

**SPECIAL & 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, May 7, 2012
5:30 p.m. Closed Session (Special Meeting
6:00 p.m. Regular Meetings

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

MINUTES

5:30 P.M. – SPECIAL MEETINGS - CLOSED SESSION

1. CALL TO ORDER

At 5:30 p.m. Mayor Sanders called the meeting to order. No one from the public was present to provide public testimony on closed session items. The Council recessed into closed session with all members, except Clm. Rouse, present. City Manager Kelly and Assistant City Attorney Abaci were also present for Item 2A. Assistant City Manager Giovanatto joined the meeting for Item 2B.

2. CLOSED SESSION

ACTING AS THE CITY COUNCIL:

Item 2A: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.
Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9: (one potential case)

ACTING AS THE CITY COUNCIL AND THE CITY COUNCIL AS THE SUCCESSOR AGENCY TO THE DISSOLVED SONOMA COMMUNITY DEVELOPMENT AGENCY:

Item 2B: CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION.
Initiation of litigation pursuant to Cal. Gov't Code section 54956.9(c): one potential case

6:00 P.M. – REGULAR MEETING

The City Council reconvened in open session and Mayor Sanders called the meeting to order at 6:00 p.m. Clm. Barbose led the Pledge of Allegiance.

PRESENT: Mayor Sanders and Councilmembers Barbose, Brown, and Gallian
ABSENT: Clm. Rouse

ALSO PRESENT: City Manager Kelly, Assistant City Manager Giovanatto, City Clerk Johann, Assistant City Attorney Abaci, Planning Director Goodison, Public Works Director Bates.

REPORT ON CLOSED SESSION - Assistant City Attorney Abaci reported that no action was taken regarding Closed Session Item 2A. Regarding Closed Session Item 2B, the Council, Acting as the Successor Agency, by a vote of 4-0 voted to appeal the Department of Finance decision not to approve the Recognized Obligation Payment Schedule for the first six months of the year.

1. COMMENTS FROM THE PUBLIC

Bonnie Krupp stated that the City's leaf blower regulations should include a homeowner medical exception (to the hours of operation) and reported that landscaping company owners were not displaying their company name on their vehicles as required by the ordinance.

Students Francesca Pharo and Gracie Vollert stated that due to budget cuts all middle school sports programs had been canceled for the next school year. They reported that a group called Save our Sports (SOS) had been formed and were conducting fundraising events so the sports programs could be reinstated at Adele Harrison and Altimira Middle Schools. They asked the public to make donations and/or attend one of the many fund raising events. Joanna Greenslade added that they needed to raise at least \$52,000.

1. COMMENTS FROM THE PUBLIC, Continued

Herb Golenpaul reported on the Safe Boating Week activities and announced that he had been certified as a Coastguard Auxiliary Crewmember.

Amy Miller stated that the Transcendence Theatre Company (TTC), a professional regional theatre company, had recently located in Sonoma. She reported they were producing Broadway concerts and musicals at the Jack London State Historic Park. TTC's Inaugural 2012 Summer Festival would include a series of "Broadway Under The Stars" Concerts along with community service, engagement, and education programs throughout the entire Sonoma Valley. Ms. Miller requested a place on a future Council agenda to make a ten-minute presentation about the company. Mayor Sanders invited Ms. Miller to contact her to discuss the request.

Stephan Stubbins, a member of TTC, sang "A Never Never Land" to the enjoyment of all.

Bob Parmelee asked when the City would get the \$250,000 promised for taking on the Successor Agency responsibility.

Harry Blum stated that Sonoma Valley Sun FM and TV were conducting their annual membership drive and encouraged everyone to help them with their fundraising efforts.

Toni Castrone, Sonoma Community Center, stated appreciation for all City employees and said it had been an honor to host an ice cream party for them.

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers' Comments and Announcements

Clm. Brown thanked the Community Center for hosting the ice cream party for City employees and announced he would be holding office hours every Tuesday during Farmers Market.

Clm. Gallian reported she joined the 350 Garden Challenge.

Clm. Barbose reminded everyone of next weekend's Sonoma Gran Fondo cycling event.

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

City Manager Kelly introduced Assistant City Attorney Abaci and reported that the agenda had been amended last Friday by the addition of Item 6B. The next meeting of the Oversight Board would be held May 9 at 5:00. She stated that Public Works Director Bates would be in contact with Ms. Krupp regarding her concerns related to the leaf blower ordinance. In response to the question posed by Mr. Parmelee, City Manager Kelly stated that the \$250,000 administrative allocation, listed in the Recognized Obligation Payment Schedule, had not been challenged by the Department of Finance; however, staff had no idea when the funds would be allocated.

4. PRESENTATIONS

Item 4A: Proclamation declaring May 10, 2012 Bike to Work Day

Mayor Sanders donned her bike helmet and presented the proclamation to Sandra Lupien and Jeffrey Montague of the Sonoma County Bicycle Coalition. She stated her appreciation for the coalition and urged all children to wear their bicycle helmets. Ms. Lupien announced the many events planned around Bike to Work Day. Mr. Montague thanked the Council for collaborating with them in helping make Sonoma bicycle friendly.

Item 4B: Proclamation for National Public Service Recognition Week, May 6-12, 2012

Mayor Sanders stated her appreciation for all public employees and thanked City Manager Kelly for her leadership. City Manager Kelly accepted the proclamation on behalf of the employees and stated that she had a great team to work with.

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 January 12, 2012, January 30, 2012, February 22, 2012, February 22, 2012 Special, and April 16, 2012 Meetings.
- Item 5C:** Approval and ratification of the appointment of Bryce E. Letcher to the Countywide Bicycle & Pedestrian Advisory Committee for a two-year term.
- Item 5D:** Adoption of resolution adopting terms and conditions of employment for non-represented confidential personnel and for executive, management and administrative personnel. (removed from consent, see below)
- Item 5E:** Approve Pets Lifeline 30th Anniversary special event application and authorize suspension of enforcement of Sonoma Municipal Code 8.12.040 (prohibiting dogs in public parks) at Depot Park July 28, 2012 from 8:00 a.m. - 5:00 p.m.
- Item 5F:** Authorize Request for Proposals for issuance of Pension Obligation Bonds.
- Item 5G:** Adoption of a resolution denying the appeal of Kevin and Bernadette Calhoun regarding Planning staff's interpretation of the provisions of an easement pertaining to 19725 Seventh Street East (confirming the City Council action of April 16, 2012).

Mayor Sanders removed Consent Item 5D and invited comments from the public. Bryce Letcher stated he hoped Council approved his appointment to the Bicycle Advisory Committee.

It was moved by Clm. Gallian, seconded by Clm. Brown, to approve the Consent Calendar except for Item 5D. The motion carried unanimously except that Sanders abstained from voting on Item 5G and the April 16, 2012 minutes, Clm. Rouse was absent.

Referencing Item 5E, Clm. Barbose thanked Nancy King and Bob Edwards for their continued efforts towards making the City more dog friendly.

Mayor Sanders stated that she had known Mr. Letcher for a number of years and that he was a very enterprising young man with his own bicycle touring business. Clm. Brown thanked Mr. Letcher for stepping forward. Mayor Sanders stated that she pulled Item 5D because she wanted to defer action until the Council had a chance to discuss the future salary and benefit package in Closed Session. City Manager Kelly stated that could be scheduled in June when there would be a full Council present.

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

- Item 6A:** Approval of the portions of the Minutes of the January 12, 2012, January 30, 2012, February 22, 2012, February 22, 2012 Special, and April 16, 2012 City Council / Successor Agency Meetings pertaining to the Successor Agency.

It was moved by Clm. Gallian, seconded by Clm. Brown, to approve Consent Item 6A. The motion carried unanimously except that Sanders recused on the April 16, 2012 minutes. Clm. Rouse was absent.

- Item 6B:** Authorization for Successor Agency to enter into an agreement with Marilyn Pinelli Gallagher Trust, on behalf of Royal Crown Cleaners, for groundwater monitoring wells associated with 32 Patten Street, Sonoma.

City Manager Kelly reported that the property located at 32 Patten Street was once the location of underground fuel storage tanks and had been the subject of groundwater monitoring for several years. The Sonoma County Department of Health Services had approved a Remedial Action Completion Certification pending proper destruction of the monitoring wells and soil vapor probes and had also indicated that the owners of the dry cleaner site (Royal Crown Cleaners) on Broadway might want to assume ownership/responsibility for selected monitoring wells. Representatives of Royal Crown Cleaners were drafting an agreement and staff was requesting authorization for the Successor Agency to enter into an agreement in a form acceptable to City staff and the City Attorney.

It was moved by Clm. Gallian, seconded by Clm. Barbose, to grant authorization as requested. The motion carried unanimously, Rouse absent.

7. PUBLIC HEARING – None Scheduled

8. REGULAR CALENDAR – CITY COUNCIL

Item 8A: Conduct of public meeting to allow public testimony regarding the proposed new assessment upon the formation of the Sonoma Tourism Improvement District.

City Manager Kelly reported that the City Council, at the April 2, 2012 meeting, adopted a Resolution of Intention to form a Tourism Improvement District (TID) for a period of three years (July 1, 2012 – June 30, 2015). Following the meeting of April 2, notices regarding the Public Meeting of May 7, 2012 and the Public Hearing of June 18, 2012 were mailed to all lodging establishments in City limits in accordance with the law governing the formation of Tourism Improvement Districts. She stated that Council was not being asked to make any decisions; that the purpose of the public meeting was to allow public testimony regarding the proposed new assessment of 2% on all overnight stays in the City of Sonoma lodging establishments (hotels, bed and breakfast inns and vacation rentals).

Clm. Barbose asked how secure the funding from the Successor Agency for the visitor Bureau was. City Manager Kelly stated that the Recognized Obligation Payments (ROPS) would be submitted and approved every six months. She added that the contract with the Visitor Bureau would expire in 2016 and that at this time, the State Department of Finance was not challenging the contract. City Manager Kelly reported that the TID proponents were willing to include a mechanism in their Management Plan to alleviate the funding uncertainty for the Visitor Bureau.

City Manager Kelly then provided an electronic presentation outlining details of the proposed TID. She pointed out that the final decision on the TID would not take place until after the June vote on the City's Sales Tax measure.

Clm. Barbose asked if the TID could underwrite special events or festivals. City Manager Kelly stated that event promoters could make requests directly to the TID Board. She acknowledged that the TID funds could be used for marketing purposes but it was unclear if they would be able to underwrite an event.

Mayor Sanders invited comments from the public.

Bob Edwards stated his opposition to the proposed TID. He stated the Council should instead raise the Transient Occupancy Tax (TOT) and use the funds; but if they moved ahead with the TID they should require the agreement (between the TID and the City) be in front of them and the agreement should include credible benchmarks. He asked that his comments and written correspondence be made part of the record. Attorney Abaci responded that this was a fairly informal process and there was no administrative record.

Bill Blum, MacArthur Place, stated the TID was not a tax; it was a self-assessment for the purpose of promoting overnight business. The beneficiaries would be the local businesses and the City.

Fran Meininger said she was representing sole proprietor retail and stated that small businesses benefited greatly from the Visitor Bureau marketing efforts.

Byron Jones, owner of vacation rentals and President of the Bed and Breakfast Organization, stated his support for the TID.

Doug McKesson said the TID was a great idea and the City would be the winner.

Bryan Smucker stated that he owned a store in St. Helena and one in Sonoma and he could attest to the value of the marketing done by the Sonoma Valley Visitor Bureau.

Herb Golenpaul said it was a tax no matter what you call it. He did not support the TID and suggested the Council raise the TOT instead.

Dan Parks, Inn at Sonoma, said the concept was not to advertise the hotels; it was to promote Sonoma as a tourist destination.

Clm. Brown stated his firm belief that the proposed TID would affect the potential for the Sales Tax measure to pass. He said he would adamantly encourage the Council to require that the agreement between the City and the TID be reviewed before approval of the TID.

Item 8A: Sonoma Tourism Improvement District, Continued

CIm. Gallian asked if a member of the public wanted additional information, whom would they contact. City Manager Kelly said to refer them to her.

CIm. Barbose agreed that the agreement should be considered concurrently with approval of the TID. He stated his continued support for moving ahead and pointed out that the hoteliers had said they would support a TOT increase if the City needed to go that route.

Mayor Sanders stated that the various types of businesses showing support was significant. She stated that Sonoma had managed to keep taxes down and had the lowest rates in the County.

City Manager Kelly reported that the next step in the process would be a public hearing on June 18, 2012. She said the public hearing would provide another opportunity to receive public input on the proposed Resolution of Formation and; per Council's direction, staff would bring the agreement between the TID and the City for Council's concurrent consideration.

9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

There were no items for consideration.

10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS

Item 10A: Reports Regarding Committee Activities.

CIm. Brown reported that the Friends of the Library and the Library Advisory Board announced a formal open house and unveiling of the newly renovated library would be held June 23, 2012. They had expressed special appreciation to Development Services Director Wirick and Public Works Director Bates for their cooperation during the library renovation. CIm. Brown reported that the Fire Oversight Board heard that the department experienced a 10% increase in call volume.

Mayor Sanders requested press coverage of the Fire Oversight Board meetings.

CIm. Gallian reported on the Water Advisory and the Ag and Open Space Committee meetings.

CIm. Barbose reported on the North Bay Watershed Association meeting where they discussed the Napa River restoration project.

Mayor Sanders reported that on a recent trip to Washington DC she met with our Congressman and brought up the conflicts between Federal and local regulations relating to disposal of medications.

Item 10B: Final Councilmembers' Remarks.

CIm. Barbose reported that he joined Sonoma County Regional Parks Foundation and encouraged others to join and support the local parks.

Mayor Sanders reminded everyone to wear their bike helmets and reported that she was able to assist a very ill resident, John McKindley, in hooking up with Vet Connect.

11. COMMENTS FROM THE PUBLIC

Herb Golenpaul suggested that everyone get their wills and/or trusts in order and reported that he would be buried in the Veterans Cemetery in Dixon at no cost to himself.

12. ADJOURNMENT

The meeting was adjourned at 8:10 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 21st day of 2012.

Gay Johann, MMC
City Clerk