

**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 We
Monday, May 21, 2012**

**5:15 p.m. Special Joint Meeting with the
Cultural & Fine Arts Commission**

6:00 p.m. Regular Meeting

MINUTES

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

<p>5:15 P.M. – SPECIAL MEETING JOINT MEETING WITH CULTURAL AND FINE ARTS COMMISSION IN THE CONFERENCE ROOM NEXT TO THE COMMUNITY MEETING ROOM</p>
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Item SS1: Study Session with Cultural and Fine Arts Commission to discuss, consider and provide possible direction to staff regarding proposed revisions to Public Art Ordinance.

PRESENT: Mayor Sanders and Councilmembers Brown, Gallian and Rouse. CFAC Chair Sheridan and members Carlsson, Personette, Simmel, and Cravens.

ABSENT: Clm. Barbose and Commissioners Ransom and Ontko were absent.

Also present were City Manager Kelly, City Clerk Johann, City Attorney Walter and Development Services Director Wirick.

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

City Manager Kelly reported that following lengthy study, the City Council adopted the Public Art Ordinance in April 2009. Since that time, the economy had impacted the City's revenue streams during the extended recession to the extent that the Council had waived the .25% annual public art contribution from the General Fund for successive years. She stated that the City's former redevelopment agency's bond-funded projects had been recently challenged by the State Department of Finance, and thus, one source of funding for public art under the 1% mandated contribution was uncertain at this time.

City Manager Kelly stated that staff was recommending that due to experience with the Public Art Ordinance to date, revisions to the Ordinance be considered that would: 1) narrow the definition of public development projects that are eligible for the funding contribution acknowledging that the City's financial situation does not currently and may not in the future allow for 1% contributions to public art; and; 2) provide the City Council with sole discretion regarding whether to apply a up-to-1% contribution to a project and clarify the point in the process whereby the percentage would be calculated. City Manager Kelly further stated that the recommended amendments should be retroactive to January 1, 2011 to account for those former Sonoma Community Development Agency bond projects. She added that while public art was important, the City was entering into a new era where it would have to compete with Fire and Police services for funding, and that she was in favor of removing earmarks from the City's budget in order to provide the Council with more discretion.

Clm. Rouse stated that under current circumstances the City needed to look at "must haves" not "wants". City Manager Kelly pointed out that under the recommended amendments, the Council could decide to fund public art in any given year.

Commissioner Simmel stated that the Commission worked on the Public Art Policy, at the request of the City Council to be in compliance with the General Plan, for four years. He stated he was disappointed by what was being proposed and said that the ordinance should not be changed on a whim.

Commissioner Cravens stated the recommendation was a strong action for what she perceived as a "temporary" financial crisis. She asked if the amendments to the ordinance could be temporary in nature.

Item SS1: Study Session with Cultural and Fine Arts Commission, Continued

Clm. Brown stated that it was not a temporary situation; that the funding source (redevelopment money) was gone for good. He added that he had always supported the commission and public art; however, it was Council's responsibility to focus on the budget and determine what were appropriate expenditures under the current financial crisis. He reminded everyone that the City had made a major contributions to the museum and Community Center and had steadfastly provided funding for the commission.

Clm. Gallian stated that she felt it would be a real challenge to argue to the Department of Finance that funds for public art at the library were an Enforceable Obligation Payment and without their approval it would divert to a General Fund obligation.

City Attorney Walter stated that as the ordinance is currently written, the 1% on public development projects was not discretionary. In order to make it discretionary, the ordinance needed to be amended. He pointed out that the City was in a very serious financial crisis.

Commissioner Simmel stated that commissioners knew there would be no money for the library public art but he objected to changes that would affect the art set aside associated with future development projects.

Mayor Sanders stated that if left in place, the current provisions would require the City to set aside \$158,000 on \$15.8 million dollars' worth of road improvements and stated that the City could ill-afford to do that. She explained that no decision was being made at the meeting but that the Council wanted to have the study session as an opportunity to have dialog with commissioners and to explain why the amendments were being proposed and work together with the commission.

In response to the question by Clm. Rouse, City Manager Kelly stated she would like to have the proposed amendments adopted sooner rather than later, especially since it had retroactive provisions. She noted that the City was presently not in compliance with the ordinance.

Clm. Brown stated his support for the amendments recommended by staff. He stated that the commission had been valuable before the ordinance would remain valuable and he hoped commissioners would look for other sources of revenue.

Commissioner Carlsson stated that commissioners could get back to the City Manager and City Council after they had a chance to discuss the matter at their next meeting.

6:00 P.M. – REGULAR MEETING

Mayor Sanders called the meeting to order at 6:00 p.m. Nellie Cravens led the Pledge of Allegiance.

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

ALSO PRESENT: City Manager Kelly, City Clerk Johann, City Attorney Walter, City Engineer Bertolero.

1. COMMENTS FROM THE PUBLIC

Roy Tennant reported a number of instances where he had been in contact with Planning Department staff to report instances of Mayor Sanders' campaign sign violations. He said that her non-conforming signs remained standing long after the Mayor had been advised to remove them and that one was still on display on Fourth Street West. Mr. Tennant stated that the instances he cited could be verified by City staff.

Michael Sexton, Director of Gran Fondo, thanked the City Council, City staff, and the local merchants for helping make their event a huge success. He reported raising over \$75,000 for local charities.

Bob Mosher stated that his 'Cuclis for Supervisor' sign had been stolen out of his yard. He said such behavior was below the dignity of the office of Supervisor.

Herb Golenpaul reported that retired or active Coast Guard members were being sought to participate in the Memorial Day ceremony.

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers' Comments and Announcements

Clm Brown dedicated the meeting to John McEndy. He stated that many candidate signs were being ripped off and it was a shame.

Clm. Gallian announced that CBS Evening News would feature an interview with James Parks on Sunday. She thanked the volunteers who worked to clean up the cemeteries and congratulated Melinda Kelly for putting together a video documenting construction of the rainwater harvest tower at the Community Center.

Tom Rouse reported that local merchants were very enthusiastic about the flow of people generated by the Gran Fondo.

Mayor Sanders stated that it was true; she had a couple of signs out in the community a little larger than they should have been and still had two up because the property owner refused to take them down. She reported that she conducted a tour of City Hall and a mock City Council meeting for the St. Francis Solano Third Grade class. Mayor Sanders also commended the Nelson family for their recent generous contribution to the hospital and noted that she would be doing a proclamation to recognize them in the near future.

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

City Manager Kelly reported that the next Oversight Meeting would be on June 13 at 5 p.m. She stated that at the request of the Mayor, she had asked City Engineer Bertolero to report on the status of the turn lane at Leveroni and Broadway.

City Engineer Bertolero reported that the City had received a grant in 2010 for installation of a turn lane on Leveroni at Broadway. She explained that along with the grant came requirements that included completion of several studies and surveys. Ms. Bertolero also pointed out that \$56,000 of former CDA money had been earmarked as the City cash match for the program; an amount that may now have to come from the General Fund. She said that approximately \$50,000 had been spent to date.

4. PRESENTATIONS

Item 4A: Proclamation Recognizing Ben Flajnik

Mayor Sanders stated that Mayor Pro Tem Brown had suggested the proclamation for Ben Flajnik. She stated that besides being raised in Sonoma and producing wine; Ben became somewhat of a celebrity by starring in the 2012 realty show The Bachelor and was very worthy of receiving the proclamation which she then presented to him.

Mr. Flajnik said that he loved Sonoma with all his heart and he felt truly blessed to be a part of such a unique place and to be able to work with his best friends making wine. He thanked the Mayor and City for the proclamation.

Item 4B: Sonoma International Film Festival 2012 – Wrap up Presentation

Kevin McNeely thanked the City Council for authorizing installation of the "Sonomawood" sign during the festival. He reported a great attendance and stated that although they did not receive financial support from the City they were able to once again make a contribution to the student film class at the high school. He invited the City Council to give some thought about their future involvement in the festival.

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 Nellie Cravens to the Cultural and Fine Arts Commission for a two-year term.

Item 5C: Request by the American Legion Post 489 for City-subsidized use of the Sonoma Valley Veterans Memorial Building for one day on November 3, 2012. Approved subject to applicant's compliance with the City's standard insurance requirements.

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

Item 5D: Request by the Native Sons of the Golden West for City-subsidized use of the Sonoma Valley Veterans Memorial Building for one day on January 26, 2013. Approved subject to applicant's compliance with the City's standard insurance requirements.

Item 5E: Approval of the Minutes of the May 7, 2012 Meeting.

Item 5F: Adoption of Plans and Specifications and Award of Contract to Mascon Inc/Argonaut Constructors Joint Venture, lowest responsible bidder, for the Este Madera Road Rehabilitation Project No. 1119 and approval of Change Order No. 1 for the total amount of \$369,685.00.

Item 5G: Request by the Veterans of Foreign Wars for City-subsidized use of the Sonoma Valley Veterans Memorial Building for one day on September 8, 2012. Approved subject to applicant's compliance with the City's standard insurance requirements.

It was moved by Clm. Rouse, seconded by Clm. Gallian, to approve the Consent Calendar as presented. The motion carried unanimously except that Clm. Barbose was absent and Clm. Rouse abstained from voting on the May 7 minutes (5E).

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

Item 6A: Approval of the portions of the Minutes of the May 7, 2012 City Council / Successor Agency Meetings pertaining to the Successor Agency.

It was moved by Clm. Rouse, seconded by Clm. Gallian, to approve the Consent Calendar as presented. The motion carried unanimously except that Clm. Barbose was absent and Clm. Rouse abstained from voting on the May 7 minutes (5E).

ITEM 8C CONTINUED: City Manager Kelly reported that agenda item 8C would be continued to a future meeting.

7. PUBLIC HEARING – None Scheduled

8. REGULAR CALENDAR – CITY COUNCIL

Item 8A: Discussion, consideration, and possible direction to staff regarding the City's Economic Development Program and the Sonoma Valley Economic Development Partnership.

City Manager Kelly reported that since 2004, the City of Sonoma had approached economic development through a partnership concept, realizing regional economies of scale and working in conjunction with the Sonoma Valley Chamber of Commerce and the Sonoma County Community Development Commission, contributing to a Valley-wide economic development effort. The partnership evolved and currently, support for the partnership was provided as follows: City of Sonoma (former redevelopment funding): \$69,360; Sonoma County (former redevelopment funding): \$15,640; and SV Chamber of Commerce: (in-kind support) for a total budget of \$85,000.

City Manager Kelly reported that the Partnership had been very successful, won multiple awards and had been emulated in other jurisdictions. She said the value of the Partnership was clear; however, the traditional funding for the program had ended with the dissolution of redevelopment, and thus a new model for funding this critical program must be found. She reported that the SV Chamber of Commerce had allocated a \$15,000 private funding match as of July 1, 2012 for the Economic Partnership and had also directed Chamber staff to apply for County of Sonoma Advertising Program Funding in the amount of \$16,000 which could be directed toward the Partnership.

Clm. Brown inquired about funding from the County. City Manager Kelly reported that the Community Development Commission did not include partnership funding in their new Recognized Obligation Payment Schedule (ROPS) and that she had been in touch with Supervisor Brown's office and Ben Stone and had been told there was no funding set-aside for the Partnership.

In response to the question by Clm. Rouse, Jennifer Yankovich stated that the \$15,000 Chamber funding would come from County Transient Occupancy Tax (TOT).

Item 8A: Economic Development Program, Continued

Economic Development Program Manager Decker provided a report of the activities and accomplishments of the Partnership. Jennifer Yankovich stated the Chamber would continue to support the City's efforts in putting together a program that would continue to maintain the Valley's ambiance and viability.

Clm. Gallian stated she would like staff to look for other sources of funds and possibly a reduction of the current program. She added that it might be possible that future Tourism Improvement District (TID) funds could be used.

Mayor Sanders stated that the program had always supported the unincorporated Valley equally; however, the funding had been primarily from the City. She said it was a major disappointment to learn that the County would not be contributing to the program.

Clm. Rouse stated the City needed to look at its wants versus its needs. He suggested exploring the use of TID funds and agreed that the County involvement should be greater.

Item 8B: Receive status report on the 2012 Pavement Management Program report and impact of the loss of redevelopment funding on the City's street rehabilitation program.

City Engineer Bertolero reported that the City was required to update its Pavement Management Program (PMP) every two years in order to receive State and Federal funds for pavement rehabilitation. The PMP report was recently completed by Capitol Asset & Pavement Services. Based on the report, the City's current Pavement Condition Index (PCI) was 70 indicating the City's streets were in "Good" condition. Bertolero provided a detailed review of the entire study.

Clm. Rouse stated that the City needed to limit the number of times its streets were cut into by utility companies and for lateral installations and repairs. Bertolero stated that staff was working on a trench cut ordinance which would contain more stringent requirements.

Mayor Sanders invited comments from the public. Herb Golenpaul commented on the report.

Item 8C: Discussion, consideration, and possible direction to staff regarding proposed revisions to the Special Event Policy.

This item was carried over to a future agenda.

9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

No items.

10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS

Item 10A: Reports Regarding Committee Activities.

Clm. Gallian reported on the Sonoma County Transportation Authority/Regional Climate Protection Agency meeting.

Mayor Sanders reported on the Library Advisory Committee, Disaster Council, Economic Development and Oversight Board meetings.

Item 10B: Final Councilmembers' Remarks.

Clm. Rouse thanked Rotary Club for the luncheon they provided for City employees.

Clm. Gallian reported the Cottage and Garden tour would take place on June 3 and encouraged everyone to arrive early to get a seat at the annual Memorial Day service.

Mayor Sanders stated she planned on keeping in touch with staff regarding the State's plan to make Casa Grande a pay-for-parking lot.

11. COMMENTS FROM THE PUBLIC

Herb Golenpaul suggested that the City require the TID to provide funding for its Tier 1 non-profits and the Economic Development Partnership.

12. PUBLIC COMMENTS REGARDING CLOSED SESSION

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

At 8:10 p.m. Mayor Sanders announced the Council would convene in closed session. All members except Clm. Barbose were present. Also present were City Manager Kelly and City Attorney Walter.

13. CLOSED SESSION

Item 13A: **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**, pursuant to Government Code §54956.8. Property: Sonoma Valley Regional Library, 755 West Napa Street, Sonoma. Agency Negotiators: City Attorney Walter, City Manager Kelly. Negotiating Parties: Sonoma County Library, a Joint Powers Agency. Under Negotiation: Price and terms of payment of lease.

14. RECONVENE IN OPEN SESSION & REPORT ON CLOSED SESSION

At 8:45 p.m. the Council reconvened in open session and Mayor Sanders announced that no reportable action had been taken while in closed session.

15. ADJOURNMENT

The meeting was adjourned at 8:46 p.m. in memory of John McEndy.

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 June 2012.

Gay Johann, MMC
City Clerk