

**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
Monday, July 2, 2012**

**5:00 p.m. Closed Session (Special Meeting)
6:00 p.m. Regular Session**

MINUTES

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



5:00 P.M. – SPECIAL MEETING - CLOSED SESSION

1. CALL TO ORDER

At 5:00 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 present. City Manager Kelly and City Attorney Walter were also present.

2. CLOSED SESSION

Item 2A: PUBLIC EMPLOYEE PERFORMANCE EVALUATION, pursuant to Government Code §54957. Title: City Manager.

Item 2B: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to Cal. Gov't Code section 54956.9(b): One potential case involving the claims of the County of Sonoma that the County's cities are liable for the costs of closing and monitoring the closure of the County's central landfill.

Item 2C: 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.

REGULAR MEETING

The City Council reconvened in open session and Mayor Sanders called the meeting to order at 6:10 p.m. A group of Boy Scouts & City Historian George McKale led the Pledge of Allegiance.

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

ALSO PRESENT: City Manager Kelly, City Clerk Johann, City Attorney Walter, Public Works Director Bates, Water Conservation Inspector Toohey, and Water Efficiency Coordinator Brett.

REPORT ON CLOSED SESSION - Mayor Sanders stated that no reportable action had been taken while in Closed Session.

1. COMMENTS FROM THE PUBLIC - None were received.

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers' Comments and Announcements

Cm. Brown invited everyone to attend and participate in the 4th of July events.

Cm. Gallian reported attendance at the 100th birthday party of Rosanna Staben, a Bee Keeping Workshop at Sonoma Garden Park, and the ribbon cutting for the Petaluma Adobe State Park.

Cm. Barbose announced that supporters had raised enough funds to keep Annadel and Sugarloaf Ridge State Parks open for another year.

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

City Manager Kelly announced that the Oversight Board would meet July 11, 2012 to consider the potential impacts of AB 1484. She also announced that the July 3, 2012 Tuesday night Farmers Market would not be held because of Independence Day celebrations on Wednesday.

4. PRESENTATIONS

Item 4A: Presentation of the Cultural and Fine Arts Commission's Student Creative Arts 2012 Award to Esmeralda Chavez.

Lisa Carlsson, Cultural and Fine Arts Commissioner, presented a certificate and \$2,000 check to Esmeralda Chavez, recipient of the 2012 Student Creative Arts Award. Mayor Sanders congratulated Ms. Chavez.

Item 4B: Presentation of 2011-2012 Sonoma Valley Water Conservation Program and program activities for 2012-2013

Water Conservation Inspector Toohey and Water Efficiency Coordinator Brett provided a status report regarding the Sonoma Valley Water Conservation Program.

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 June 18, 2012 Meeting.

Item 5C: Adoption of Resolutions Calling the General Municipal Election to be held November 6, 2012, Requesting the Sonoma County Board of Supervisors to Consolidate the Municipal Election with the Statewide General Election, and Adopting Regulations Pertaining to Candidate's Statements. (Res. No. 26-2012, 27-2012, 28-2012)

Item 5D: Approval of a resolution declaring the results of the June 5, 2012 Special Municipal Election. (Res. No. 29-2012)

Item 5E: Approval and ratification of the appointment of Ryan Wilbanks as the Youth Representative on the Community Services and Environment Commission for a two-year term.

Item 5F: Approval and ratification of the appointment of Gabriel Lanusse to the Community Services and Environment Commission for a two-year term.

Item 5G: Approval and Ratification of the Appointment of Micaelia Randolph to the Design Review Commission for a two-year term.

Item 5H: Approval and Ratification of the Reappointment of George McKale as City Historian for a two-year term.

Item 5I: Approval of City non-financial co-sponsorship of the annual Amistad Awards, in conjunction with Nuestra Voz and the Consulate General of Mexico, requested by Mayor Pro Tem Brown. Removed from Consent, see below.

Item 5J: Adoption of an ordinance approved by the electorate at the June 5, 2012 Special Municipal Election imposing a City retail transactions and use tax for a five-year period to be administered by the State Board of Equalization. Adopted Ordinance Number 04-2012 imposing a one-half of one percent City retail transactions and use tax for a five-year period to be administered by the State Board of Equalization. The tax will take effect October 1, 2012.

Item 5K: Adoption of a resolution approving and authorizing the execution of agreements with the State Board of Equalization for implementation and administration of a local transaction and use tax. (Res. No. 30-2012)

Item 5L: Approve the use of City streets by the Sonoma Community Center for the City Party on Tuesday, July 31, 2012. Approved closure of Spain Street from First Street West to First Street East and waived fees.

Item 5M: Adoption of resolution adopting Fiscal Year 2012-13 City Operating Budget. (Res. No. 31-2012)

Clm. Gallian removed Item 5I from the Consent Calendar. City Manager Kelly announced that the resolution in Item 5D had been updated with the official election results received from the Registrar of Voters office.

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

It was moved by Clm. Barbose, seconded by Clm. Gallian, to approve the Consent Calendar except for Item 5I. The motion carried unanimously except that Mayor Sanders voted no on Item 5M due to her concern that the budget did not provide sufficient funding for roads.

Item 5I: Approval of City non-financial co-sponsorship of the annual Amistad Awards, in conjunction with Nuestra Voz and the Consulate General of Mexico, requested by Mayor Pro Tem Brown.

Clm. Gallian stated that she would recuse on this item because she had been selected to be a recipient of one of the Amistad awards this year. It was moved by Clm. Rouse, seconded by Clm. Brown to approve the item. The motion carried unanimously with Clm. Gallian abstaining.

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

Item 6A: Approval of the portions of the Minutes of the June 18, 2012 City Council / Successor Agency Meetings pertaining to the Successor Agency.

It was moved by Clm. Gallian, seconded by Clm. Rouse, to approve the Consent Calendar. The motion carried unanimously.

7. PUBLIC HEARING

Item 7A: Discussion, consideration and possible introduction and first reading of an ordinance amending the Public Art Ordinance, Chapter 19.51 of the Sonoma Municipal Code.

City Manager Kelly reported that upon conclusion of the May 21, 2012 study session with the Cultural and Fine Arts Commission (CFAC), Council directed that staff agendize the proposed amendments to the Public Art Ordinance. She stated that the amendments being proposed would 1) narrow the definitions of public development projects that were eligible for the funding contribution; and 2) provide the City Council with the sole discretion regarding whether to apply the up-to-1% contribution to a project and clarify the point in the process whereby the percentage would be calculated. The proposed effective date for the amendments was retroactive to January 1, 2011 to account for former Sonoma Community Development Agency bond projects.

City Manager Kelly stated that if the changes were not made, the General Fund would be hit with the cost for public art and it was not something the General Fund could sustain. The Department of Finance (DOF) did not uphold the City's request for use of bond funds for public development projects and staff did not feel it appropriate to request DOF to approve bond funds for public art.

Mayor Sanders opened the public hearing. CFAC Chair Simmel presented objections to the proposed amendments, which, he stated were a slap in the face to the commission, the arts and the citizens of Sonoma. He noted that the commission had been told that \$17,600 had been deposited into the Public Art Fund for the Library project and questioned how that money could be taken back by the City. Simmel strongly urged the Council to consider a temporary only change to the ordinance.

CFAC member Cravens stated that public art demonstrated how we feel about ourselves and our City. She urged the Council to make the changes temporary and not do away with funding for public art altogether. Seeing there were no additional comments, Mayor Sanders closed the public hearing.

Clm. Barbose inquired about Mr. Simmel's comment regarding the transfer of funds. City Manager Kelly stated she was not aware of that and added that whatever had transpired the City could not enter into any new contracts using redevelopment money after February 2012.

Clm. Brown stated that the library renovation project had been around for quite a while and he questioned why the public art element had not been realized. City Manager Kelly stated that staff followed the ordinance as it was written and kept the CFAC informed through the process.

Mayor Sanders inquired when was CFAC notified. City Manager Kelly stated that per the guidelines the fund transfers were to have occurred at the end of the project.

Item 7A: Public Art Ordinance, Continued

Clm. Gallian asked if the Council could temporarily suspend the ordinance. City Attorney Walter explained that an ordinance must be changed by an ordinance and that the Council had to the power, if it so desired to reverse its decision at a future date. He added it was also possible to include a sunset clause in the ordinance. Regarding the reported previous set aside of funds; he commented the redevelopment funds could not now be spent.

Clm. Barbose stated that he was leaning toward a suspension of the regulations and wanted to find a way to fund the library public art project. Clm. Rouse agreed. Clm. Gallian agreed with the suspension. It was moved by Clm. Rouse, seconded by Clm. Brown, to table the subject and bring it back at a later date. The motion carried unanimously. Clm. Barbose asked that the question of whether special projects funds could be used for public art at the library be brought back.

Mayor Sanders stated that the Council must be able to change course and noted that the City was facing a whole new set of financial circumstances than when it adopted the public art ordinance. She questioned spending any General Fund money on public art when the budget for street improvements had been cut by 75%.

8. REGULAR CALENDAR – CITY COUNCIL – No items were on the agenda

9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY - No items were on the agenda

10. COUNCILMEMBERS’ REPORTS AND FINAL REMARKS

Item 10A: Reports Regarding Committee Activities.

Clm. Barbose reported on the Sonoma County Waste Management Agency meeting.

Clm. Gallian reported on the Ag and Open Space District meeting.

Item 10B: Final Councilmembers’ Remarks.

Clm. Gallian wished all a Happy 4th of July and Clm. Brown reminded people to make donations to the Volunteer Firefighters Association.

11. COMMENTS FROM THE PUBLIC

12. ADJOURNMENT

The meeting was adjourned at 7:34 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 July 2012.

Gay Johann, MMC
City Clerk