

**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, October 15, 2012  
5:00 p.m. Closed Session (Special Meeting)  
6:00 p.m. Regular Session**

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

**MINUTES**

**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, Initiation of Litigation, one case. Pursuant to Government Code 54956.9(b)(3)(E).

**REGULAR MEETING**

The City Council reconvened in open session and Mayor Sanders called the meeting to order at 6:10 p.m. Ed Kenney led the Pledge of Allegiance.

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

ABSENT: None

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

**REPORT ON CLOSED SESSION** – Assistant City Attorney Abaci stated that by a vote of 5 to 0, the City Council authorized the City Manager to sign a Tolling Agreement with the County of Sonoma tolling the time for the City to make a claim challenging the manner in which the County calculates the Property Tax Administration Fee.

**1. COMMENTS FROM THE PUBLIC**

Deirdre Sheerin and Bob Edwards invited everyone to the November 10 ribbon cutting ceremony for Sweetwater Spectrum.

Ed Kenney thanked Mayor Sanders for her service and commented on City Council candidates.

**2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS**

**Item 2A: Councilmembers' Comments and Announcements**

Cm. Brown announced support for City Council candidates Cook and Gallian and First District Supervisor candidate Gorin.

Cm. Gallian reported attendance at the Battle of Bartenders, Skypark Family Day, and the Sons of Italy dance.

Cm. Rouse reported it had been with great pleasure that he presented proclamations in the Mayor's absence to two retired deputies at the B.R. Cohn concert and to Sam and Carol Morphy, owners of The Red Grape, at the Business of the Year luncheon.

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

City Manager Kelly announced that the Police Department, in conjunction with the Alcohol Beverage Control agency would be offering a servers workshop. The Tourism Improvement District established a website where its agendas and minutes, as well as other information, were accessible to the public.

**4. PRESENTATIONS**

**Item 4A: Recognition of the Sonoma Overlook Trail Task Force**

Mayor Sanders presented a Certificate of Appreciation to Joanna Kemper, Fred Allebach, and Scott Summers, members of the Sonoma Overlook Trail Stewards, for putting together and making available to the public the Mountain Cemetery Walking Tour brochure.

**Item 4B: Proclamation Declaring October 24, 2012 United Nations Day**

Mayor Sanders presented the proclamation to a representative of the Sonoma County Chapter, UNA-USA who expressed appreciation for the acknowledgement.

**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: Request by Sonoma International Film Festival for City-subsidized use of the Sonoma Valley Veterans Memorial Building on April 13, 2013. (Removed from the agenda)**

**Item 5C: Request by Pets Lifeline for City-subsidized use of the Sonoma Valley Veterans Memorial Building on April 20, 2013. Approved subject to applicant's compliance with the City's standard insurance requirements.**

**Item 5D: Biennial Review of the City of Sonoma Conflict of Interest Code and Acceptance of the 2012 Biennial Notice from the Oversight Board to the Dissolved Sonoma Community Development Agency. Authorized the City Manager to execute the 2012 Local Agency Biennial Notice indicating that no amendments to the City's Conflict of Interest Code were necessary and accepted the 2012 Local Agency Biennial Notice for the Oversight Board to the Dissolved Sonoma Community Development Agency**

**Item 5E: Approval to Purchase Financial Accounting Software from Springbrook Software. Approved purchase of financial accounting software to Springbrook Systems and authorize the City Manager to sign purchase agreement.**

**Item 5F: Approval of the Minutes of the October 1, 2012 Meeting.**

**Item 5G: Resolution upholding the decision of the Planning Commission's decision to approve an application of the First Congregational Church for a Use Permit to operate a school within Burlingame Hall, at 252 West Spain Street, subject to revised conditions of approval (implementing the City Council action of October 1, 2012). (Res. No. 42-2012)**

City Manager Kelly removed Item 5B and reported that the rent subsidy had been previously approved by the Council. She also brought to Council's attention that staff had made a minor revision to the resolution for Item 5G and copies of the amended resolution were on the dais.

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

It was moved by Clm. Rouse, seconded by Clm. Brown, to approve the Consent Calendar except for Item 5B and Item 5G as amended. The motion carried unanimously.

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

**Item 6A: Approval of the portions of the Minutes of the October 1, 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 as presented. The motion carried unanimously.

**7. PUBLIC HEARING – NONE SCHEDULED**

**8. REGULAR CALENDAR – CITY COUNCIL**

**Item 8A: Discussion, consideration and possible first reading of an ordinance to Amend Title 8 of Sonoma Municipal Code pertaining to Animal Care and Control.**

Police Chief Sackett reported that subsequent to a September 2011 City Council discussion relating to control of vicious dogs; members of the community and representatives of Sonoma Valley Dog (SV Dog) and Pets Lifeline conducted community meetings. They came up with a list of recommendations, some of which, the City Council directed to be incorporated into the Municipal Code. Sackett stated that the Police Department worked with interested citizens and the City Attorney to craft a proposed update to Title 8. He then provided a detailed description of the various provisions being proposed which included creation of an Animal Hearing Officer position and public notice requirements, a list of a variety of prohibited conduct, and a new chapter pertaining to vicious and potentially dangerous dogs.

Clm. Barbose stated he felt the definition of “vicious dog” should include “attacks on other dogs that resulted in hospitalization”. Chief Sackett stated they used the definition from the Food and Agriculture Code and pointed out the situation resulting in hospitalization of another dog would fall with the definition of “potentially dangerous dog”.

Clm. Rouse questioned the number of dogs and cats allowed at a residence. Sackett explained the ordinance allowed up to three of each and additional animals could be applied for through the permit process. Clm. Rouse pointed out the ordinance proposed allowing dogs in all parks except for the Plaza and Overlook Trail and inquired who would be sponsoring the clean up stations (a plastic bag dispenser). Sackett responded the ordinance did not require clean up stations but it did include a requirement that people clean up after their animals. Public Works Director Bates indicated that the City was already spending approximately \$8,500 annually for dog waste bags.

Mayor Sanders inquired why goats were not allowed. Chief Sackett stated they had not previously been allowed and there had not been a request to allow them. Attorney Abaci stated that goats were included in the definition of “livestock” and as such, were not permitted within the City.

Mayor Sanders invited comments from the public. Bob Edwards, President of SV Dog, thanked everyone involved in the update of the code. He said the ordinance was not perfect but represented a step in the right direction. Edwards stated he did not feel clean up stations would be necessary in the neighborhood parks but if it did become a problem SV Dog would look into providing them.

David Cook expressed his support for the proposed changes to the Municipal Code.

Lynn Clary stated that the number of dogs allowed should be proportional to the back yard size and that allowing two attacks within a thirty-six month period was too many.

Nancy King, Pets Lifeline, stated that the ordinance would encourage responsible dog ownership, was a fair proposal and she supported it.

Joan Tillman complimented staff and the City Council for all the work that went into the ordinance.

Cameron Stuckey supported the ordinance and stated the City should allow chickens and goats.

Julie Maneker, SV Dog, stated that the proposed ordinance allows for due process and for the possibility for a dog to be rehabilitated. She felt the number of dogs allowed per household should be considered on a case-by-case basis.

Clm. Barbose stated the definition of “vicious dog” should be restated to include “a serious unprovoked injury requiring medical treatment or hospitalization”. He supported allowing dogs in parks but felt clean up stations were necessary. Clm. Rouse agreed that providing cleanup bags was a necessity.

**Item 8A: Animal Care Ordinance, continued**

Discussion ensued amongst Councilmembers regarding the need for clean up stations and how to address the subject. A brief recess was called to allow staff time to consider Council's direction.

**RECESS:** The meeting recessed from 7:50 to 8:05 p.m.

Chief Sackett stated that the proposed definition for "vicious dog" mirrors the definition in the Food and Agriculture Code and staff felt comfortable leaving it as proposed. Clm. Barbose disagreed and reiterated the change he had requested (above). A straw vote indicated a Council majority supported the change. A straw vote showed no support for allowing dogs in parks without clean up stations. Mayor Sanders stated that she would drop the issue of allowing goats but would like the subject to be revisited at a future time.

Clm. Barbose suggested the ordinance be amended to state that dogs would be allowed in parks with clean up stations. City Manager Kelly requested time for staff to consider and draft proposed language to that effect. It was moved by Clm. Rouse, seconded by Clm. Gallian, to table the subject until after the next agenda item. The motion carried unanimously.

**Item 8B: Discussion, consideration and possible action on options for a new dog park location and the estimated value of City-owned properties located at 872-880 Fifth Street West.**

Planning Director Goodison reported that pursuant to prior Council direction, the Community Services and Environment Commission had considered the possible location of a dog park at the 5<sup>th</sup> Street West property. They determined that the site was not well suited for use as a dog park. In looking at other possible locations, the only one identified as meriting further investigation was the portion of the Bond property not currently leased by the Sonoma Ecology Center.

Clm. Rouse confirmed that the Bond Property was surrounded by unincorporated property. He questioned if it was a good idea to place a dog park on property surrounded by residential neighborhoods.

Mayor Sanders invited comments from the public. Richard Dale, Executive Director of the Sonoma Ecology Center (SEC), stated they had been eyeing the property for a number of years and hoped to incorporate it into their master plan. He said they would be open to a conversation about use of the property and added that the magnificent old oak tree at the site would require special consideration so as not to impact it negatively.

Bob Edwards stated the Bond Property was a gorgeous site but they had not had much time to consider it as a dog park. He said that the City needed a large dog park nearer the center of town.

Mark Newhouser, SEC Restoration Program Manager, stated they had invested heavily in the Garden Park and had been eyeing the remaining Bond Property for a number of years.

Julie Maneker stated that without a nice centrally located dog park, Sonoma would lose visitors to Napa.

Clm. Rouse stated he did not support either the 5<sup>th</sup> Street West or the Bond Property as possible dog park locations. He would support selling the 5<sup>th</sup> Street property. Councilmembers Brown, Gallian and Barbose agreed. Mayor Sanders stated she felt the 5<sup>th</sup> Street property would be a good location for a dog park but she would go along with referring the sale of the property to the Facilities Committee for their consideration.

**Item 8A: Discussion, consideration and possible first reading of an ordinance to Amend Title 8 of Sonoma Municipal Code pertaining to Animal Care and Control.**

It was moved by Clm. Barbose, seconded by Clm. Gallian, to place Item 8A back on the table. The motion carried unanimously. City Attorney Abaci described the various amendments to the ordinance as had been directed by the City Council. It was moved by Clm. Barbose, seconded by Clm. Gallian, to introduce the ordinance entitled An Ordinance of the City of Sonoma Repealing Section 9.12.180 and Title 8 and Reenacting Title 8 (Animal Care and Control) of the Sonoma Municipal Code as amended. The motion carried unanimously.

**9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY**

There were no agenda items for the Successor Agency.

**10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS**

**Item 10A: Reports Regarding Committee Activities.**

CIm. Brown announced that effective October 24, 2012, the meetings of the Sonoma Valley Citizens Advisory Committee would be held in the Community Meeting Room.

CIm. Barbose reported learning at the North Bay Watershed Association meeting that Valley of the Moon Water District Executive Director Kumar had accepted a position with the Marin Water District.

CIm. Gallian reported attendance at the Sonoma County Transportation Authority and Regional Climate Protection Campaign meetings.

**Item 10B: Final Councilmembers' Remarks.**

CIm. Gallian reported that many local schools participated in the California Shakeout drill; the Traveling Wall would be coming November 7-11, and the Dance for the Troops would be held November 3.

Mayor Sanders reported the purchase of a Chevrolet Volt.

**11. COMMENTS FROM THE PUBLIC**

David Cook thanked Mayor Sanders and Councilmembers Rouse, and Brown for their endorsements.

Bob Edwards thanked the Council for spending three plus hours on dogs.

**12. ADJOURNMENT**

The meeting was adjourned at 9:11 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 11<sup>th</sup> day of November 2012.

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Gay Johann, MMC  
City Clerk