

**CONCURRENT REGULAR MEETINGS OF THE  
SONOMA CITY COUNCIL  
&  
SONOMA CITY COUNCIL AS THE SUCCESSOR AGENCY TO THE  
DISSOLVED SONOMA COMMUNITY DEVELOPMENT AGENCY**

Community Meeting Room, 177 First Street West, Sonoma CA



**Wednesday September 9, 2015**

**6:00 p.m.**

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**MINUTES**

City Council  
David Cook, Mayor  
Laurie Gallian, Mayor Pro Tem  
Madolyn Agrimonti  
Gary Edwards  
Rachel Hundley

**OPENING**

Mayor Cook called the meeting to order at 6:00 p.m. Georgia Kelly led the Pledge of Allegiance.

CITY COUNCIL MEMBERS PRESENT: Edwards, Gallian, Hundley, Agrimonti and Mayor Cook  
ABSENT: None

OTHERS PRESENT: City Manager Giovanatto, Assistant City Manager/City Clerk Johann, City Attorney Walter, Planning Director Goodison, Public Works Director Takasugi

**1. COMMENTS FROM THE PUBLIC**

Ken Brown encouraged the Council to do whatever it could regarding the need for affordable housing.

Joanne Sanders announced that it was Library Card Signup Month and invited those interested to attend the September 26 Sonoma County Library Advocacy Summit. She stated there was a vacancy on the Library Advisory Board and encouraged persons to apply.

Cecelia Ponicsan thanked the sponsors of Freedom Week.

Jack Wagner stated he had been working on legislation to advance public banking.

Mark Marthaler stated his opposition to SB 277 which eliminated all non-medical vaccine exemptions for children.

**2. MEETING DEDICATIONS**

Clm. Edwards dedicated the meeting in the memory of two-year old Aylan Kurdi a young Syrian who drowned in Turkey as his family was trying to escape their war-torn country into Europe.

**3. PRESENTATIONS - None**

**4. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL**

- Item 4A:** Waive Further reading and Authorize Introduction and/or Adoption of Ordinances by Title Only.
- Item 4B:** Approval of the Minutes of the August 17, 2015 City Council Meeting.
- Item 4C:** Approval and ratification of the appointment of Denise Wilbanks to the Community Services and Environment Commission for a two-year term.
- Item 4D:** Second Reading and Adoption of an Ordinance Adding Chapter 14.27 to the Sonoma Municipal Code providing an Expedited Review Process for Small Residential Rooftop Solar Energy Systems and finding the adoption thereof exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301, 15268 AND 15061(B)(3). (Ord. No. 06-2015)
- Item 4E:** Approval and ratification of the reappointment of Christopher Johnson to the Design Review & Historic Preservation Commission for a four-year term. (Removed from Consent)

#### **4. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL, Continued**

**Item 4F:** Request by Sonoma Valley High School for temporary use of City streets on October 23, 2015 to conduct the annual Homecoming Parade. (Res. No. 30-2015)

**Item 4G:** Adopt resolution approving the Final Parcel Map for the 18-lot Parcel Map at 845 West Spain St. known as Nicora Place Subdivision Parcel Map No. 442. (Res. No. 31-2015 adopted 4-0, Mayor Cook recused)

Mayor Cook announced that he would recuse from voting on Item 4G because of a financial conflict of interest. City Manager Giovanatto removed Item 4E and explained that action on this item was not needed at that time.

The public comment period opened and closed with none received. It was moved by Clm. Gallian, seconded by Clm. Hundley, to approve the items remaining on the Consent Calendar. The motion carried unanimously except that Mayor Cook recused himself on Item 4G.

#### **5. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL AS SUCCESSOR AGENCY**

**Item 5A:** Approval of the Portions of the Minutes of August 17, 2015 City Council Meeting Pertaining to the Successor Agency.

The public comment period opened and closed with none received. It was moved by Clm. Hundley, seconded by Clm. Edwards, to approve the Consent Calendar as presented.

#### **6. PUBLIC HEARINGS**

**Item 6A:** Discussion, consideration and possible action to adopt a resolution amending the 2015 Fee Schedule by the addition of a Tobacco Retailer License fee and a Police Department parking lot rental fee, revising the Encroachment Permit fee and finding that appropriate ordinances, permit fees, and processes are in place to streamline the submittal and approval of permits for solar energy systems.

Assistant City Manager Johann reported that staff was recommending a few revisions to the 2015 adopted fee schedule. The proposed revisions included: 1) Addition of a Tobacco Retailer License fee in the amount of \$246; 2) Addition of a Police Department parking lot rental fee in the amount of \$100; and 3) An increase of the Major Encroachment Permit Fee to \$346. Also, to comply with California Government Code §66015(c) and the ordinance presented on the Consent Calendar for adoption related to the expedited permitting procedures for small residential rooftop solar systems, the proposed resolution includes a finding of the City Council that appropriate ordinances, permit fees, and processes were in place to streamline the submittal and approval of permits for solar energy systems.

The public comment period was opened and closed with none received. It was moved by Clm. Gallian, seconded by Clm. Edwards, to adopt Res. No. 32-2015 entitled RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA AMENDING THE PREVIOUSLY ADOPTED SCHEDULE OF USER FEES, LICENSES AND PERMIT CHARGES. The motion carried unanimously.

**Item 6B:** Discussion, consideration and possible action on an appeal of the Planning Commission's decision to approve the application of Darrel Jones for an exception to the FAR standards associated with a residential addition at 348 Patten Street.

Planning Director Goodison reported in May of 2014, Darrel Jones applied for a building permit to remodel and expand an existing single family residence at 348 Patten Street. The residence was a one-story structure having an area of 1,660 square feet, including the attached garage. As set forth on the building permit submittal, the second-floor addition was identified as adding 1,290 square feet of living space. The building plans were routed to various City departments for review, including the Planning Department. Planning staff signed off on the plans on June 5, 2014. Unfortunately, an arithmetic error or other oversight was committed by planning staff when calculating the Floor Area Ratio (FAR) In the Low Density Residential zone, the normal limit on FAR was 0.35 meaning that residential floor area may not exceed 35% of lot area. Because the subject property had an area of 6,808 square feet the normal limit on residential building area was 2,382 square feet. The residence, with the second floor addition, exceeded

**Item 6B:      Appeal - 348 Patten Street, Continued**

that limit by 458 square feet or 368 square feet if the elevator and stairs were only counted once. Goodison stated that this error was not discovered until February 2015 when Dennis Donnelly, a neighboring resident, inquired about the construction project. In reviewing the plans with Mr. Donnelly, staff realized that the FAR had not been calculated correctly and informed Mr. Donnelly and Mr. Jones of that fact. By that time the structure was essentially complete as it had been fully framed and sheathed. Mr. Jones subsequently applied for an exception from the normal limits on Floor Area Ratio in order to legalize the expansion of the residence. The Planning Commission considered the application for an exception on July 9, 2015. After holding a public hearing on the matter, the Commission voted 6-1 to approve the application. This decision was subsequently appealed by Dennis and Joyce Donnelly. Goodison also noted that the Planning Commission had subsequently approved an amendment to the roof design to allow a metal roof rather than the composition shingle shown in the original plans. This decision was made contingent upon the outcome of the appeal. Goodison stated that in accordance with the standard practice of supporting Commission decisions, staff recommended that the City Council deny the appeal, upholding the decision of the Planning Commission.

Planning Director Goodison stated that the findings Council would have to make if it were Council's decision to deny the appeal included: 1. The adjustment authorized by the exception was consistent with the General Plan, any applicable Specific Plan, and the overall objectives of this Development Code. 2. An exception to the normal standards of the Development Code was justified by environmental features or site conditions; historic development patterns of the property or neighborhood; or the interest in promoting creativity and personal expression in site planning and development. 3. Granting the Exception will not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and in the same zoning district.

Clm. Gallian confirmed that one method of addressing the issue which would achieve compliance with FAR would be to convert the garage into a carport and do a lot line adjustment with the property to the south.

Clm. Hundley confirmed that the FAR was calculated by dividing the gross area of a lot by the maximum gross floor area of a building excluding porches, cellars, attics, second units, detached garages up to 400 square feet and accessory structures with an area of 120 square feet or less.

Mayor Cook invited comments from the public. Appellant Dennis Donnelly stated he and his wife raised their three children in their home and had maintained a neighborly relationship with the Jones family until now. He stated that Jones should not have moved ahead with the project and then tried to fix it with an exception at the expense of other citizens for whom the City Code had been established. He said the system, at times, denied participation by those who were negatively impacted by projects. He asked the Council to uphold the appeal and thus deny the exception.

Joy Donnelly stated it had been a compilation of mistakes beginning with Jones' submittal of non-compliant building plans which were approved by the City. Once construction began and they realized the extent of the project they went to City Hall, reviewed the plans and saw that it was oversized. Ms. Donnelly stated that the City did not issue a stop work order and instead sent it as a retroactive referral to the Planning Commission. She said that it was not going to be given the same consideration after the fact as it would have if it had gone to the Planning Commission at the appropriate time. If all their neighbors did what Jones did, their home would be buried on three sides. The expansion of the Jones' home was an imposition on their surroundings and the neighborhood. She asked the City to assist Jones financially in making modifications to the home because it was unfair to her and her husband. She also requested that changes be made to require Planning Commission review prior to issuance of building permits in a historic overlay zone and to provide better definitions of the words demolition and remodel.

Darryl Jones stated that his project was consistent with the Development Code's goal of preserving the existing quality and fabric of the neighborhood. He conducted a survey of ninety-five homes for conformance of lot size, FAR, setbacks, etc. to City codes and found only eighteen that conformed. He stated that he designed the remodel and addition to conform to all elements of the Planning and Development Code including setbacks and height. It was a LEED certified environmentally sustainable net-zero energy use home and they included a solar photovoltaic array, a rainwater recovery system, ductless HVAC and heat recovery whole-house ventilation, and the home was fully accessible in accordance with ADA guidelines. Mr. Jones stated that he filed for the exception because the Donnellys had threatened to sue the City

**Item 6B: Appeal - 348 Patten Street, Continued**

unless the home was brought into compliance. They claim loss of privacy although they have a clear view from their existing first floor and they have more privacy now because he built a new fence. He said they also claim loss of view of sunsets; however the sunsets were screened by trees and when there is no foliage sunsets are to the south so they can see them. He stated that when he applied for a mother-in-law addition in 1983 the Donnellys were the only ones to complain even though they do not live on his street and there had been a negative campaign this time around. Mr. Jones stated that approval of the exception would not set a precedent because 80% of the homes in that area did not conform to the City's codes. The right to view a sunset did not override their right to enjoy their home. He asked the Council to deny the appeal so he could continue to work on his exceptional home.

Joanne Sanders spoke in support of the appellant stating that the project effected as many as a half dozen properties. She questioned the number of exceptions that had already been approved for the property and said she was curious about a pattern of not following the Development Code. Scott Pommier and Bob Edwards also spoke in support of the appeal.

Dan Florence spoke in support of the Donnellys stating that they were improving the neighborhood.

Clm. Agrimonti stated she had watched the Planning Commission meeting and felt they did a good job dealing with the matter. She did not understand why Mr. Jones did not notice the mistake in the beginning.

Clm. Edwards stated the home met the thirty feet height limit and noted there were many two story homes in the neighborhood. He said that changing the garage and forcing additional costs onto the builder would not change the Donnelly's view and he noted that the community was changing every day and would continue to do so. He made a motion to deny the appeal.

Clm. Agrimonti stated that the attic area scared her. Planning Director Goodison stated it was his opinion that due to the slope of the roof the attic area was not very usable with no incentive to open it up. Clm. Hundley added that even little kids could not hang out there. She added that a change to the FAR would leave the house exactly the same and would have no effect on the views. It was a good project and agreed the appeal should be denied.

Clm. Gallian seconded the motion made by Clm. Edwards and stated that the exception did meet the required findings. She added that second stories were allowed and that neighborhoods change as time goes by. Clm. Agrimonti stated her preference would have been conflict resolution to try and work out the differences between the neighbors.

Mayor Cook agreed with denial of the appeal and inquired what the Donnellys had to pay to file the appeal. Goodison responded that in light of the mistake by staff, the City Manager used her discretion to waive the appeal fee. Being put to a vote, the motion to deny the appeal carried unanimously.

**RECESS:** The meeting recessed from 7:26 to 7:35 p.m.

**7. REGULAR CALENDAR – CITY COUNCIL**

**Item 7A: Discussion, Consideration and Possible Action to Grant Conceptual Approval to Erect a Monument to Sonoma's Founder, General M. G. Vallejo.**

City Manager Giovantto reported that a group of citizens formed a committee to erect a monument in honor of Sonoma's founder General Mariano Vallejo. The committee requested approval to place the monument in the Sonoma Plaza and were seeking conceptual approval for the project. Should Council grant this conceptual approval, the project could move forward for review by the Community Services and Environment Commission. In addition, the committee would be required to enter into a long-term maintenance agreement and meet all permitting and insurance requirements of the City.

George McKale stated the goal of the committee was to install a life-sized statue of General M.G. Vallejo on the north side of the Plaza and across Spain Street from the former location of Vallejo's Casa Grande, his original Sonoma home. He reported that local artisan Jim Callahan had designed the monument.

Clm. Hundley confirmed that CSEC would review the project and staff would oversee it and handle any liability issues. City Manager Giovanatto added that, after all details were in place,

**Item 7A: Monument to Sonoma's Founder, General M. G. Vallejo, Continued.**

the final project would come back to Council for approval. Clm. Gallian questioned the placement of proposed donor plaques in the area surrounding the monument. Mr. McKale responded that was the type of issue that would be worked out as the project moved along.

Mayor Cook invited comments from the public. Patty Dufern suggested the monument be placed across the street on State property. It was moved by Clm. Hundley, seconded by Clm. Edwards, to approve the project conceptionally. The motion carried unanimously.

**Item 7B: Discussion, consideration and possible action to review the draft of an Ordinance adding Chapter 9.60 of the Sonoma Municipal Code to regulate and prohibit the use of leaf blowers within the City limits.**

City Manager Giovanatto reported that staff had developed a draft ordinance incorporating Council's prior directions regarding a ban on leaf blowers; however, there were areas which needed further clarification. She and City Attorney Walter provided additional information regarding the contents of the ordinance and each area needing further clarification.

Mayor Cook invited comments from the public. The following people spoke in support of a ban on leaf blowers: Marilee Ebert whose son had compromised lungs. Pat Coleman who stated that MacArthur Place did not use them in favor of customer experience. Rick Suerth who compared it to smoking. Cece Ponicsan who claimed her health had been compromised. Ray Schuster who reported Los Altos' ban had worked out. Jack Wagner who said it was not always easy to talk to your neighbors. Georgia Kelly who cited the pollutants and negative effects on health. Caroline Wampone, Tamara Unger and Chris Pinard who stated they made it impossible to work from their homes. Lisa Summers who also wanted Roundup banned. Lynn Clarey who said we should strive for reduction of all forms of pollution. Sarah Ford who cited various ailments they cause and the manufacturer's warnings that came with one. Bob Edwards who said the citizens had spoken. Darryl Ponicsan said it was the Council's responsibility.

The following people did not support a ban on leaf blowers: Stan Pappas who asked what was next. Allen Ollenger and Eric Garcia who urged negotiations within the effected neighborhoods. Patty Dufern who noted that most of the cities that had banned them did not have as many trees. Mike Fanucchi, Pete Saibene and Andrew Johnson who urged negotiation and compromise, use the enforcement money for rebates. Bill Boteif who said the proponents of the ban should have to do an EIR. Scott Bonnoit who said they were no different than motorcycles and diesel trucks.

George Thompson, Chambolla Gardening Company, did not have an opinion on the ordinance, but just wanted to report that he had operated his landscape business for thirty years without using leaf blowers. Bill Wood demonstrated his invention called the Peacebroom. Chris Petlock, and Craig Martin encouraged better enforcement of the current regulations. Peter Hodgins suggested validating the science prior to making a decision.

Councilmembers weighed in with the following: Clm. Gallian and Clm. Agrimonti supported a complete ban. Clm. Edwards did not support a ban, wanted it to go to a vote and stated that the enforcement money would be better spent on affordable housing. Clm. Hundley stated concern about banning them on commercial/mixed use and public property because of liability issues. Mayor Cook did not support a ban and also felt it should be a ballot measure.

Mayor Cook then led Council through a list of possible components of the draft ordinance with the following results determined through straw voting. All leaf blowers would be banned in residential areas. They supported the following: Maintaining the current time restrictions and decibel level. Imposing penalties on property owners as well as landscapers. Having an effective date of February 1, 2016. There would not be any additional permit or license required. Would not include additional language "*prohibiting leaf-blowers from being operated in a manner that directs dust and debris onto any neighboring parcel or public street*". They remained undecided on a total ban in commercial/mixed use and public property. Should electric be permitted in those areas, they agreed the operating hours should be 8 a.m. to 3:00 p.m.

In response to the question by Clm. Hundley, City Manager Giovanatto stated that a ban would have a significant impact on staff and noted that the City's liability issues for public property were significantly higher than private property. The City may have to hire additional staff or contract out for assistance but would not ignore the public welfare and potential liabilities. Attorney Walters stated that staff would incorporate the direction given by Council and bring the ordinance back for future consideration.

**Item 7C: Discussion, consideration and possible action regarding designation of the voting delegate and alternate for the 2015 League of California Cities Annual Conference.**

Because there were no Councilmembers attending the conference, there was no action taken on this item.

**8. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY**

**9. COUNCILMEMBERS' REPORTS AND COMMENTS**

Cm. Gallian encouraged all to recognize the dedicated Police and Firefighters this coming anniversary of 9-11.

Cm. Agrimonti reported on the offering of free recycled water by the County and the recently completed survey on Farmworker Health and Wellness.

**10. CITY MANAGER COMMENTS AND ANNOUNCEMENTS INCLUDING ANNOUNCEMENTS FROM SUCCESSOR AGENCY STAFF - None**

**11. COMMENTS FROM THE PUBLIC**

Bob Edwards and Sarah Ford thanked the Council for their hard work.

**12. ADJOURNMENT**

The meeting was adjourned at 10:25 p.m. in the memory of Aylan Kurdi.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma City Council on the 21<sup>st</sup> day of September 2015.

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Gay Johann  
Assistant City Manager / City Clerk