

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

Community Meeting Room, 177 First Street West, Sonoma CA



**Monday, August 17, 2015
5:45 p.m. Closed Session (Special Meeting)
6:00 p.m. Regular Meeting**

MINUTES

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

CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS, pursuant to Government Code §54956.8. Property: Sebastiani Theater, 476 First Street East, Sonoma. Agency Negotiators: City Manager Giovanatto & City Attorney Walter. Negotiating Parties: Ryan Snow, DTZ agent for Sebastiani Theater Foundation. Under Negotiation: Price and terms of lease.

Mayor Cook called the meeting to order at 5:45 p.m. There was no public testimony regarding the closed session items. The Council recessed into closed session with all members present. City Manager Giovanatto and City Attorney Walter were also present.

REGULAR MEETING

Mayor Cook called the meeting to order at 6:00 p.m. City Manager Giovanatto led the Pledge of Allegiance.

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, Finance Director Hilbrants, Development Services Director Wirick

REPORT ON CLOSED SESSION

Mayor Cook announced that while in closed session Council had provided direction to staff.

1. COMMENTS FROM THE PUBLIC

The following spoke regarding the current housing shortage and need for affordable housing in Sonoma Valley. They urged the City Council to get involved with finding a solution: Christine Missmer, Shelly Richey, Mario Castillo-El Verano School's family-engagement coordinator, Dave Ransom-Spiritual Action Group of Sonoma United Methodist Church, and an unnamed homeless person.

Cecelia Ponicsan explained that she and her husband were good people and objected to being called racist and being accused of race baiting just because of their demand for a ban of leaf blowers.

Vicki Mulas stated her disappointment in the three Councilmembers supporting a ban on leaf blowers and said that it was irresponsible to assume that a handful of petitioners reflect the position of the entire citizenry. She suggested the issue be placed on the ballot for the next general election.

Paul Giusto, Sonoma Valley Visitor Bureau Board President, introduced new Executive Director Jonny Westom.

Jack Wagner reported that Mendocino and Lake County were researching whether to join Sonoma Clean Power.

2. MEETING DEDICATIONS

City Manager Giovanatto dedicated the meeting in the memory of Cameron Jarrett, former President and Board member of the Valley of the Moon Fire District.

Clm. Edwards dedicated the meeting in the memory of Bob Stone, long time community leader and philanthropist.

3. PRESENTATIONS

Item 3A: Wendy Peterson Day Proclamation

Mayor Cook read aloud the proclamation recognizing Wendy Peterson's service as the Executive Director of the Sonoma Valley Visitor Bureau. Ms. Peterson stated it had been a joy to work in that capacity and thanked the City Council for their recognition.

Item 3B: Sonoma Receives the "Preserve America Community" Designation

Patricia Cullinan, President of the Sonoma Valley Historical Society, presented the Preserve America Community framed certificate to the City Council. She explained that the designation could qualify the City for future grants and that it served as recognition of the fact that Sonoma protects and celebrates its heritage, uses its historic assets for economic development and community revitalization, and encourages people to experience and appreciate local historic resources through education and heritage programs.

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 July 20, 2015 City Council Meeting.

Item 4C: Consideration and possible action to approve an update to the Agreement between the City of Sonoma and Jeffery Walter as City Attorney. (Removed from Consent, see below)

Item 4D: Approval of the allocation of a City funded rental at the Sonoma Veteran's Memorial Building as requested by Pets Lifeline.

Item 4E: Rescind Resolution 63-2014 establishing an appropriations limit for the Fiscal Year 2014-2015. Approve Resolution establishing a corrected appropriations limit for Fiscal Year 2014-2015 pursuant to Article XIII B of the California Constitution as Amended by Proposition 111. Approve Resolution establishing an appropriations limit for Fiscal Year 2015-2016 pursuant to Article XIII B of the California Constitution as Amended by Proposition 111. (Res. No's: 24-2015 & 25-2015)

Item 4F: Approval of a request by the Sonoma Valley Field of Dreams Association to sublease the Field of Dreams for a special event. (Removed from Consent, see below)

Item 4G: Approval of application by Destination Races for temporary use of City streets for the Napa to Sonoma Wine Country Half Marathon on Sunday, July 17, 2016. (Removed from Consent, see below)

Item 4H: Acceptance of the City of Sonoma Annual Financial Report for the fiscal year ending June 30, 2014 as prepared in accordance with GASB Statement 34.

Clm. Gallian removed Item 4F from the consent calendar. Clm. Agrimonti removed items 4C and 4G from the consent calendar. The public comment period was opened and closed with none received. It was moved by Clm. Gallian, seconded by Clm. Edwards, to approve the items remaining on the Consent Calendar. The motion carried unanimously.

Item 4C: Consideration and possible action to approve an update to the Agreement between the City of Sonoma and Jeffery Walter as City Attorney

Clm. Agrimonti suggested adding a provision to the agreement requiring an annual evaluation of the City Attorney. The public comment period was opened and closed with none received. Discussion ensued amongst the Councilmembers. It was moved by Clm. Agrimonti to add a provision to the agreement requiring an annual evaluation. The motion died for lack of a second. It was moved by Clm. Edwards, seconded by Clm. Gallian, to approve the agreement as presented. The motion carried unanimously.

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

Item 4F: Approval of a request by the Sonoma Valley Field of Dreams Association to sublease the Field of Dreams for a special event.

Clm. Agrimonti inquired if staff had developed criteria for use of the field. Assistant City Manager Johann responded that staff spoke with a Field of Dreams Board member and they had stated that it was not their intention to lease the field on a regular basis. Johann added that staff intended to develop criteria only if another sublease request was submitted. The public comment period was opened and closed with none received. It was moved by Clm. Gallian, seconded by Clm. Edwards, to approve the request to sublease subject to compliance with all conditions of approval established by staff and the Community Services and Environment Commission for the special event; should they approve it and to direct staff to develop usage criteria in the future if an additional request to sublease was submitted. The motion carried unanimously.

Item 4G: Approval of application by Destination Races for temporary use of City streets for the Napa to Sonoma Wine Country Half Marathon on Sunday, July 17, 2016.

Clm. Agrimonti noted that the street closures began at 7:50 a.m. and inquired who was in charge of notifying the public of the event. City Manager Giovanatto responded that the event organizer was required to make the notifications. The public comment period was opened and closed with none received. It was moved by Clm. Agrimonti, seconded by Clm. Gallian, to adopt Res. No. 26-2015 entitled Resolution Approving and Consenting to the Use of City Streets for the Wine Country Half Marathon 2016. The motion carried unanimously.

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

Item 5A: Approval of the Portions of the Minutes of July 20, 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. Agrimonti, to approve the consent calendar as presented. The motion carried unanimously.

6. PUBLIC HEARINGS

Item 6A: Introduction 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).

Development Services Director Wirick reported that AB 2188 required cities to adopt an ordinance establishing an expedited, streamlined process for permitting small residential rooftop solar energy systems. Requirements of the state legislation included: Adoption of an ordinance to create an expedited, streamlined permitting process for small residential rooftop solar energy systems, as defined, that substantially conforms with recommendations in the most current version of the California Solar Permitting Guidebook; Adoption of a permitting checklist to be used to obtain an expedited review; Publication of the checklist and permitting documentation on the City's webpage; Allowance for electronic submittal of permit applications and documentation; and the requirement that the City may only conduct one inspection, in a timely manner, for those projects eligible for expedited review. Wirick stated that to comply with the specific requirements of Govt. Code Section 65850.5(g)(1), staff developed an ordinance adding Chapter 14.27 "Expedited Review Process for Small Residential Rooftop Solar Energy Systems" to the Sonoma Municipal Code.

Clm. Gallian inquired if these actions would result in a reduction of fees. Wirick responded that because Building Department staff would conduct the plan checking instead of the Fire Department, the fees would be somewhat less. The public comment period opened and closed with none received. It was moved by Clm. Gallian, seconded by Clm. Edwards, to introduce the ordinance entitled AN ORDINANCE OF THE CITY OF SONOMA AMENDING TITLE 14 OF THE SONOMA MUNICIPAL CODE BY ADDING CHAPTER 14.27 PROVIDING EXPEDITED PERMITTING PROCEDURES FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

Item 6A: Expedited Review Process for Solar Energy Systems, Continued

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). The motion carried unanimously.

Item 6B: Discussion, consideration and possible action on an appeal of the Planning Commission's approval of an amendment to the Use Permit for Williams-Sonoma (605 Broadway) allowing events subject to a one-year review, among other conditions. If the appeal is denied and the project is approved, that action will confirm the finding that the project under consideration is categorically exempt from environmental review, pursuant to section 15301 of the CEQA Guideline (Class 1: Minor alteration of existing public or private structures).

Planning Director Goodison reported that on October 10, 2013 the Planning Commission approved a Use Permit for Williams-Sonoma to rehabilitate and upgrade property located at 605 Broadway with a retail store including the recreation of the original Williams-Sonoma shop, café, cooking school, a residential unit, and parking lot. Design review approvals were subsequently obtained for the building, outdoor features, and landscaping. Upon final inspection by City staff, it was found that the residential unit had been set up for the retail display of interior furnishings. In addition, through discussions with City staff, it became clear that Williams-Sonoma desired other adjustments to the use of the property. Accordingly, the applicant filed an application to amend the Use Permit. The proposed amendment had two elements: 1) changes to the base operation of the property including an allowance to use the residential unit and outdoor garden for retail display; and 2) an allowance for events related to store activities. This application was initially considered by the Planning Commission on April 9, 2015, at which time the Commission expressed concerns about the unpermitted conversion and the revised proposal, including the lack of parking mitigation and the scope of special events. The Planning Commission continued the item, directing the applicant to address the Commission's concerns and provide additional information. Williams-Sonoma returned with a revised proposal that the Planning Commission considered at its meeting of June 11, 2015. Following a public hearing on the matter, the Commission, on separate motions, voted 5-1 with one commissioner abstaining to approve the changes to the base operation of the store and 4-3 to approve an allowance for events, subject to a review after one year, among other conditions. Subsequently, an appeal was filed by Larry Barnett regarding the approval for events.

Goodison then addressed the issues listed as the basis of the appeal. He said it was staff's recommendation that Council either uphold the decision of the Planning Commission or refer the matter back to the Planning commission; however Council had a full range of options available including making modifications to the conditions of approval.

Clm. Hundley suggested and Clm. Edwards agreed that the appellant should be granted twenty minutes to make their presentation. Clm. Edwards inquired how many over the counter event permits had been issued to Williams-Sonoma. Goodison thought there had been three.

Clm. Agrimonti inquired if cooking classes were considered events. Goodison responded the base level permit allowed for cooking classes.

Responding to an inquiry from Clm. Hundley, Goodison explained that the modified Use Permit would allow Williams-Sonoma up to twelve midsize events and up to three large events subject to review at the end of one year.

Clm. Hundley confirmed that the Council had not discussed valet parking in the past but there had been other instances where it had been utilized at events within the City.

Mayor Cook invited comments from the public. Larry Barnett presented his case for the appeal. He provide detailed information to substantiate the following points: The Development Code does not allow approval of the application; The Development Code does not authorize the use of valet parking to mitigate insufficient on-site parking for events up to eighty people; The approval use violates ADA requirements; The provision for a review in one year does not in fact provide meaningful protection against a poor planning decision that will have an impact on Sonoma's Plaza area for years to come; The required noise study has not been provided; The findings required by the Development Code cannot be made; and, If this is to be a one year "experiment" then the City should allow a much smaller number of events that the fifteen approved by the Planning Commission.

Item 6B: Discussion, consideration and possible action on an appeal of the Planning Commission's approval of an amendment to the Use Permit for Williams-Sonoma (605 Broadway) allowing events subject to a one-year review, among other conditions, Continued

Barnett stated Caltrans had confirmed that they would not issue an encroachment permit for the proposed valet parking within the State right of way. He claimed that the approved Use Permit allowed a third party event center and questioned how the City intended to monitor and report on events occurring at the facility.

Bud Cope, Williams-Sonoma, related the history of the store and Chuck Williams, its creator. He said Chuck included Sonoma in the company name because of his love for the town and his humble beginnings. He said that they love Sonoma and would abide by Council's decision.

Max Crome, architect for Williams-Sonoma, rebutted the claims made by Barnett and explained that all proposed events were hosted events that would support the retail operation and their intent was never to be an event center. He explained that in proposing valet parking their intent was to lessen the impact on the neighborhood. If using Broadway for loading and unloading passengers was not possible they could use their parking lot.

Steve Atkinson stated that the proposed events were minor activity in the context of the year-round retail use of the property amounting to no more than 1% of the store's operating hours. He said he did not believe specific standards for valet parking were required and pointed out that five of the Commissioners determined they could make the necessary findings.

RECESS: The meeting recessed from 8:25 to 8:35 p.m.

The following persons spoke in opposition to the appeal: Manuel Merjil stated Williams-Sonoma brought value to the community. Bob Gardener stated Williams-Sonoma was an international treasure and a great thing for the community. Susie Hart, Renaissance Lodge, stated that Williams-Sonoma helped bring in midweek corporate business and creates a competitive advantage to Sonoma. Sondra Bernstein, Girl and The Fig, stated Sonoma needed the diversity and jobs that Williams-Sonoma brought and did not feel cooking classes and artisan markets were special events. Bill Blum, McArthur Place, agreed with Ms. Hart that Williams-Sonoma provided a competitive edge for mid-week groups and stated their average group size was ten to twenty and they provided transportation to and from events at the store, no need for valet parking. Maureen Cottingham, Sonoma Valley Vintners & Growers, stated that the events Williams-Sonoma would hold provided opportunities for town's people to sit around and share stories over food and wine which is what the community is all about. Chris Yaryan pointed out the approved capacity of the facility was above and beyond what they were seeking for the events. Mary Lester stated that Chuck Williams wanted Sonoma included in his business plan and that Williams-Sonoma wants to do the right thing in the right way. Lloyd Davis, Corner 103, said the City should encourage new businesses like Williams-Sonoma, they were needed.

The following persons spoke in support of the appeal: Steve Barbose stated that the Council should uphold appeal and require that the appropriate standards and findings be made. Helen Marsh stated the lack of ADA compliance was a huge issue. She said there needed to be a balance between the business community and the people who live here. David Eichar said he had been in contact with Caltrans and confirmed that they would not issue an encroachment permit to Williams-Sonoma. John Kelly stated that the appeal filing fee should have been waived for Mr. Barnett because of all the years of service he had provided to the community and noted the traffic impact Williams-Sonoma had already produced on First Street West. Mary Martinez disagreed with the parking exceptions. Jane Zimmerman stated she supported Williams-Sonoma but not the proposed events. Claudia Robbins urged Council to develop regulations about this type of permit. Norma Barnett stated the Council needed to consider and uphold ADA and State Caltrans laws. Patricia Cullinan stated she did not feel the City regulations were being considered or followed.

CIm. Hundley stated that it was meaningful that Williams-Sonoma wanted to hold on to its history as its brand. She said they may have to work with the City while it defines "accessory use" and "special event" and develops standards for the use of valet parking. Perhaps a solution would be to approve a temporary permit with a requirement that ADA and encroachment permit issues were answered. CIm. Gallian agreed and added she wanted answers to how these issues were or were not addressed in the code and to provide the Planning Commission tools to work with. CIm. Agrimonti agreed with Hundley and Gallian.

Item 6B: Discussion, consideration and possible action on an appeal of the Planning Commission's approval of an amendment to the Use Permit for Williams-Sonoma (605 Broadway) allowing events subject to a one-year review, among other conditions, Continued

Clm. Edwards stated his support for Williams-Sonoma and added that he agreed with many of Mr. Barnett's points. He said a little more work needed to be done to iron out the issues and he would love to be part of a study session and work towards that end.

Mayor Cook stated he felt the matter should be referred back to the Planning Commission to work on the issues that had been raised.

Responding to inquiry from Clm. Agrimonti, City Attorney Walter stated that if the Council wanted to develop new regulations he suggested they uphold the appeal.

It was moved by Clm. Gallian, seconded by Clm. Edwards, to uphold the appeal. The motion carried unanimously. City Attorney Walter stated that sufficient direction had been provided for staff to begin to develop amendments to the code and a resolution memorializing Council's decision and appropriate findings will be brought back for Council approval.

7. REGULAR CALENDAR – CITY COUNCIL

Item 7A: Presentation of 2014-15 Annual Report of the Sonoma Tourism Improvement District.

City Manager Giovanatto reported the Sonoma Tourism Improvement District (TID) was a benefit assessment district formed to support marketing and sales promotion efforts for Sonoma lodging businesses. The TID included all lodging businesses located within the boundaries of the City of Sonoma. Originally formed in 2013 and subsequently renewed for a 10-year period through June 30, 2025, the TID board was required to present an annual report at the end of each year of operation to the City Council pursuant to Streets and Highways Code §36650.

Bill Blum, Wendy Peterson and Jonny Westom spoke on the successful marketing campaigns and concurrent economic results of their activities.

Mayor Cook invited comments from the public. David Eichar stated he was pleased with the Plaza holiday lighting and grant programs. He would like to see additional funds go towards grants. It was moved by Clm. Gallian, seconded by Clm. Agrimonti, to accept the annual report. The motion carried unanimously.

Item 7B: Discussion, consideration and possible action on a request submitted by Nuestra Voz for a waiver of Plaza rental fees for the 2015 Celebration of Mexican Independence Day.

City Manager Giovanatto reported that City imposed fees and charges for services that benefit only specific users and do not benefit the general public as a whole. The calculations for Plaza rental fees took into consideration not just the obvious wear and tear on the Plaza but also the use of electricity and water and the amount of staff time required to review event applications, meet with event organizers, help stage and monitor events. Review and planning for events such as the Mexican Independence Day require a significant amount of time and expense by personnel from the Police, Fire, Public Works, Parks and Administrative Departments. She reported that Nuestra Voz had received a \$2,500 grant from the Tourism Improvement District (TID). The total amount of rental fees paid by them for the 2015 Mexican Independence Day celebration was \$1,733. They were also required to provide a damage deposit in the amount of \$400 which is refundable if there is no damage to City property. Other expenses Nuestra Voz would be responsible for if the event was approved by CSEC would be the cost of security provided by the Sheriff's Department, a requirement due to the sale of alcohol, and reimbursement to the City for staff time spent monitoring the event.

Giovanatto stated that staff recognized the importance and significance of the Celebration of Mexican Independence Day to the Sonoma community; however did not recommend a General Fund subsidy of the event for the following reasons: 1) The City Council had not provided a General Fund allocation for event subsidies; 2) It established a precedent for going beyond the funding provided by the TID for special events, and 3) a waiver of fees constituted a use of taxpayer funds to pay the costs of non-profit events. Mayor Cook invited comments from the public. Jesus Ceja said they had been holding the event for over ten years and were a 100% nonprofit organization relying upon an all-volunteer work force. He said the funding received

Item 7B: Nuestra Voz request for a waiver of Plaza rental fees, Continued.

from the TID could only be used for marketing and that the Plaza rental fees had increased from previous years. Also speaking in support of the fee waiver request were Hugo Mandosa, Alejandra Cervantes and Linda States.

Councilmembers discussed the request and agreed it was a good event however the City lacked funding for fee waivers and they looked forward to creation of a proposed Community Fund. Council also encouraged the group to seek community sponsors. It was moved by Clm. Gallian, seconded by Clm. Hundley, to deny the request for a fee waiver. The motion carried four to one, Clm. Edwards dissented.

Item 7C: Discussion, consideration, and possible action on a resolution to update City Standard Plans, as amended.

Public Works Director Takasugi reported that one of the Council's FY 2015/16 goals was to designate the Continental crosswalk striping as the preferred alternative. That and other City standard plans had been prepared for Council approval. Mayor Cook invited comments from the public. Paul Watts thanked the Council for accepting his idea about the Continental crosswalks and stated they will make the streets safer for pedestrians. Bill Willers requested that the City consider changing the installation guidelines of double check valves. It was moved by Clm. Gallian, seconded by Clm. Agrimonti, to adopt Resolution Number 27-2015 entitled A Resolution of the City Council of the City of Sonoma Adopting City Standard Plans, As Amended. The motion carried unanimously.

Item 7D: Discussion, consideration and possible action to introduce an ordinance relating to the automatic appointment of commission alternates.

Seeing that the hour was late Council reached a unanimous consensus to continue this item to a future meeting.

Item 7E: Discussion, consideration and possible action to approve a Resolution in support of new State and Local Sustainable Transportation Funding.

City Manager Giovanatto reported the League of California had urged all cities to provide a resolution of support for legislative action on the immense underfunding of California's transportation infrastructure. She stated that Governor Brown called an extraordinary session of the Legislature to address this issue and the League was working with a broad coalition to seek support for transportation funding. The public comment period was opened and closed with none received. It was moved by Clm. Hundley, seconded by Clm. Agrimonti, to adopt Resolution Number 28-2015 entitled A Resolution Urging the State to Provide New Sustainable Funding for State and Local Transportation Infrastructure. The motion carried unanimously.

Item 7F: Discussion, consideration and possible action to approve a Resolution in opposition of AB 113 sponsored by State Department of Finance.

City Manager Giovanatto that reported AB 113, a budget trailer bill introduced on June 18, 2015 and amended July 9, 2015, reversed and revised key provisions of the redevelopment dissolution laws offered to local agencies as incentives for resolving issues with the Department of Finance and obtaining a "finding of completion." These were promises that were made to cities in AB 1484 of 2012. Now that 85% of the successor agencies in the State had made the concessions to the Department of Finance necessary to obtain these findings, AB 113 sought to change the rules. While Sonoma has received their "finding of completion" there are other nuances in this legislation that may affect the City. The public comment period was opened and closed with none received. It was moved by Clm. Hundley, seconded by Clm. Gallian, to adopt Resolution Number 29-2015 entitled A Resolution of the City Council of the City of Sonoma Opposing AB 113. The motion carried unanimously.

8. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

9. COUNCILMEMBERS' REPORTS AND COMMENTS

Clm. Agrimonti thanked all for gathering for her birthday.

Clm. Edwards reported on the Redwood Empire Food Bank.

Clm. Gallian mentioned it was the opening day of school.

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 11:05 p.m. in the memory of Bob Stone and Cameron Jarrett.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma City Council on the 9th day of September 2015.

Gay Johann
Assistant City Manager / City Clerk