

**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



Monday March 2, 2015

6:00 p.m.

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. Lynda Corrado led the Pledge of Allegiance.

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

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

1. COMMENTS FROM THE PUBLIC

Robert Neumann, Golden State Manufactured-Home Owners League, presented Councilmembers with copies of the 2015 California Mobilehome Residency Law and invited them to contact him if he could be of assistance.

Patricia Shults, Chamber of Commerce Executive Director, announced the March 5 Local Fest New Business Showcase and invited all to attend.

2. MEETING DEDICATIONS

Clm. Agrimonti dedicated the meeting in the memory of local architect Mark Perry.

Clm. Gallian dedicated the meeting in the memory of community volunteer Ileen Katherine Jones Addison.

3. PRESENTATIONS

Item 3A: Recognition of Melinda Kelley's service on the Community Services and Environment Commission

Mayor Cook thanked Melinda Kelley for her service on the Community Services and Environment Commission since 2009 and presented her with a certificate of appreciation. Ms. Kelley stated that she had enjoyed her tenure on the commission and it had been a pleasure to serve.

Item 3B: Presentation of Mid-Year Report of the Sonoma Tourism Improvement District

Bill Blum and Wendy Peterson presented the mid-year update on the accomplishments and activities of the Tourism Improvement District. In summary, Mr. Blum stated that the state of tourism in Sonoma was good.

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 February 18, 2015 City Council meeting.

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

- Item 4C:** Approval and ratification of the reappointment of Kimberly Blattner to the Community Services and Environment Commission for a term ending March 4, 2017.
- Item 4D:** Approval and ratification of the appointment of Christopher Johnson to the Design Review and Historic Preservation Commission for a term ending March 2, 2017.
- Item 4E:** Adoption of a resolution adopting the revised Special Events Policy. (Res. No. 07-2015)
- Item 4F:** Adoption of an ordinance amending the Development Code by prohibiting Automated Purchasing Machines in the City of Sonoma. (Removed from consent, see below)

Mayor Cook invited comments from the public. Bonnie Garcia requested that Item 4F be removed from the Consent Calendar to be discussed separately.

It was moved by Clm. Gallian, seconded by Clm. Edwards, to approve the Consent Calendar as presented except for item 4F. The motion carried unanimously.

- Item 4F:** Adoption of an ordinance amending the Development Code by prohibiting Automated Purchasing Machines in the City of Sonoma.

Mayor Cook invited comments from the public. Bonnie Garcia, ecoATM, stated that the proposed ordinance targeted their company. She explained that ecoATM operated kiosks in two thousand locations which purchase used cellular phones and other personal electronic devices for cash or a charitable donation. Their mission was to help solve the electronic waste problem, which they believed would become one of the largest environmental issues facing future generations. She explained that they work closely with local law enforcement agencies and for each transaction they collect all the information required by California's Secondhand Dealer laws.

Max Santiago, ecoATM, stated that not one stolen phone had ever been sold to their company. He went on to explain the measures they took to deter crime and noted that the theft of cell phones had actually declined in San Francisco. Mr. Santiago stated that California's Secondhand Dealer Law would preempt the proposed ordinance.

Clm. Hundley inquired about the preemption by State law. City Attorney Walter stated he received that information late in the day and had not had time to research it.

Clm. Agrimonti inquired why someone would sell a phone. Mr. Santiago explained that most cell phones had a stated value. He noted that consumers updated their cell phones every eighteen months and the kiosks incentivize proper handling of the e-waste generated by the discarded phones.

Clm. Gallian inquired why the company selected Sonoma for placement of one of their kiosks. Ms. Garcia stated it was because Sonoma was environmentally focused.

It was moved by Clm. Hundley, seconded by Clm. Gallian, to table the issue to allow time to ascertain what the Police Chief's thoughts were and for staff to research the issue of preemption by State law. The motion carried unanimously.

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

- Item 5A:** Approval of the portions of the Minutes of February 18, 2015 City Council meeting pertaining to the Successor Agency.

The public comment period opened and closed with none received. It was moved by Clm. Agrimonti, seconded by Clm. Edwards, to approve the consent calendar as presented. The motion carried unanimously.

6. PUBLIC HEARING – None Scheduled

7. REGULAR CALENDAR – CITY COUNCIL

Item 7A: Discussion, consideration and possible action on draft letter to the Sonoma County Board of Supervisors indicating the City's opposition to the proposed fluoridation program.

City Manager Giovanatto reported that, pursuant to Council direction given at the February 18 meeting, staff had redrafted the letter to the Sonoma County Board of Supervisors expressing Council's opposition to fluoridation of the water supply.

Mayor Cook invited comments from the public. Peter Alexander Chernoff spoke and read a poem indicating his disapproval of water supply fluoridation.

Dentist Anthony Fernandez stated that most dentists and physicians supported fluoridation. He said children in Sonoma had worse decay than those in Marin and he encouraged the Council to listen to the experts and wait until all the details were known prior to making a decision.

Dave Chambers stated that fluoride reduced the amount of lost work time and school attendance due to caries. He said the risks were small and the benefits were large.

Stan Pappas stated that after fluoride was introduced to him as a child he experienced no more cavities. He added that his brain was working okay too.

Gail Hartman stated that no one had addressed the issue of dosage amounts. She pointed out that fluoride could be found in food and pesticides and that it was possible for a person to get too much of it.

Chris Petlock urged the Council to do what was best for the children.

Dentist Laura Gator Wilson urged caution stating that water was critical to human life. She did not support fluoridation of the water supply stating that most of Europe did not fluoridate their water and that adding it to the water supply was forcing medication without informed consent.

Eva ____ noted that many other countries did not fluoridate their water. She cited concerns about children swallowing toothpaste and fluoride's potentially toxic effects on the elderly.

Dawna Gallagher stated that fluoride was an enzyme inhibitor, which degraded the water supply. She stated that the \$1 million the County had already spent studying fluoridation could have been put to better use. She encouraged the Council to take a stand against the County's movement towards fluoridation of the water supply stating they would be on the correct side of the issue.

Edward Shoop stated he had never heard of a death by fluorosis.

Dental Hygienist Maggie Cox stated that she had seen a lot more cavities in Sonoma children than those in San Francisco. She said fluoride was safe and she supported its introduction into the water supply.

CIm. Agrimonti stated she wanted to hear all the evidence before making a decision so she still did not support sending the letter. She requested that the letter indicate that not all Councilmembers supported sending the letter.

CIm. Hundley stated that she recognized the concerns on both sides but did support sending the letter.

CIm. Edwards stated his support for an organic food supply. He was not against fluoride but did not support it being in the water and thought the letter should be sent.

Mayor Cook stated that as a farmer and environmentalist he worried about the land and what was underneath it. He did not want fluoride in the aquifers.

It was moved by CIm. Hundley, seconded by CIm. Edwards, to send the letter with a notation that it was approved by a majority of the City Council. The motion carried with the following roll call vote: AYES: Edwards, Hundley, Cook. NOES: Gallian, Agrimonti. ABSENT: None.

Item 7B: Discussion, consideration, and possible action on the question of whether to revisit the regulation of leaf-blowers (Requested by Mayor Pro Tem Gallian).

City Manager Giovanatto reported that Clm. Gallian requested this item to see if there was Council support for revisiting the issue of leaf blowers. Planning Director Goodison provided additional background information and explained that the noise ordinance had been revised in 2011 to establish more restrictive hours and reduce the maximum decibel levels.

Clm. Edwards inquired about the number of complaints that came in. Chief Sackett responded that he did not have specific information but there were not a significant number of calls received.

Mayor Cook invited comments from the public. Stan Pappas said he did not know why the Council was revisiting the issue and he did not support any new regulations.

Paul Gorce stated that since his wife passed away he had a lot more chores to do. He would continue to use his leaf blower no matter what the Council decided because it shortened the amount of time it took to clear the yard.

Chris Petlock stated the existing ordinance pitted one neighbor against another. What was needed was better enforcement of the rules. He noted that during the prior discussions the Public Works Department had reported how much more time it would take them to clear the parks and bike paths. Petlock said he did not support a ban.

_____ Cornell stated that his father owned and operated Cornell Landscaping. He said it took a lot longer to use a rake and that the Council had more important things to deal with than leaf blowers.

Fred Allebach said he was not sure he would support a ban. He suggested finding ways to incentivize green landscape maintenance.

Pat Coleman encouraged the Council to be opened minded and think again what was best for residents and visitors.

Lynda Corrado suggested lowering the decibel level, require mandatory training, certification of blowers and dividing the town into zones with set schedules on the days blowers could be used.

Sara Ford supported revisitation of the issue. She said it did not seem that the existing regulations were being enforced.

Lynn Clary also supported revisiting the issue.

Clm. Edwards stated that he had not seen the problem and that a few emails were not reflective of the City's entire population. He stated that he felt the hours could be adjusted in commercial areas but a better solution overall would be to get people to be respectful of others and to talk to each other about their concerns. Clm. Edwards said the Council needed to deal with issues more straining on the budget and his priority for law enforcement was to spend their time on other things.

Clm. Agrimonti stated her agreement with Clm. Edwards and she would support an education and/or dispute resolution process.

Clm. Hundley stated that for many it was a quality of life issue. She would like to know if the health claims were substantiated and to learn the differences between gas and electric blowers. She felt the topic was worthy of further consideration and would like to hear ideas from the landscaping professionals.

Clm. Gallian stated that the prior discussions had been very intense and that the issue had not gone away. She reported receiving continual complaints and that her intent was to seek a ban on just gas powered leaf blowers, not all leaf blowers.

Mayor Cook stated that he had voted no the last time a ban was discussed but that he acknowledged the issue had not gone away. He supported a re-vetting of the issue to try to come to some type of resolution.

Item 7B: Leaf Blowers, Continued

Clm. Edwards stated that if Council was going to move forward it might as well add Harley motorcycles, helicopters and anything else that made noise. He said he did not want to waste staff time on this and it made a lot more sense to get neighbors to talk to each other.

City Manager Giovanatto suggested that Council give staff some time to come up with and bring back some options for their consideration.

It was moved by Clm. Gallian, seconded by Clm. Hundley, to direct staff to explore options, contact various parties and stakeholders and come back with a suggested plan for how to pursue further action. The motion carried with the following roll call vote: AYES: Gallian, Hundley, Agrimonti. NOES: Edwards, Cook. ABSENT: None.

RECESS: The meeting recessed from 8:30 to 8:40 p.m.

Item 7C: Discussion, consideration and possible action on: (1) setting date(s) for study sessions to discuss proposed amendments to rent control ordinance; and/or (2) creating task force, retaining facilitator and committing staff and City resources to facilitated discussions between residents and park owners about amending rent control ordinance.

City Attorney Walters provided a recap of the existing mobilehome rent control regulations and reported that for the last several years an attorney representing the residents of Pueblo Serena Mobilehome Park had submitted many requests and suggestions for revisions to the regulations. Due to the contentiousness, complexity and number of issues that the City Council would be expected to resolve as it made its way through the process of understanding the proposals being made and determining which, if any, it wished to incorporate into an amended rent control ordinance he was recommending that the Council agree on a process that would lend itself to the careful and objective examination of the proposals to assure that the ultimate outcome was in the best interests of the City and its affected residents. He suggested Council either: (1) set date(s) for Council study sessions to discuss the proposed amendments to the City's rent control ordinance; and/or (2) consider forming a task force (made up of park owners, park residents, and/or their representatives), retaining a facilitator and committing staff and City resources to facilitated discussions between residents and park owners about amending the City's rent control ordinance.

Mayor Cook invited comments from the public. Lin Marie DeVincent, Chair of Pueblo Serena Homeowners Association, stated that the regulations needed to be reviewed and updated and that she supported a study session.

Bonnie Joy Kaslan, President of the DeAnza Moon Valley Homeowners Association, stated that the situation of park residents was unique in that they were homeowners in a land-lease situation. She stated that because the regulations allow escalating rents, the parks were becoming less affordable. Kaslan stated her support for a study session to be held after March 21 to allow all Tri Park Committee members be present.

Gary Hermes, Rancho de Sonoma Homeowners Association, stated they had lost affordability on over one third of the homes because they had been purchased by the park owner who rented them out at market rates. He supported a study session and suggested the City contact the City of Watsonville.

Anne Colichidas, Golden State Manufactured-home Owners League, supported a study session and stated that park ownership had changed from mom and pop to large companies with shareholders.

Bart Thompson, Rancho de Sonoma owner, stated his support for a task force as he felt a study session with be contentious with attorneys present.

Karla Noyes, David Artson, and John Kyle spoke in support of a study session.

Former Mayor Jeanne Markson Artson offered her services in dealing with the issue.

It was moved by Clm. Gallian, seconded by Clm. Edwards, to establish dates for study sessions to discuss the proposed amendments to the City's rent control ordinance. City Manager Giovanatto stated that she would contact Councilmembers to establish a meeting schedule. The motion carried unanimously.

RECESS: The meeting recessed from 9:25 to 9:30 p.m.

Item 7D: Presentation of FY 2014 - 2015 Midyear Budget; discussion, consideration and possible action on Amendments to the FY 2015 Operating Budget.

Finance Director Hilbrants presented the mid-year financial report and budget review report. She stated that six months into the fiscal year, the City was in the black with no anticipated drawdown from reserves. At December 31, 2014, General Fund revenue exceeded expenditures by approximately \$191,779. Hilbrants stated that due to events occurring subsequent to the adoption of the budget, staff was recommending several amendments to the adopted budget totaling \$420,225. She provided details of the proposed amendments, the largest of which was a set-aside of \$250,000 to establish a trust fund for the community swimming pool.

Clm. Hundley questioned if the \$12,000 feasibility study for an irrigation well in the Plaza had been discussed by Council and questioned if it could wait until after the Council's goal setting session. Public Works Director Takasugi stated he believed Council had directed staff to bring it back mid-year and explained that the funds would allow a feasibility study on a shallow irrigation well and construction cost estimates.

The public comment period was opened and closed with none received.

Clm. Edwards stated at first he was not in favor of the Plaza well idea but recently discovered the water table was pretty high so it made sense to research a well. Following a brief discussion on the issue of the feasibility study, it was moved by Clm. Gallian, seconded by Clm. Edwards, to accept the financial report and adopt Resolution No. 08-2015 entitled A Resolution of the City Council of the City of Sonoma Amending the FY 2014-15 Budget as presented by staff. The motion carried unanimously.

Item 7E: Discussion, Consideration and Possible Action to Provide Direction to Councilmember Hundley on Potential Voting Action by Mayor & Councilmember Legislative Action Committee on SB 128 [Requested by Councilmember Hundley].

City Manager Giovanatto reported that Clm. Hundley requested Council direction on a potential vote upcoming by the Mayor & Councilmember Legislative Action Committee to send a letter in support of SB 128 End of Life Option Act by Senator William Monning, Senator Lois Wolk and Assemblymember Susan Talamantes Eggman. SB 128 would establish the End of Life Option Act in California, modeled after Oregon law that was enacted in 1997. This would give a terminally ill, mentally competent California adult resident the legal right to ask and receive a prescription to hasten death from his/her physician after all required criteria is met.

The public comment period was opened and closed with none received.

Mayor Cook supported it. Clm. Edwards felt more input from citizens was needed. Clm. Gallian and Clm. Agrimonti were conflicted about it. Clm. Hundley stated she would support it. There was no motion on the matter and Mayor Cook stated he was hearing that Clm. Hundley should vote no.

8. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

9. COUNCILMEMBERS' REPORTS AND COMMENTS
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Clm. Edwards reported on the Cittaslow meeting.

Clm. Gallian reported on the opening of Cheese Conference, Ag and Open Space Advisory Committee, and Sonoma County Taxpayers Association meetings.

Clm. Hundley reported on the SVCAC and Economic Vitality Partnership meetings.

Mayor Cook reported on the Sonoma County Taxpayers Association and Sonoma Clean Power meetings.

10. CITY MANAGER COMMENTS AND ANNOUNCEMENTS INCLUDING ANNOUNCEMENTS FROM SUCCESSOR AGENCY STAFF

City Manager Giovanatto thanked the Councilmembers for attending the Sonoma County Taxpayers Association meeting and being there when she was presented the 2015 Spencer Flournoy Good Government Award. She reported that she and Mayor Cook discussed the Council goals at the first Chamber Table Talk and she thanked Rotary for upgrading the tot lot playground in the Plaza.

11. COMMENTS FROM THE PUBLIC

George McKale congratulated the three new Councilmembers and introduced himself as the City Historian and Chairperson of the Sonoma-Aswan Sister City Committee.

James McKale, Sonoma Valley High School, announced that his Senior Project was to construct a new education center in Egypt. He invited all to attend a screening of the film "In Tahrir Square: 18 Days of Egypt's Unfinished Revolution" which documented how the people gathered in Cairo brought down a dictatorship which will raise funds for the construction of the Aswan Center for Education (ACE) in the Nubian community of Ghard (West) Aswan.

12. ADJOURNMENT

The meeting was adjourned at 10:09 p.m.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma City Council on the 16th day of March 2015.

Gay Johann
Assistant City Manager / City Clerk