

**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, April 20, 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. Members of Girl Scout Troop 10240 led the Pledge of Allegiance and described their Bee Patch project which included planting a new habitat for pollinators.

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 Walter, Planning Director Goodison, Public Works Director Takasugi, Police Chief Sackett, and Finance Director Hilbrants

1. COMMENTS FROM THE PUBLIC

David Eichar stated that at the last meeting two Councilmembers violated conflict of interest laws by not disclosing a membership with the Sonoma Valley Chamber of Commerce prior to voting on the City's agreement with them. He noted that Clm. Edwards had disclosed his membership. Eichar suggested that the City Attorney investigate any possible repercussions of the violations and advise the Council on any corrective steps which might be necessary.

Larry Barnett expressed his distaste for the speaker timer system utilized by the City.

Kelso Barnett agreed with Larry Barnett about the speaker timer. He described the current Commissioner selection process, stated it had worked for many years and encouraged the Council to continue using it.

Fred Allebach also agreed with Barnett about the speaker timer and added that he did not understand why Council declined to establish a limit on the number of tasting rooms but would place a limit on the amount of time a citizen could speak at a meeting.

Lynn Clary also agreed with Barnett about the speaker timer.

Jeff Stuhr related an instance where some ducks were abused by people in the Plaza and requested that the City place signage warning of penalties for such actions.

2. MEETING DEDICATIONS

Clm. Agrimonti dedicated the meeting in the memory of ninety-three year old Mable Wilson who had been a member of the Women's' Club for thirty-four years and a Toscano Hotel docent for twenty-five.

Mayor Cook dedicated the meeting in the memory of City Manager Giovanatto's father-in-law Ray Pigoni, a Geyserville rancher and former Chief of the Geyserville Volunteer Fire Department.

3. PRESENTATIONS

Item 3A: Arbor Day Proclamation

Mayor Cook read aloud the Arbor Day proclamation announcing April 24, 2015 would be observed as Arbor Day in the City. Tom Rusert of Sonoma Birding and Wendy Peterson of Sonoma Valley Visitor Bureau described the Arbor Day events and invited all to attend.

3. PRESENTATIONS

Item 3B: Child Abuse Prevention Proclamation

Mayor Cook read aloud the proclamation. There was no one present from the Child Parent Institute to accept it.

Item 3C: Sexual Assault Awareness Month Proclamation

Mayor Cook read aloud the proclamation recognizing April as Sexual Assault Awareness Month and presented it to Amanda Silva of Verity. Ms. Silva thanked the Council for their support and passed out teal colored wristbands and ribbons signifying the event.

Item 3D: Presentation of the Police Department Annual Report

Police Chief Sacket presented the Police Department 2014 annual report, stating that their mission statement was *"In partnership with our communities, we commit to provide professional, firm, fair, and compassionate law enforcement and detention services with integrity and respect"*. The report indicated that violent crime fell by 11% and property crimes fell by 22% from the previous year (2013). Their school resource officer, K-9 program and Explorer and Volunteer programs continued to operate successfully. Sheriff Freitas thanked the Council and community for the continued collaboration with the Sheriff's Department. He stated that the collaboration led to more efficient delivery of services as well as making special services available to the City.

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 April 6, 2015 City Council Meeting.
(Removed from Consent, see below)

Item 4C: Approval of a waiver of commission attendance rules for Community Services and Environment Commissioner Fred Allebach. Approved for absences the months of June, July and August 2015.

Item 4D: Approval and ratification of the appointment of Inge Hutzel to the Community Services and Environment Commission for a two-year term.
(Removed from Consent, see below)

Item 4E: Approval and ratification of the appointment of Mike Coleman to the Planning Commission for a two-year term. (Removed from Consent, see below)

Item 4F: Approval of application by Sonoma Valley Firefighter's Association for temporary use of City streets for the Hit The Road Jack event on Sunday, June 7, 2015. Approved subject to the conditions recommended by staff.

Item 4G: Approval of application by Valley of the Moon Vintage Festival for temporary use of City streets for the Blessing of the Grapes, Fire Department Demonstration, Get Your Glow On Parade, and the 5K and 12K Runs on September 26 and 27, 2015. Approved subject to the conditions recommended by staff.

Item 4H: Authorize the City Manager to Execute a Professional Services Agreement with Bender Rosenthal, Inc., for the Chase Street Bridge Replacement Project No. 0811, Federal Aid No. BRLS-5114(016), for an amount not to exceed \$35,476.00.

Clm. Gallian noted correction to a typographical error in the minutes. Clm. Edwards removed items 4D and 4E. Mayor Cook invited comments from the public. David Eichar removed Consent Item 4B. It was moved by Clm. Hundley, seconded by Clm. Gallian, to approve the items remaining on the Consent Calendar. The motion carried unanimously.

Item 4B: Approval of the Minutes of the April 6, 2015 City Council Meeting.

Mayor Cook invited comments from the public. David Eichar stated that the minutes should reflect that Clm. Edwards announced his Chamber of Commerce membership in the discussion of the agreement with them. Clm. Edwards stated he felt it would be appropriate to make that revision. It was moved by Clm. Gallian, seconded by Clm. Hundley, to approve the minutes with the spelling correction noted by Clm. Gallian and with the additional language suggested by Mr. Eichar. The motion carried with the following roll call vote: AYES: Edwards, Gallian, Hundley, Cook. NOES: None. ABSTAIN: Agrimonti.

4. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL

Item 4D: Approval and ratification of the appointment of Inge Hutzel to the Community Services and Environment Commission for a two-year term.

The public comment period was opened and closed with none received. Clm. Edwards stated he had the same concerns that he stated at the last meeting. Noting that a person appointed to the Community Services and Environment Commission at the April 6 meeting had resigned the next day because they had moved out of the City limits, he said he was concerned why that situation had not been discerned during the interview process. He questioned if fifteen minutes was long enough for the applicant interviews. Clm. Edwards stated he would be willing to recuse himself from voting on the Planning Commission appointment if the Mayor would do the same and allow the remaining Councilmembers to conduct interviews and make the decision.

Clm. Hundley stated she had wanted postponement of this appointment so she could hear from Clm. Agrimonti who participated in the interview and selection process. She stated she also wanted Council to have a discussion on the commissioner selection process. Clm. Agrimonti stated she viewed the video recording of the April 6 meeting and that the only issue regarding the appointment appeared to be that Ms. Hutzel lived on the same block as the Mayor. She said she was comfortable with their decision.

Mayor Cook commented that the appointee who resigned had not mentioned during the interview that he would be moving. Clm. Edwards stated that went his concern about the quantity and quality of the interview process.

Clm. Hundley stated she wanted to know why this particular person was selected. Clm. Agrimonti stated that the fact that Ms. Hutzel lived on a particular block was irrelevant to her and she felt she had some good qualities. It was moved by Clm. Agrimonti, seconded by Clm. Gallian, to approve and ratify the appointment of Inge Hutzel to the Community Services and Environment Commission as the Alternate for a two year term. The motion carried with the following roll call vote: AYES: Gallian, Agrimonti, Cook. NOES: Edwards, Hundley. ABSENT: None.

Item 4E: Approval and ratification of the appointment of Mike Coleman to the Planning Commission for a two-year term.

Clm. Edwards stated he removed this item from the Consent Calendar for the same reasons stated at the last meeting. He did not think enough time was spent on the interviews and there had not been a consensus between him and the Mayor regarding the nominee. He felt the appointment should have been opened up to the entire Council for consideration. He again stated his willingness to recuse if the Mayor would and allow the remaining City Council members conduct interviews and select the appointee.

Mayor Cook invited comments from the public. Larry Barnett stated that the same process had been used when he was on the Council. He said he made a lot of nominations and sometimes it had taken a bit of negotiating with the other interviewer but they had always come to an agreement.

Rosemarie Pedranzini sided with the Mayor's nomination.

Bob McDonald, who was recently appointed as the Alternate Planning Commissioner, described his educational, business and personal experience and stated his desire to fill the opening on the commission. He stated that he did not feel given the history of Alternate commissioners being bumped up when a vacancy occurred that he needed to reapply to be considered for this position. He said the City was at a crossroads facing many important land use and policy decisions and he wished to be considered for a permanent role on the Planning Commission.

Rachel Ballow, who recently went through the application, interview and nomination process agreed that fifteen minutes was not enough time for the applicants to describe themselves, their experience and interests.

Kelso Barnett stated the Planning Commission was most important unelected body in the City and appointments needed to be taken seriously. He agreed fifteen minutes was not enough for an interview. Barnett stated that Mayor Cook had said the only qualification for being on the Planning Commission was to be a City resident. He pointed out that the Sonoma Municipal Code described particular qualifications for members of the Design Review and Historical Preservation Commission and the Community Services and Environment commission and

Item 4E: Approval and ratification of the appointment of Mike Coleman to the Planning Commission for a two-year term, continued

stated the Planning Commissioners should be held to even higher standards than the inferior subcommittees.

Clm. Edwards stated that the list of applicants included a retired judge and an attorney who worked with senior care and who had attended over ten Planning Commission meetings. He stated that he felt the decision of who was going to be nominated had been made before the interviews were completed and with no deliberation and that it sent a wrong message to the community.

Clm. Hundley stated that the seventeen applicants had varying experience and expertise and included two very qualified female applicants, a prior Councilmember, lawyers and architects. She felt being on the Planning Commission required a detailed understanding of planning, zoning and building codes and laws and she felt the appropriate starting point for someone without that knowledge would be the Alternate position. She said it was apparent that the qualified Alternate was not picked and neither was a woman. She was also confused by the Mayor describing the right to nominate someone as being a perk. Clm. Hundley stated that she did not feel this nomination was appropriate, that commissioners should represent the entire City Council. She added that she wanted a discussion of the selection process.

Clm. Agrimonti stated she had seen the applications and was shocked at how many had applied.

Clm. Gallian agreed that a discussion of the process should take place. She questioned if the Council was going to tell this applicant they were not eligible to be on the Planning Commission.

Clm. Edwards stated it was not about one person or another; there was an outstanding field of many very qualified applicants.

Mayor Cook said he made a proper decision. He picked Mr. Coleman because he was a fireman and firemen know buildings and he knows Sonoma.

Clm. Edwards stated that no one was saying Mr. Coleman was not a good citizen, that this was not personal in any way.

It was moved by Clm. Gallian, seconded by Clm. Agrimonti, to approve and ratify the appointment of Michael Coleman to the Planning Commission for a two-year term. The motion carried with the following roll call vote: AYES: Gallian, Agrimonti, Cook. NOES: Edwards, Hundley. ABSENT: None.

Clm. Gallian requested that discussion of the commission selection process be on a future agenda.

RECESS: The meeting recessed from 7:37 to 7:40 p.m.

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

Item 5A: Approval of the Portions of the Minutes of April 6, 2015 City Council Meeting Pertaining to the Successor Agency.

The public comment period was opened and closed with none received. It was moved by Clm. Gallian, seconded by Clm. Edwards, to approve the consent calendar as presented. The motion carried with the following roll call vote: AYES: Edwards, Gallian, Hundley, Cook. NOES: None. ABSTAIN: Agrimonti.

6. PUBLIC HEARING – None Scheduled

7. REGULAR CALENDAR – CITY COUNCIL

Item 7A: Discussion, consideration, and possible action on the Removal and Replanting of Broadway Street Trees.

Clm. Edwards stated that he would have to recuse due to proximity. He stepped down from the dais and left the room. Public Works Director/City Engineer Takasugi reported that in the late

Item 7A: Discussion, consideration, and possible action on the Removal and Replanting of Broadway Street Trees, continued

eighties and early nineties a citizens group spearheaded an improvement project for the Broadway corridor from MacArthur Street to City Hall which included curb bow-outs and the planting of street trees. Although the approved plan called for ginkgo biloba trees, red oak trees had been planted in the sidewalk planter strip from Napa St. down to Patten St. on the East side (17 trees) and from Napa St. down to Maple St. on the West side (21 trees). According to recent staff observations, the red oak trees were not planted with 48-inch deep root barriers, as proposed in the 1991 plans and some had grown quite large to approximately 24-inch diameter. Sidewalk damage due to tree roots had been observed by City staff.

Takasugi reported that three certified arborists serving on the City's Tree Committee, James McNair, John Meserve, and Sherby Sanborn acknowledged that the red oak trees were still in an early stage of growth, and as such, they would continue to cause damage to sidewalks and other infrastructure as they mature in size. The arborists also acknowledged that the red oak trees were probably not the best tree species for their planted location. He added that red oak trees (*Quercus Rubra*) were a fast growing tree that can grow to 90 feet and have a trunk diameter of up to 6 feet. They require a larger planter area than could be accommodated in the existing sidewalk planter strip along upper Broadway.

Takasugi stated that in accordance with State Streets and Highway Code 5600 et. seq. and City Municipal Code 12.12.110, the abutting property owner had responsibility to maintain the sidewalk and any vegetation in the sidewalk planter strip including trees, regardless of who planted the vegetation. He reported that at the January 15, 2015 Tree Committee meeting, a request to remove 2 red oak trees at 561 Broadway was approved, pending the development of a replanting plan and obtaining a Caltrans permit. At that same meeting, the committee deferred action on the request to remove 17 red oak trees between 520 and 578 Broadway, in order to gather more information. At the February 18, 2015 Tree Committee meeting, additional information was presented on the request to remove 17 red oak trees. At that point, the Tree Committee voted to refer the Broadway tree removal decision to the City Council. Staff was recommending the following: 1) Grant property owners permission to remove or maintain trees that are causing the damage at their own cost; and 2) Allow property owners to remove any of the red oak trees along Broadway between Napa St. and Patten St., pending the development of a re-planting plan and obtaining Caltrans permission.

Clm. Hundley confirmed that the replanting plan would require Caltrans approval and it would be at least a year before it would be implemented.

Mayor Cook invited comments from the public. Larry Barnett stated he was a proponent for keeping the trees and for City reimbursement to property owners for any damage done by the trees. He said it would probably cost \$700,000 or more for a replanting program and it would be cheaper to just repair the sidewalks. He questioned how much the City had spent on sidewalk repair and liability claims and pointed out that sidewalks tended to buckle and rise up even in areas where there were no trees. He stated that it would take a lot more water if new trees were planted and removal of the existing trees would destroy the beauty that took twenty years to obtain.

Tom Rusert urged that whatever plan the City came up with to include a sensitivity for the birds that were nesting in the trees. He suggested the City involve an ornithologist in the process.

Jack Powers stated he did not have an opinion regarding the removal of the trees but as a business owner he wanted to see the City share the costs of the trees.

Catherine Sevenau agreed with Mr. Powers and stated as a business owner her primary concern was the safety of pedestrians.

Fred Allebach stated it was not reasonable for the City to make property owners responsible for sidewalk repairs and he did not agree with removal of the trees.

Kelso Barnett stated the trees created a red carpet approach into the City and noted the community effort that went into their planting. He urged the Council to conduct additional research and to examine the cost of sidewalk repair versus the cost of replacing the trees.

Clm. Hundley stated she would like additional information and examination of whether all the trees were causing issues and to what extent the issues were. Takasugi responded that staff was not able to conduct subsurface inspections to determine possible damage to underground utilities and infrastructure. He pointed out that it was a State code that placed responsibility for

Item 7A: Discussion, consideration, and possible action on the Removal and Replanting of Broadway Street Trees, continued

sidewalk maintenance on the property owners and the City has a cost share program for sidewalk replacement. He added that staff took nesting into consideration when dealing with all trees.

It was moved by Clm. Hundley, seconded by Clm. Gallian, to direct staff to prepare a tree damage assessment inventory of all Broadway red oak trees to determine how many of the trees were causing damage and should be considered for removal. The motion carried unanimously, Clm. Edwards absent due to recusal.

8:41 p.m. Clm. Edwards returned to the dais.

7. REGULAR CALENDAR – CITY COUNCIL, Continued

Item 7B: Discussion, Consideration and Possible Action on the Approval of a Resolution to (a) Authorize the City Manager to Execute an Energy Services Agreement with Tanko Lighting Inc. for LED Streetlight Conversion Services in an amount Not to Exceed \$360,000; (b) Authorize the City Manager to execute all documents necessary for On Bill Financing with Pacific Gas and Electric (PG&E) in an amount not to exceed \$250,000; (c) Authorize the City Manager to sign an Unsecured Promissory Note for an Interfund Loan from the General Fund (Fund 100) to the Gas Tax Fund (Fund 302), and (d) Approving the Filing of a CEQA Notice of Exemption Pursuant to Section 15301 (b)(c) of the CEQA Guidelines.

Public Works Director/City Engineer Takasugi reported that the City owned approximately 1,100 streetlights of either high-pressure sodium or metal halide fixtures that were considered outdated and inefficient by today's standards, resulting in reduced traffic/pedestrian visibility, high electric bills, and higher maintenance costs. Many cities were converting to LED fixtures with great success and cost savings. The better light quality improved public safety, and the energy savings resulted in the equivalent reduction of 180,000 pounds of CO2 emissions annually, contributing greatly to the City's goals for Greenhouse Gas reduction.

Takasugi stated that the technical and management effort and expertise to execute a LED streetlight replacement project was immense and beyond City staff ability and he was recommending that the City piggyback on a recent competitive bid process performed by the City of San Bruno, which selected Tanko Lighting Inc. for turnkey services. He explained that the color temperature of the street lighting would change to a color temperature of 4000K, which was approximately the color of moonlight.

Mr. Hugh Carroll of Tanko Lighting made a brief presentation on the visual effect of the LED streetlight replacement project.

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

Clm. Agrimonti inquired about the promissory note. City Manager Giovanatto explained that partial funding of the program would be provided in the form of a loan from the City's General Fund to the Gas Tax fund with an interest rate being the same as what the City received on its investments.

It was moved by Clm. Gallian, seconded by Clm. Edwards, to adopt Resolution No. 14-2015 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA AUTHORIZING THE CITY MANAGER TO EXECUTE AN ENERGY SERVICES AGREEMENT WITH TANKO LIGHTING FOR LIGHT EMITTING DIODE (LED) STREET LIGHT CONVERSION SERVICES; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY FOR ON BILL FINANCING (OBF) WITH PACIFIC GAS & ELECTRIC (PG&E); AUTHORIZING THE CITY MANAGER TO EXECUTE AN UNSECURED PROMISSORY NOTE TO AUTHORIZE AN INTERFUND LOAN BETWEEN THE GENERAL FUND (FUND 100) AND THE GAS TAX FUND (FUND 302); AND APPROVING THE FILING OF A CEQA NOTICE OF EXEMPTION PURSUANT TO SECTION 15301(b)(c) OF THE CEQA GUIDELINES. The motion carried unanimously.

Item 7C: Approval of a Resolution Modifying the Stage 2 Water Shortage, responding to new State Drought Emergency Water Conservation Regulations.

Public Works Director/City Engineer Takasugi reported that staff was recommending modification of the Stage 2 Water Shortage regulations to comply with the State Water Resources Control Board regulations entitled "Drought Emergency Water Conservation Regulations" which make drought related findings and impose state-wide mandatory requirements on urban water suppliers. The State Office of Administrative Law approved the new regulations on March 27, 2015. The new mandatory requirements 1) Prohibit the application of potable water to outdoor landscapes during and within 48 hours after measureable rainfall; 2) Prohibit the serving of drinking water other than upon request in eating or drinking establishments; 3) Required that operators of hotels and motels provide guests with the option of choosing not to have towels and linens laundered daily; and 4) Set limits on the number of days when outdoor turf irrigation was allowed.

Takasugi stated that the City was already in a Stage 2 Water Conservation Alert per Council Resolution 42-2014 adopted August 18, 2014 which limited the days of the week for outdoor turf irrigation to Mondays and Thursdays from 7 p.m. to 7 a.m.

The public comment period was opened and closed with none received. It was moved by Clm. Gallian, seconded by Clm. Hundley to adopt Resolution No. 15-2015 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA MODIFYING THE MANDATORY STAGE 2 WATER SHORTAGE ALERT. The motion carried unanimously.

8. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY - None

9. COUNCILMEMBERS' REPORTS AND COMMENTS

Clm. Agrimonti stated she had missed the April 6 meeting due to a family gathering in San Antonio. She announced she would be participating in the Senior Projects at the High School and reported on meetings of the North Bay Watershed and Waste Management agencies.

Clm. Gallian reported on the meeting of the Transportation Authority and the arrival of the first SMART train.

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

11. COMMENTS FROM THE PUBLIC - None

12. ADJOURNMENT

The meeting was adjourned at 9:15 p.m. in the memory of Mabel Wilson and Ray Pigoni.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma City Council on the 4th day of May 2015.

Gay Johann
Assistant City Manager / City Clerk