

**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
Monday, March 19, 2012
6:00 p.m.

MINUTES**

City Council
Joanne Sanders, Mayor
Ken Brown, Mayor Pro Tem
Steve Barbose
Laurie Gallian
Tom Rouse

6:00 P.M. – REGULAR MEETING

Mayor Sanders called the meeting to order at 6:05 p.m. and led the Pledge of Allegiance.

PRESENT: Mayor Sanders and Councilmembers Barbose, Brown, Gallian, and Rouse
ABSENT: None

ALSO PRESENT: City Manager Kelly, Assistant City Attorney Nebb, Planning Director Goodison, Deputy City Clerk Evans

1. COMMENTS FROM THE PUBLIC

Herb Golenpaul suggested that veterans get in touch with Vet Connect. This organization meets the third Thursday of every month at the Vets' Building from noon to 3:00 and have representatives from the VA to provide information about benefits for veterans.

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers' Comments and Announcements

Clm. Brown dedicated tonight's meeting to the memory of Jerry Hill.

Clm. Barbose attended the memorial service for Jerry Hill on Friday. It was a very moving, beautiful tribute to a life well lived. Clm. Gallian was unable to attend the service, but read a quote in his honor.

Clm. Rouse attended a dinner with Congressman Mike Thompson, who gave very engaging, straight answers to questions posed to him. He also attended the St. Patrick's Day celebration sponsored by the Rotary. Sonoma County Public Safety sponsored the "Every 15 Minutes" program at Sonoma High regarding teen drinking and driving. He stated it was the most impactful tool he's ever seen, and one that everyone needs to see, especially in light of Sonoma's social host ordinance. Police Chief Sackett will have three DVDs available for viewing, and KSVY will run the video. Clm. Rouse reminded everyone that the CSEC youth rep position is open to applicants from the Valley and applications are due March 29.

Clm. Brown read aloud the argument in Favor of Measure J. He also put forth the idea of a proclamation for The Bachelor, Ben Flajnik, who did an amazing job promoting the City of Sonoma and increasing sales tax and tourism.

Mayor Sanders attended the first meeting of the County Oversight Board. It was interesting to see how it was organized. Supervisor Valerie Brown was elected Chair of the Oversight Board; County Counsel will be retained. A big question is how their obligation schedule affects other taxing entities. As a follow-up to the March 5 meeting, Mayor Sanders directed staff to agendize the resolution of intention for the TID (tourism improvement district) to the next City Council meeting.

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

City Manager Kelly noted that the first meeting of the Oversight Board will be held on Wednesday, April 4. The meeting is open to the public and held in conformance with the Brown Act. The City Council will hold a joint meeting with the Planning Commission and Design Review Commission on Monday, April 30, from 5:00-7:00 p.m. in the Community Meeting Room. There will be a community meeting regarding design and traffic calming for the Chase Street Bridge project on Tuesday, April 17, at 6:00 p.m. in the EOC meeting room.

4. PRESENTATIONS

Item 4A: Proclamation declaring April 2012 Child Abuse Prevention Month

Wendy Hilberman accepted proclamation and invited everyone to a luncheon/training on April 25. Clm. Gallian asked about the work of Child Protective Services (CPS) and Ms. Hilberman explained the process.

Item 4B: Report from Patricia Talbot, City of Sonoma representative on the Sonoma County Health Action Coalition, requested by Mayor Pro Tem Brown

Patricia Talbot, previous CEO of Sonoma Community Health Center, thanked the Council for her reappointment to the Sonoma County Health Action Coalition. Peter Rumble, Sonoma County Department of Health Services, was also present. Ms. Talbot presented a PowerPoint presentation with a focus on prevention. Mr. Rumble noted that there is a website for tracking the health of Sonoma County (www.healthysonoma.org).

5. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL

Item 5A: Waive Further reading and Authorize Introduction and/or Adoption of Ordinances by Title Only.

Item 5B: Approval of the Minutes of the March 5, 2012 Meeting.

Item 5C: Approve application by Speedway Children's Charities for temporary use of City streets for the Historic Racecar Festival on Saturday, June 2, 2012 and Adopt Resolution approving and consenting to the use of City streets for the Historic Racecar Festival Parade.

Item 5D: Approve the Notice of Completion for the Third Street West, Fourth Street West, and Hayes Street Rehabilitation project No. 1106, constructed by Able General Engineering and Direct the City Clerk to File the Document.

Item 5E: Approval of Indemnity Agreement with Keller Canyon landfill indemnifying City for hazardous waste and landfill closure liability; and approval of Indemnification Agreement with Sonoma Garbage Collectors, Inc. ("SGC") in which SGC assumes liabilities of and indemnifies City for the City's obligations under the Keller Canyon agreement referenced herein.

Clm. Barbose requested that Item 5B be continued, as there are proposed corrections to the minutes. He would like to pull Item 5E for separate discussion.

Clm. Barbose made a motion to approve Items 5A, 5C and 5D as submitted. Clm. Gallian seconded the motion. The motion carried unanimously.

Clm. Barbose confirmed that this contract obligates Sonoma Garbage to indemnify the City, but a corresponding provision and liabilities arising out of the waste Sonoma Garbage delivers that did not originate in the City. He questioned whether Sonoma Garbage hauls other waste that does not come from the City of Sonoma. City Manager Kelly noted that some of Sonoma Garbage's customers are outside City limits. Assistant City Attorney Nebb noted that Keller Canyon's counsel is concerned that in crafting the indemnity agreement as it related to waste coming from Sonoma, that if the hauler themselves mixed the waste with other waste in the drop-off, that they would be indemnifying other parties, not the City. They were looking for the City to reciprocally indemnify them for that drop. She further noted that pursuant to our contract, they are not supposed to be mixing the waste from our stream with waste from another stream; it was a condition required of Keller to obtain the indemnification we were looking for relative to our waste going into Keller. Arguably, we shouldn't otherwise be liable for waste that didn't originate here anyway. We are taking on a small obligation in order to pass along a larger one.

With his experience with the Waste Management Agency, Clm. Barbose is concerned that these landfill closure cost liabilities are large numbers and he is not in favor of indemnifying Keller Canyon for anything that didn't originate in the City.

Assistant City Attorney Nebb suggested we go back to Keller Canyon for additional discussion and state the City Council's concerns. She noted that the hauler is prohibited from mixing the City's trash stream with others. We do have a liability where the dump site is, absent indemnification. Clm. Gallian commented that the possible fines that could result are staggering, as are the risk and liability.

Clm. Barbose asked whether Keller would be willing to accept an indemnity from Sonoma Garbage and keep the City out of it. Staff will follow up on this issue.

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

Item 6A: Approval of the portions of the Minutes of the March 5, 2012 City Council/ Successor Agency Meetings pertaining to the Successor Agency.

City Manager Kelly noted that since Clm. Barbose requested the carryover of these minutes, this portion would also have to be continued.

7. PUBLIC HEARING – None Scheduled

8. REGULAR CALENDAR – CITY COUNCIL

Item 8A: Discussion, consideration and possible ratification of Mayor's appointments to the Oversight Board of the Successor Agency to the dissolved Sonoma Community Development Agency.

City Manager Kelly presented staff's report. The Mayor put forward her nominations for the Oversight Board as Trent Hudson for the employee representative and Robin Evans for the alternate employee representative

Herb Golenpaul requested the names of the Oversight Board members and a list was given to him.

Mayor Sanders' nomination for the employee member of the Oversight Board is Trent Hudson, with Robin Evans as the alternate.

Clm. Barbose made a motion to accept the employee appointment to the Oversight Board. Clm. Gallian seconded the motion. The motion carried unanimously.

Mayor Sanders made a motion to nominate Clm. Barbose as her alternate to the Oversight Board. Clm. Gallian seconded the motion. The motion carried unanimously.

Item 8B: Discussion, consideration, and possible direction to staff concerning the recommendation of the Facilities Committee to investigate legal methods of altering the terms of the Maysonnave bequest with respect to the disposition of the Maysonnave Cottage and Barn.

Planning Director Goodison presented staff's report.

Pat Pulvirenti, speaking on behalf of Sonoma League for Historic Preservation, noted that the League supports the City's attempt for equitable deviation. They are not opposed to selling the house with a conservation easement to protect and maintain the integrity of the building.

Nancy Simpson, Sonoma, member of the Sonoma League for Historic Preservation, noted that she is glad we're at this point in discussion. She has had much contact with people who knew Henry and truly believe this wouldn't be something he expected to happen. She believes we should embrace this opportunity to preserve the cottage. The City sets an example for historic preservation of structures, and there should be no demolition by neglect. She urged the City Council to pursue selling the property with a conservation easement.

Herb Golenpaul, Sonoma, noted that setting this precedent would give anybody the chance in the future to give something to the City. He suggested asking members of the Maysonnave family their opinion to see if this option is acceptable to them. He also would like any information on possible hazardous materials in house presented to the buyer.

Barbara Flajnik, Sonoma, told the story of Henry Maysonnave and Hazel Carter. Her family rented the cottage in 1985. She would like to see a different solution than demolition.

Clm. Barbose thanked the audience members who spoke and Joe Costello for offering a solution to a difficult situation. Equitable deviation takes a court order. He would like to direct the City Attorney to pursue this with creativity and determination and return with approval on the equitable deviation, which would be a win-win situation for all parties.

Assistant City Attorney Nebb gave a brief summary of the issues. The bequest states what happens and an alternate bequest is being requested. The alternate beneficiary of the bequest is the State of California. If the State objects to the change in the bequest, the costs could range

Item 8B: Maysonnave Cottage and Barn, Continued

in the \$20,000-\$30,000 range if vigorously opposed. She can speak with the State first and find out if they would oppose the change in the bequest.

Clm. Gallian made a motion to support the recommendation of the Facilities Committee to amend the Maysonnave bequest. Clm. Brown seconded the motion. The motion carried unanimously.

Item 8C: Discussion, consideration and possible action regarding a request for a letter of support for the Spirit Boxes project from the American Legion, requested by Mayor Pro Tem Brown and Councilmember Gallian.

City Manager Kelly presented staff's report.

Gary Magnani, Paul Hoffman, and Rolf Samuelwicz were present to discuss the project and requested an endorsement to move forward. Two spirit boxes will be created before Memorial Day (for the Norman and Shea families). They would like to see the memorial in place sooner rather than later.

Mayor Sanders asked where the Spirit Boxes would be located. Mr. Magnani noted their initial thought was Sacramento, maybe McClellan AFB. It is difficult to find a place that would attract people to witness this tribute, and he is open to suggestions for placement. Clm. Gallian commented that the project artist has spoken in Washington, DC, and this is particularly sensitive to our area due to the close proximity of the Vets' Building and cemeteries.

Herb Golenpaul, Sonoma, confirmed that the memorial would be only for personnel who have fallen in the wars in Iraq and Afghanistan, and if it is only for those who died in battle.

Clm. Brown is fully supportive of the City writing a letter in support. He suggested that the curators at the Sonoma Valley Museum of Art may be able to add their expertise to help the project move forward.

Clm. Rouse made a motion to approve a letter of support for the Spirit Boxes. Clm. Barbose seconded the motion. The motion carried unanimously.

Item 8D: Discussion, consideration and possible action regarding a review of the process for City proclamation requests, requested by Mayor Pro Tem Brown and Councilmember Gallian.

City Manager Kelly presented staff's report and noted there is currently no written process for proclamations, and they are usually at the Mayor's discretion.

Clm. Brown is seeking clarity and believes it would be a good thing to have a policy on proclamations. Clm. Gallian noted that sometimes requests for proclamations come from citizens, and other times from Councilmembers. Guidelines are needed, and a reason if a proclamation is denied.

Clm. Barbose wondered what we are trying to achieve. This is the provenance of the Mayor, and he is concerned about the timeliness of the process. This was never an issue when he was mayor. Clm. Rouse agrees with Clm. Barbose. He believes we have a lot of rules already, and it should be kept at the Mayor's prerogative.

Clm. Brown is uncomfortable with that. He agrees with Clm. Gallian that if someone requests a proclamation and the request is denied, he would want to know the reason for the denial. It would be a worthwhile exercise. He is not fond of rules, but he would not have put this item on the agenda if he didn't believe in it.

Mayor Sanders called for a straw vote to keep the issuance of proclamations at the discretion of the Mayor. Ayes: Sanders, Barbose, Rouse. Noes: Brown, Gallian.

9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

No items.

10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS

Item 10A: Reports Regarding Committee Activities.

Clm. Barbose attended a Facilities Committee meeting. He also attended a meeting of the Sonoma County Waste Advisory Group. They are moving forward with a permitting process for the central landfill, as it is currently on a temporary basis. They are waiting for approval by the Water Board, but progress is being made. The consultant's report that addressed the County's policy should be received shortly and directly given to return with a concrete proposal.

Clm. Gallian attended the special meeting of the Regional Climate Protection Authority. She also attended a conference on "Building Living Communities" and saw a zero-energy complex at UC Davis.

Mayor Sanders attended the economic development partnership meeting. She commented that the new shared workspace at the Community Center could help with tourism for those business people visiting Sonoma who need a place to work. She had an interesting discussion about the importance about having the next County Supervisor know the significance of redevelopment. She attended groundbreaking for the Valley Oaks affordable housing project on Sonoma highway. This project may be a platinum LEED project. Tomorrow is the library reopening.

Clm. Gallian asked if anything was being planned by the CSEC for Earth Day on April 22. She also thanked the local paramedics for their quick response to her son's recent motorcycle accident.

Item 10B: Final Councilmembers' Remarks.

11. COMMENTS FROM THE PUBLIC

Herb Golenpaul thanked Clm. Barbose for bringing up the garbage issue and indemnification.

David Cook, Sonoma, brought up the issue of people not driving slow down Highway 12 when school is getting out, and asked whether anybody had looked into fixing this issue.

12. PUBLIC COMMENTS REGARDING CLOSED SESSION

None.

13. CLOSED SESSION

The meeting adjourned to closed session at 8:05 p.m.

Item 13A: CONFERENCE WITH REAL PROPERTY NEGOTIATORS, pursuant to Government Code §54956.8. Property: Sebastiani Theater, 476 First Street East, Sonoma. Agency Negotiators: Councilmember Barbose, City Attorney Walter & City Manager Kelly. Negotiating Parties: Sebastiani Building Investors, Inc. Under Negotiation: Price and terms of lease.

14. RECONVENE IN OPEN SESSION.

15. ADJOURNMENT

The meeting was adjourned at 8:14 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 April 2012.

Robin Evans, Deputy City Clerk