suspension, or revocation of a license, permit, or entitlement of any nature, the determination or issuance of which is under any provisions of this Code, or appealing any administrative decision by any city official, if the approval, denial, suspension, or revocation of such license, permit, or entitlement or the determination of such administrative decision involves the exercise of administrative discretion or personal judgment exercised under any of provisions of this Code. The procedures set forth under this Chapter shall not apply to decisions made by the City Council.

1.25.020 Construction with Other Code Provisions and State Law.

The procedures established by this Chapter shall not apply to administrative decisions for which there are specific appeal procedures already established in any other chapter of the Code or any other provision of law that are applicable to the subject matter of an appeal and that are inconsistent with this Chapter. If such procedures exist and are applicable, then those specific procedures shall prevail and be applied for any appeal relating to that administrative decision. In all other instances, the appeals procedure of this Chapter shall apply.

1.25.030 Decisions Made by City Council.

The procedures set forth under this Chapter shall not apply to decisions made by City Council. Decisions made by the City Council shall not be subject to appeal, except as otherwise provided in this Code, state law, or by judicial proceedings in accordance with applicable law.

1.25.040 Definitions.

For the purpose of this Chapter, and except where otherwise expressly defined in another section of this Chapter, the following words and phrases shall have the meanings provided in this Section. Where words and phrases are not expressly defined under this Chapter, they shall be construed as their ordinary meaning within the context in which they are used:

A. “Affected person” means those persons directly affected by the approval, denial, suspension, or revocation of a license, permit, or entitlement of any nature, the determination or issuance of which is under any provisions of this Code, or by any administrative decision by any city official, if the approval, denial, suspension, or revocation of such license, permit, or entitlement or the determination of such administrative decision involves the exercise of administrative discretion or personal judgment exercised under any provision of this Code.

B. “Appellant” means the affected person appealing an administrative decision.

C. “Review Hearing” means the hearing where the appellant presents testimony, evidence, or witness to the review authority.

D. “Reviewing Authority” means the City official or body who shall consider and make a determination of an appellant’s appeal.

1.25.050 Right to Appeal.

A. Only affected persons as defined under Section 1.25.040 shall have the right to appeal an administrative decision.

B. If an Appeals Board is empowered to consider interpretation and enforcement questions of the subject matter which is the basis of an administrative decision, no affected person may appeal such an administrative decision pursuant to the provisions of this Chapter, until the Appeals Board has considered and made a determination regarding the administrative decision.

C. No right to appeal shall exist from any administrative decision made by a City official under the provisions of this Code when such decision is ministerial in nature and thus does not involve the exercise of administrative discretion or personal judgment exercised under any of the provisions of this code, whether the administrative decision involves the approval, denial, suspension, or revocation of a license, permit, entitlement, or another administrative decision.

1.25.060 Time Within Which to File an Appeal.

An affected person desiring to appeal an administrative decision shall file a written notice of appeal with the City Clerk within ten (10) calendar days from receipt of written notice of the administrative decision to be appealed. In the event the last day of the filing period falls on a non-business day, the appeal period shall be extended to the next business day. Any decision becomes final for all purposes once the time for filing a notice of appeal has expired.

1.25.070 Order of Reviewing Authorities.

An affected person desiring to appeal an administrative decision must make such an appeal according to the following order:

A. From a decision of City staff to the head of the staff member’s department.

B. From a decision of a department head to the City Council.

C. From a decision of the City Manager to the City Council.

D. From a decision of any City committee, board, or commission to the City Council.

1.25.080 Contents of the Notice for Appeal.

The notice for appeal shall contain all of the following:

- A. Appellant's name, mailing address, primary phone number, and e-mail address;
- B. The name, mailing address, primary phone number, and e-mail address of the person who shall be representing the appellant in the appeal hearing, if any;
- C. The Reviewing Authority to whom the appellant is appealing the administrative authority;
- D. The name of the City official, committee, or commission who rendered the administrative decision being appealed by the appellant;
- E. The date the administrative decision was rendered;
- F. The name of the application or project approved, denied, suspended, revoked, or otherwise affected by the administrative decision;
- G. The name of the City staff member(s), if any, with whom the appellant has discussed the matter of the administrative decision with;
- H. State whether the administrative decision has been the subject matter of a previous appeal, and if so, when the appeal(s) occurred. If the matter has been previously appealed and the appellant is now appealing to the next level authority, as provided in Section 1.25.070, the appellant may attach to the new appeal form a copy of the previously submitted notice of appeal(s) and state in the new notice of appeal why the lower authority's decision was incorrect and why the higher authority should hear the new appeal;
- I. State the reason for the appeal. Appellant shall explain what action(s) are being appealed and why the appeal should be considered. Appellant shall also include evidence that supports his or her appeal; and
- J. Appellant's signature and the date of filing the notice of appeal.

1.25.090 Filing Fee.

Each notice for appeal shall be accompanied by a processing fee in an amount determined by resolution of the City Council which shall reasonably cover the costs of processing the notice.

1.25.100 Notice of Review Hearing.

- A. Upon receipt of the filing of the notice of appeal in its proper form pursuant to Section 01.25.080, the City Clerk shall notify the appellant of the date, time, and place of the Review Hearing at least ten (10) calendar days prior to the hearing.
- B. If the Reviewing Authority is to be a department head, then the Review Hearing shall occur no later than thirty (30) days after the date upon which the appellant filed the notice of appeal with the City Clerk in its proper form; provided, that the time period may be extended by the mutual consent of the City and the appellant.
- C. The service of notice shall be by any of the methods provided under this Section.
- D. If any City representative submits a written report regarding the appealed administrative decision to the Reviewing Authority, then a copy of the report shall be served to the appellant at least five (5) calendar days prior to the Review Hearing.

1.25.110 Review Hearing – Department Head

- A. Review Hearings held by a Reviewing Authority who is a department head shall be informal in nature. The Reviewing Authority may conduct the hearing informally, both as to rules of evidence and admission of evidence.
- B. The Review Hearing shall be recorded either by audio or by video and the recording equipment shall be operated by a person who is neither the Reviewing Authority nor the appellant. The City shall provide the appellant with a copy of the recording within ten (10) days after the conclusion of the Review Hearing.
- C. The appellant shall have the right to testify and introduce evidence.
- D. The Reviewing Authority shall have the right to ask questions.
- E. Within ten (10) calendar days after the conclusion of the Review Hearing, the Reviewing Authority shall issue a written decision which shall make one of the following conclusions:
 - 1. Reverse the original administrative decision; or
 - 2. Modify the original administrative decision; or
 - 3. Sustain the original administrative decision.
- F. The Reviewing Authority's written decision shall provide the reasoning and the facts which provide the basis for his or her conclusion regarding the appealed administrative decision.

G. The order shall become final on the date of service of the order and shall be served to the appellant and to the City official whose administrative decision was appealed upon by the appellant within ten (10) days of the order's issuance.

H. Should the appellant object to the Reviewing Authority's written decision, the appellant may appeal the decision to the next appropriate Reviewing Authority as provided under Section 01.25.070. Such an appeal shall be made pursuant to Sections 01.25.060 to 01.25.080.

1.25.120 Review Hearing – City Council.

A. An appellant may be represented by an attorney or by another competent representative during the Review Hearing.

B. The City official or body who rendered the original administrative decision may be represented by a City attorney or other competent representative.

C. The Review Hearing shall be informal in nature and the City Council may conduct the hearing informally, both as to rules of procedure and admission of evidence, in any manner which shall provide a fair and impartial hearing.

D. Any written report submitted by a City official pursuant to Subsection D of 01.25.100 may be considered by the City Council in making its decision.

E. The appellant shall have the right to testify, call, examine, and cross-examine witnesses, and present evidence in support of his or her case.

F. The City official or body who rendered the original administrative decision, or any prior Reviewing Authority who reviewed the same subject matter currently before the City Council, shall not advise any members of the City Council on the subject matter prior to the conclusion of the Review Hearing. However, such City officials, bodies, or Reviewing Authorities may testify during the Review Hearing.

G. The City Council shall have the right to ask questions.

H. The City Council may continue the Review Hearing to the next regularly scheduled meeting of the City Council.

I. At the conclusion of the Review Hearing, the City Council shall cause a vote to resolve the appeal. The administrative decision upon which the appeal is based may be reversed or modified only by an affirmative vote of a majority of the authorized membership of the City Council. A vote of less than a majority of the City Council shall result in upholding the original administrative decision.

J. A Review Hearing where the City Council is the Reviewing Authority shall be subject to the Ralph M. Brown Act and other applicable laws.

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.

This Ordinance was introduced at a regular meeting of the City Council of the City of Sonora, held on the 18th day of December 2023, 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 ____, 2023, 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: _____

APPROVED:

Mark Plummer
Mayor of the City of Sonora

ATTEST:

Tracy Skelly
City Clerk



CITY COUNCIL AGENDA REPORT

MEETING DATE: January 2, 2024

TO: City Council Members

FROM: Melissa Eads, City Administrator
Aimee New, Fire Chief

SUBJECT: Authorize the City Administrator to Sign the Letter of Support for the California Climate Investment CAL FIRE Wildfire Prevention Grant Application to be Submitted by the Tuolumne Fire Safe Council for Fuels Reduction and Fire Break/Dozer Line Maintenance in the Dragoon Gulch Area.

Consider a Financial Contribution to the Fire Safe Council for Non-Grant Funded Planning Costs and Grant Development Costs Estimated at \$2,500.

RECOMMENDATION:

Consider and direct the execution of a letter of support for the California Climate Investment- CAL FIRE Wildfire Prevention Grant application to be submitted by the Tuolumne County Fire Safe Council for Fuels Reduction and Fire Break/Dozer Line Maintenance in the Dragoon Gulch Area.

Consider a financial contribution to the Fire Safe Council for the planning and grant preparation efforts, in an amount not to exceed \$2,500.

BACKGROUND:

The Tuolumne Fire Safe Council intends to submit an application under the CAL FIRE Wildfire Prevention Grant Program for fuels reduction and fire break/dozer line maintenance in the Dragoon Gulch area. Project size is 89 acres with 40±acres within the City of Sonora limits, including both City-owned and privately-owned properties. Remaining acreage is located outside of the Sonora City limits. Work within the City limits is confined to the 40±acres that include both the City-owned and private properties. The Council has worked with the City, City Fire, and CAL FIRE in determining project size and boundaries.

According to the Grant Guidelines, CAL FIRE's Wildfire Prevention Program provides funding for projects and activities near wildfire threatened communities focused on increasing the protection of people, structures, and communities. California's Strategic Fire Plan serves as the roadmap for investment and project development. The Grant Program is highly competitive. The current appropriation is \$117 million funded with Cap-and-Trade auction proceeds. During the last round of funding, CAL FIRE Received 248 applications requesting over \$432 million. The State funded only 39% of the total applications received. The Fire Safe Council received 2 of the 3 submitted applications on behalf of Tuolumne County in the previous round.

Eligible projects under this program include but are not limited to: vegetation clearance in critical locations; creation or maintenance of fuel breaks in strategic locations as identified by CAL FIRE Unit Fire Plans, a Community Wild Fire Protection Plan, or similar strategic document; removal of ladder fuels to reduce risk of crown fires; selective tree removal (thinning); modification of vegetation adjacent roads

to improve public safety for egress of evacuation; reduction of fuel loading around critical infrastructure to maintain continuity of government.

The Tuolumne Fire Safe Council is the grant applicant, and if funded, will be the grantee, receive the funds, incur the costs, and be responsible for implementing all parts of the grant agreement. No responsibility or cost will fall on the City. However, the Fire Safe Council does request consideration of a financial contribution to the grant development and planning costs, not to exceed \$2,500.

At this time, the Fire Safe Council is requesting a letter of support for the project application. Once funded, the Tuolumne Fire Safe Council is requesting right-of-entry to conduct fuels reduction work **on City-owned property**. Right of entry will be executed through a future agreement. Property owner support demonstrates to the funding agency, our local prioritization and commitment which brings increased probability of project delivery. Right-of-entry to private property rests solely with the property owner. No work will occur on the Dragoon Gulch trail. Trail Management has been consulted by City Staff and considerable regard for preservation of the trail system has been implemented in the grant scope.

The proposed project includes fuels reduction to be accomplished through a combination of mastication and hand work. Mastication will be done on the dozer line/fire break constructed during the 2021 Washington Fire. The fire break is located both inside and outside of the City limits. The mastication will remove vegetation that has grown in the interim, clean up edges to improve the viewscape, make the fire break/dozer line more aesthetically pleasing, and help ensure it functions effectively to protect the City. The remainder of the work will be hand work, such as along privately owned Dragoon Circle, where Shaded Fuel Breaks will be constructed. A Shaded Fuel Break does not take vegetation down to bare soil but instead modifies fuels to provide both protection and a park-like setting that is aesthetically pleasing.

Time to complete the project will depend on funding award and execution of grant agreements, not expected until fall or early winter of 2024. A CEQA report (not EIR) for a Notice of Exemption must be completed and approved by CAL FIRE before any land-disturbing work can occur. This process can take six to 12 months.

The Dragoon Fuels Reduction/Protection project will provide multiple benefits to the City of Sonora, including:

- The project will create a ring providing partial protection to both the City and surrounding land.
- Improved aesthetics and visual impact by cleaning up the fire break/dozer line and creating Shaded Fuel Breaks for protection.
- No cost to the City for work on City-owned property.

FISCAL IMPACT:

The Fire Safe Council is requesting a contribution to the non-grant funded planning costs, estimated at \$2,500 from the General Fund. The amount is not budgeted.

Attachments:

Request to City Administrator from the Tuolumne Fire Safe Council
Draft Letter of Support
Project Area Map



December 27, 2023

Melissa Eads, City Administrator
 City of Sonora
 94 N. Washington Street
 Sonora, CA 95370

Dear Ms. Eads:

The Tuolumne Fire Safe Council intends to submit an application under the CAL FIRE Wildfire Prevention Grant Program for fuels reduction and fire break/dozer line maintenance in the Dragoon Gulch area. Project size is 89 acres with 40±acres within the City of Sonora limits, including both City-owned and privately-owned properties. Remaining acreage is located outside of the Sonora City limits. Work within the City limits is confined to the 40±acres that include both the City-owned and private properties. The Council has worked with the City, City Fire, and CAL FIRE in determining project size and boundaries.

Since the City of Sonora is a property owner and unit of local government, the Tuolumne Fire Safe Council is requesting approval that the Council will have right-of-entry to conduct fuels reduction work **on City-owned property** if the grant is funded. Without this commitment, CAL FIRE will view the proposed project as one that may not be able to be completed, greatly reducing chance of the grant being funded in the highly competitive program. Right-of-entry to private property rests solely with the property owner. No work will occur on the Dragoon Gulch trail.

The Tuolumne Fire Safe Council is the grant applicant, and if funded, will be the grantee, receive the funds, incur the costs, and be responsible for implementing all parts of the grant agreement. City approval for submitting the application is not required or requested. No responsibility or cost will fall on the City.

Fuels reduction will be accomplished through a combination of mastication and hand work. Mastication will be done on the dozer line/fire break constructed during the 2021 Washington Fire. The fire break is located both inside and outside of the City limits. The mastication will remove vegetation that has grown in the interim, clean up edges to improve the view scape, make the fire break/dozer line more aesthetically pleasing, and help ensure it functions effectively to protect the City. The remainder of the work will be hand work, such as along privately owned Dragoon Circle, where Shaded Fuel Breaks will be constructed. A Shaded Fuel Break does not take vegetation down to bare soil but instead modifies fuels to provide both protection and a park like setting that is aesthetically pleasing.

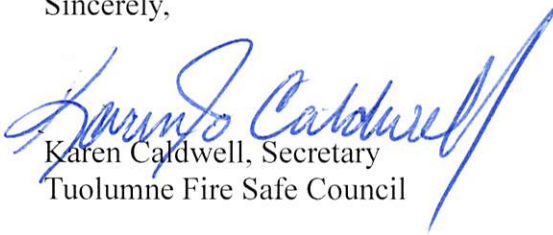
Time to complete the project will depend on when, if funded, CAL FIRE issues an executed grant agreement, not expected until fall or early winter of 2024. A CEQA report (not EIR) for a Notice of Exemption must be completed and approved by CAL FIRE before any land-disturbing work can occur. This process can take six to 12 months. Previously completed Dragoon Gulch Trail and Expansion environmental studies prepared by the City will provide useful information for the CEQA report preparation.

The Dragoon Fuels Reduction/Protection project will provide multiple benefits to the City of Sonora, including:

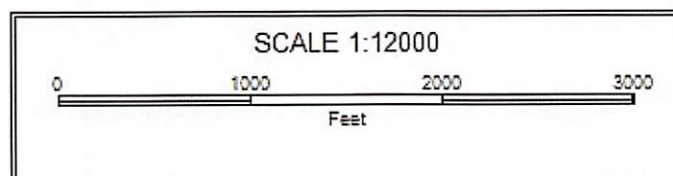
- The project will create a ring providing partial protection to both the City and surrounding land.
- Improved aesthetics and visual impact by cleaning up the fire break/dozer line and creating Shaded Fuel Breaks for protection.
- No cost to the City for work on City-owned property.

The Tuolumne Fire Safe Council looks forward to completing this project, including work on City-owned property.

Sincerely,



Karen Caldwell, Secretary
Tuolumne Fire Safe Council





City of Sonora
Tuolumne County
"Queen of the Southern Mines"
94 N. Washington Street
Sonora, CA 95370
www.sonoraca.com

Item 7.

Area Code 209

Administration/City Clerk	532-4541
City Administrator	532-6115
Finance	532-6331
Human Resources.....	588-8946
Public Works	532-2922
Cemetery.....	532-4492
Community Development	532-3508
Opera Hall/Special Programs	532-7725
Police	532-8143
Fire.....	532-7432

Administration/HR Fax Number: 532-2738

January 3, 2024

Karen Caldwell, Secretary
Tuolumne Fire Safe Council
P.O. Box 692
Tuolumne, CA 95379

Dear Mrs. Caldwell:

The Sonora City Council voted at its January 2, 2024, meeting to support the Tuolumne Fire Safe Council's Dragoon Fuels Reduction/Protection application for a CAL FIRE Wildfire Prevention grant. This project will greatly benefit the City of Sonora and the surrounding State Responsibility Area (SRA). The City will provide access for fuels reduction on City-owned property within the project's boundary.

The 2021 Washington Fire, and the smaller 2022 Woods Fire, demonstrated the vital need for the project proposed by the Fire Safe Council. The Washington Fire was the most dire direct wildfire threat the City of Sonora has experienced. The fire ignited in the SRA but quickly burned in both the City and the SRA. Fortunately, air resources were able to respond within minutes because of the nearby CAL FIRE air attack base at the Columbia Airport. Without this response, the wildfire's impact would have been catastrophic.

The approximate 89-acre Dragoon Fuels Reduction/Protection project encompasses 40±acres within the Sonora City limits (including both City-owned and private properties), with remaining acres in the SRA. Fuels reduction will be accomplished through a combination of mastication and hand work, including mastication on the dozer line/fire break constructed during the 2021 Washington Fire, located in both the LRA and SRA, to ensure the fire break functions effectively to protect the City and surrounding SRA.

Again, the City of Sonora supports the Tuolumne Fire Safe Council's proposed project and recognizes the project is needed to increase protection for the City and surrounding areas.

Your consideration of this proposal is appreciated.

Sincerely