

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



**Monday, April 16, 2012
6:00 p.m.**

**Community Meeting Room, 177 First Street West

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

MINUTES

OPENING

Mayor Pro Tem Brown called the meeting to order at 6:00 p.m. and announced that Mayor Sanders was out of town and he would be chairing the meeting. Herb Golenpaul led the Pledge of Allegiance.

PRESENT: Mayor Pro Tem Brown and Councilmembers Barbose, Gallian, and Rouse
ABSENT: Mayor Sanders

ALSO PRESENT: City Manager Kelly, Assistant City Manager Giovanatto, City Clerk Johann, City Attorney Walter, Planning Director Goodison, and Police Chief Sackett.

1. COMMENTS FROM THE PUBLIC

Herb Golenpaul thanked the City Council for their caring and very thoughtful get-well letter that he received.

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers' Comments and Announcements

Councilmembers each gave a rave review of the 2012 Sonoma International Film Festival.

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

City Manager Kelly announced that the next Oversight Board meeting would be May 9, 2012. She also announced that in consultation with Mayor Sanders and Mayor Pro Tem Brown, the planned joint meeting with the Planning and Design Review Commissions on April 30, 2012 had been canceled due to a lack of discussion items. She stated that staff had prepared a fact sheet for Measure J, the June 5, 2012 sales tax ballot measure.

4. PRESENTATIONS

Item 4A: Proclamation declaring the fourth Friday in April 2012 Children's Memorial Day

Mayor Pro Tem Brown read aloud the proclamation and presented it to John Goehring of Minimize Occurrences of Violence in Everyday Society (MOVES). Mr. Goehring thanked the City Council for their support and reported on the functions and activities of the non-profit group (MOVES) toward the goal of increasing awareness and getting the public more involved in the process of making the community less violent.

Item 4B: Proclamation Declaring April 22-28, 2012 National Crime Victims' Rights Week

Mayor Pro Tem Brown read aloud the proclamation and presented it to Chief Deputy District Attorney Bud McMahan. Mr. McMahan thanked the City Council and Chief Sackett for their ongoing support and invited all to attend the Sonoma County Crime Victim's Rights Week Celebration on April 24, 2012.

Item 4C: Presentation of the Police Department's 2011 Annual Report

Police Chief Sackett presented the 2011 Annual Police Department Report, reported on the department's programs and provided the 2011 crime statistics. Overall, there was a downward trend in the overall crime rate. They will be seeking grant funds again to enable them to continue the education and enforcement operations related to underage drinking.

Mayor Pro Tem Brown thanked Chief Sackett and stated that his, and the services of the Sonoma County Sheriff's Department, were appreciated by all.

Item 4D: Proclamation declaring the May 12-13, 2012 350 Home and Garden Challenge Weekend.

Mayor Pro Tem Brown read aloud the proclamation and presented it to Patricia Talbot, the City's representative on the Sonoma County Health Action Committee. Ms. Talbot thanked the City Council for their continued support and reported on the various activities that were planned for the upcoming Challenge Weekend.

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 and ratification of the appointment of Micaelia Randolph as the alternate commissioner on the Design Review Commission for a two-year term.

Item 5C: Request by the Timoun d'Haiti (Children of Haiti) for City-subsidized use of the Sonoma Valley Veterans Memorial Building on January 12, 2013. Approved subject to applicant's compliance with the City's standard insurance requirements.

Item 5D: City Council Approval of reimbursement and operating agreement between the City of Sonoma and the City of Sonoma as Successor Agency.

Item 5E: Authorization to execute and file a Notice of Completion for the Sonoma Valley Regional Library Improvement Project.

Item 5F: Approval of the Minutes of the March 19 and April 2, 2012 Meetings.

It was moved by Clm. Rouse, seconded by Clm. Gallian, to approve the agenda order and consent calendar as presented. The motion carried unanimously, Mayor Sanders absent.

Guilaine Salomon and Sara Hammett thanked the City Council for approving the rent subsidy at the Veteran's Building and reported that all funds raised at their event would go to an orphanage in Port-au-Prince.

Mayor Pro Tem Brown thanked Micaelia Randolph for her willingness to serve on the Design Review Commission.

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

Item 6A: City Council as Successor Agency Approval of reimbursement and operating agreement between the City of Sonoma and the City of Sonoma as Successor Agency.

Item 6B: Ratify Actions of the Oversight Board for the Recognized Obligation Payment Schedule [ROPS] for the Period of January 1, 2012 through June 30, 2012. (Res. No. SA 02-2012)

Item 6C: Approval of the portions of the Minutes of the March 19 and April 2, 2012 City Council / Successor Agency Meetings pertaining to the Successor Agency.

Item 6D: Discussion, Consideration and Possible Action on Adoption of the Second Recognized Obligation Payment Schedule [ROPS] for the period July 1, 2012 through December 31, 2012. (Res. No. SA 03-2012)

It was moved by Clm. Rouse, seconded by Clm. Gallian, to approve the agenda order and consent calendar as presented. The motion carried unanimously, Mayor Sanders absent.

7. PUBLIC HEARING

Item 7A: Discussion, consideration, and possible action on the appeal of Kevin and Bernadette Calhoun regarding Planning staff's interpretation of the provisions of an easement pertaining to 19725 Seventh Street East.

Planning Director Goodison reported that the property located at 19725 Seventh Street East, although located outside of city limits, was subject to a scenic easement granted to the City by its former owners in 1985. The easement was required in conjunction with the annexation and development of the Laurel Wood subdivision, a 16-unit single-family development at Avenue del Oro and Appleton Way. As stated in the City Council resolution requiring the easement, its purpose is to ensure that "...no additional dwelling units be constructed on the easterly portion of the subject property and not being annexed to the City of Sonoma by this reorganization." The easement document itself goes into greater detail in implementing this intent and includes a requirement that no excavation or grading may occur on the property without the prior written consent of the City. Early in 2012, Robert Bauman, an architect representing the current property owner, Selma Blanusa, provided Planning staff with a proposal to relocate an existing stable and to develop a new garage on the property. After evaluating this proposal with respect to the terms of the easement, staff made a written finding of compliance. This finding was shared with interested neighbors as the property owner had been in communication with them concerning the project. With specific reference to the relocation of the stable, the staff finding has been appealed to the City Council by Kevin and Bernadette Calhoun of 714 Appleton Way.

Cim. Barbose inquired if there were possible legal ramifications should this matter be pursued further in the courts. City Attorney Walter stated that most decisions of an administrative body go to court with the presumption of correctness. He added that the easement in question was placed solely for the benefit of the City and he felt that the court would defer any action on it to the City Council.

Mayor Pro Tem Brown opened the public hearing. Richard J. Hicks, of Spaulding McCullough & Tansil, LLP, stated that before the Calhouns purchased their property; they received assurances from the previous owner, their real estate agent, and City staff that a portion of open space behind their property would remain open in perpetuity according to the terms of an easement on the Dowd property. He said similar assurances had been made to others who purchased property in the area. Hicks stated that, in City records, the easement was always described as being "scenic, for open space purposes". He stated that although he and his clients disagreed with staff's current interpretation; they would not object to the relocation of the horse stable provided it was located at least 150 feet from the eastern boundary of the Calhoun's property.

Selma Blanusa stated that she purchased the property because it was a beautiful Sonoma landmark farm consisting of 4.6 acres with an existing home, two well houses, a garage, barn, stable and hobby building. She said it was her intent to move the historic stable building from its current location to the field in an effort to cluster the animal buildings in the pasture and to be able to maintain a line of sight for the animals. Blanusa stated that she read the easement document before purchasing the property and added it was important, in this matter, to separate dialog (what was said) from the actual legal documentation. She said the easement did not include the phrases "open space" or "scenery easement" and that it was intended to prevent construction of additional dwellings on the property.

John Bonnoitt stated he was the Civil Engineer working for the Dowds when the property was originally developed and that he attended every meeting held regarding the project. Bonnoitt stated that the easement was for one purpose only and that was to limit further residential construction.

Bernadette Calhoun stated that they purchased their home and had made improvements to it based on assurances that the open space behind their property would remain open. She said they would not have made investments in the property had it not been for those assurances. Calhoun stated that the value of their home would be reduced by approximately twenty percent if the stable was allowed to be relocated.

Kevin Calhoun stated that staff's interpretation could prove to be inconsistent with future policy.

Lorie Maggioncalda stated they paid more for their property because of confidence in the easement document and assurances made by realtors and staff at City Hall.

Mike Maggioncalda stated this would be precedent setting for many properties and urged the City Council to make the best decision based on the heart of the law and its definition.

Item 7A: Appeal of Kevin and Bernadette Calhoun, continued

Jean Parisi stated they purchased their home twenty-seven years ago because of the open space and assurances that nothing could be built on it. She said, back then, the property owners and the City had worked very hard to come up with an agreement that included two easements and she stated that a compromise to locate the stable 150 feet from the property line would satisfy all the property owners.

Daniel Cassabone stated he was the Real Estate agent representing the Dowds when the Blanusas purchased the property. He stated people should not rely on stories they are told but should read the actual paperwork.

Vince Parisi stated that the developers said the Dowd's property couldn't be subdivided and nothing could be moved and that he had also confirmed this with City staff. He said many people had spent money to capitalize on the beautiful view on the belief that it was a perpetual open space.

Marlene Ciatti stated she was a property owner and wondered why she had not received any type of notice of this pending action that would affect her and her property.

Seeing there were no additional comments, Mayor Pro Tem Brown closed the public hearing.

Planning Director Goodison responded to Ms. Ciatti by explaining that because the property was located outside the City limits and the matter was not associated with a planning application; there had been no notification requirements that applied.

CIm. Gallian stated that she understood why Ms. Blanusa wanted to locate the stable at 60 feet rather than 150 feet from the property line. She noted that the County required outbuildings to be no closer than 60 feet from the property line.

CIm. Barbose stated that as a Councilmember, he found land use decisions to be the most difficult to deal with and he would have preferred that the property owners reach a compromise on their own. He stated that in the written documents the term "scenic" was associated with a reference to residential units and was tied to dwelling density. He added that the purpose of the easement was not to give people the right to look at a field and it was unfortunate that those who bought properties had been told something different. He stated that the property rights of the owner were sacrificed in the beginning and now the property owner has the right to do what she intended to do and that he would vote to deny the appeal.

CIm. Rouse agreed. He said he did not believe the easement had been put into place to lessen the ability of the property owner to move stuff around; it was intended to restrict the construction of dwellings.

CIm. Gallian stated she visited both properties and spoke with both sides. She said she could see the reason for moving the stable to 60 feet from the property line and would also vote to deny the appeal.

Mayor Pro Tem Brown stated his agreement with his fellow Councilmembers. He told those in the audience that their properties were beautiful and would remain beautiful and that Ms. Blanusa was dedicated to maintaining a family farm on her property.

It was moved by CIm. Barbose, seconded by CIm. Gallian to direct staff to prepare an implementing resolution denying the appeal, to be adopted at a future meeting. The motion carried unanimously, Sanders absent.

RECESS: The meeting recessed from 8:00 to 8:10 p.m.

8. REGULAR CALENDAR – CITY COUNCIL

Item 8A: Discussion, consideration and possible action regarding establishment of a Sister City relationship with Tokaj, Hungary, requested by Mayor Pro Tem Brown.

City Manager Kelly reported that Bill Boerum, President of the Sonoma Sister Cities Association, and George Webber had requested exploration of a sister city relationship with Tokaj, Hungary.

Item 8A: Sister City relationship with Tokaj, Hungary, continued.

Clm. Rouse inquired how much staff time another sister city would require. City Manager Kelly responded it depended a lot on how active the committee was. She said that staff typically dealt with administrative issues when visiting delegations were in town.

Mayor Pro Tem Brown invited comments from the public. Bill Boerum stated that Tokaj was known as the most renowned of Hungarian wine cities and that the Council of Tokaj had already approved the proposed sister city relationship. He stated that the new owner of Buena Vista Winery was eager to promote the historic nature of the winery and would be celebrating the bicentennial of Count Agoston Haraszthy's (the winery's founder) birth on August 30, 2012 with great fanfare.

George Webber stated he would be portraying Haraszthy as part of the festivities and that this was a unique opportunity for a sister city relationship. He said he had at least fifty-six people interested in joining the organization and noted that many of them were Hungarian Americans.

Reverend Sandor Farkas stated that he and many other Hungarian Americans were supportive of forming the sister city relationship.

Kathy Swett, Sonoma Community Center, spoke in support and added that Count Haraszthy would be the theme for this year's 4th of July celebration.

Nancy Boerum and Elizabeth Cain also spoke in favor of the sister city relationship with Tokaj.

Councilmembers expressed their individual support as well. It was moved by Clm. Rouse, seconded by Clm. Gallian, to approve the Sister City relationship with Tokaj, Hungary, to authorize the City Manager to draft an agreement establishing such Sister City relationship and to authorize the Mayor to sign the agreement on behalf of the City. The motion carried unanimously, Sanders absent.

Item 8B: Discussion, consideration and possible action regarding the disposition of funds raised at the 2012 Alcalde event, requested by Mayor Pro Tem Brown.

City Manager Kelly reported that due to the City's financial situation this year, City funds allocated for the Alcalde event had been reduced to \$500. Councilmember Rouse allocated one month of his Council pay (\$300) toward the event. Because donations had been requested and an anonymous donation provided, there was a surplus from the event. City Manager Kelly stated that Mayor Pro Tem Brown requested a City Council discussion and decision regarding the remaining funds. The 2012 Alcalde, Whitney Evans, would like a portion of the remaining funds to be donated to youth-serving nonprofits including the Boys & Girls Clubs of Sonoma Valley and Sonoma Valley Teen Services.

Whitney Evans stated that it had been a good decision to change to a reception format for the reception and reported that a group of Alcaldes were meeting and discussing ways to promote volunteerism among the youth. He supported donating the money to the youth who provided food for the event.

It was moved by Clm. Gallian, seconded by Clm. Rouse, to donate the surplus funds to the Sonoma Valley Teen Center and the Keystone Club. The motion carried unanimously, Sanders absent. Clm. Rouse stated he would make a donation again next year for the event.

9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY, None

10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS

Item 10A: Reports Regarding Committee Activities.

Clm. Barbose reported on the Sonoma County Waste Advisory Committee meeting.

Clm. Gallian reported on the Regional Transportation Authority / Regional Climate Protection Authority meeting. She also reported that she, City Manager Kelly and City Clerk Johann had been acknowledged for their efforts serving as the 2011 Chair city at the Mayors and Councilmembers Association meeting and that she enjoyed hearing from the guest speaker, Dr. Frank Chong, the new Superintendent/President of Santa Rosa Junior College.

Item 10B: Final Councilmembers' Remarks.

Clm. Gallian congratulated David Bolling on his recent appointment as publisher of the Index Tribune.

11. COMMENTS FROM THE PUBLIC

Herb Golenpaul offered to conduct boat safety inspections for anyone interested.

12. ADJOURNMENT

The meeting was adjourned at 8:46 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 7th day of May 2012.



Gay Johann, MMC
City Clerk