

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

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 Labor Consultant Walker were also present.

2. CLOSED SESSION

Item 2A: **CONFERENCE WITH LABOR NEGOTIATOR**, pursuant to Government Code §54957.6. Agency designated representative: Karen Walker. Employee Organizations: City of Sonoma Employees' Association (SEIU 1020), and Non-represented Confidential, Executive, Management and Administrative personnel.

REGULAR MEETING

The City Council reconvened in open session and Mayor Sanders called the meeting to order at 6:10 p.m. Robert Garant 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, City Attorney Walter, Police Chief Sackett, Public Works Director Bates, Planning Director Goodison.

REPORT ON CLOSED SESSION – Mayor Sanders stated that no reportable action had been taken.

1. COMMENTS FROM THE PUBLIC

Madolyn Agrimonti, current City Council Candidate, encouraged the public to get involved and run for office or seek appointment to a City commission. She thanked City staff for being kind to all the candidates.

Ed Kenney reminded everyone about the Cost of Freedom Traveling Wall Tribute November 7-11, 2012.

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers' Comments and Announcements

Cm. Rouse stated he enjoyed meeting with Junior High leadership class students, answering their questions and leading them on a tour through City Hall.

Mayor Sanders and Councilmembers Brown, Barbose and Gallian reported on the touching memorial service held in the memory of David "Lumpy" Williams. Cm. Brown asked that the meeting be adjourned in the memory of "Lumpy" and Heath Hunter.

Cm. Gallian reported attendance at the Daily Acts breakfast and the Wine Country Marine Ball. She asked that the meeting be dedicated towards the recovery of two students recently hit by a vehicle in a Fifth Street West pedestrian crossing.

Item 2A: Councilmembers' Comments and Announcements, Continued

Mayor Sanders announced an opening on the Design Review Commission and that Chamson Sister City Committee was seeking new members. She said she would be declaring November 30 as David "Lumpy" Williams Day.

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

City Manager Kelly reported that the Sonoma Tourism Improvement District launched its marketing program with a large insert in the San Francisco Chronicle.

4. PRESENTATIONS – None Scheduled

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 October 15, 2012 Meeting. (Removed from Consent, see below)

Item 5C: Request by Sonoma Community Center for City-subsidized use of the Sonoma Valley Veterans Memorial Building on January 13, 2013. Approved subject to applicant's compliance with the City's standard insurance requirements.

Item 5D: Approval and Ratification of the appointment of James K. Cribb to the Planning Commission for a two-year term effective November 5, 2012. (Removed from Consent, see below)

Item 5E: Approve the Notice of Completion for the 2012 Citywide Slurry Seal Project Constructed by Valley Slurry Seal Company and Direct the City Clerk to File the Document.

Item 5F: Consideration of actions by the City Council to authorize purchase and sale of Pension Obligation Bonds in an amount not to exceed \$3,250,000. (Removed from Consent, see below)

Item 5G: Approve a Resolution of the City Council of the City of Sonoma Authorizing the Examination of Sales or Transactions and Use Tax Records By Designated Positions.

Item 5H: Second reading and adoption of an ordinance to Amend Title 8 of Sonoma Municipal Code pertaining to Animal Care and Control.

Item 5D: Approval and Ratification of the appointment of James K. Cribb to the Planning Commission for a two-year term effective November 5, 2012. (Removed from Consent, see below)

Clm. Barbose removed Item 5D. Mayor Sanders stated that staff had requested removal of 5F and she would remove 5B. Clm. Brown stated that for full transparency he would recuse from voting on Item 5D. He stated he had talked to two Councilmembers about elements of the issue and that no collective concurrence had taken place. The public comment period was opened and closed with none received. It was moved by Clm. Rouse, seconded by Clm. Gallian, to approve the items remaining on the Consent Calendar. The motion carried unanimously.

Item 5B: Approval of the Minutes of the October 15, 2012 Meeting.

Mayor Sanders noted a correction to the minutes. The public comment period was opened and closed with none received. It was moved by Clm. Rouse, seconded by Clm. Brown, to approve the minutes as corrected. The motion carried unanimously.

Item 5D: Approval and Ratification of the appointment of James K. Cribb to the Planning Commission for a two-year term effective November 5, 2012.

Clm. Brown stepped down from the dais and left the room.

Sanders stated we are fortunate so many strong candidates applied for the position. All candidates were very well qualified but James Cribb is best for Sonoma. Clm Rouse was scheduled to conduct the interviews but had to cancel on the same day due to his schedule. City ordinance does not require the mayor conduct the interviews with another council member. Clm Barbose stated it has been Council tradition to promote the alternate. Mayor Sanders expressed her disappointment with Clm. Brown's actions and cause for recusal.

Item 5D: Approval and Ratification of the appointment of James K. Cribb to the Planning Commission, Continued

She stated that she had interviewed six candidates, gave them all fair consideration, and came to the conclusion that James Cribb was best suited to fill the vacancy on the Planning Commission. She then invited comments from the public. Ed Kenney stated that Clm. Brown had violated the Brown Act and that was ethically wrong.

CIm. Barbose stated that he removed the item from the Consent Calendar because he felt that the current alternate (Bill Willers) should be promoted to the regular position. He added that if the Council did not respect and honor the service of commission alternates with promotion, the City would have a hard time filling the alternate positions. Clm. Barbose stated that Mr. Cribbs was a fine candidate and his position regarding the appointment had nothing to do with Mr. Cribbs personally. He proposed that on a subsequent agenda the Council appoint the current alternate to the regular seat on the commission and Mr. Cribb to the alternate position.

Sanders stated that Clm. Barbose does not have the ability to make the appointment, that is the mayor's job. Sanders clarified that a Brown Act violation occurs when one council member speaks to more than one other Council member about the same agenda item, that it does not require that a collective concurrence take place and that a dark cloud has been cast over this appointment due to Mr. Brown's action. Clm. Rouse stated his support for the Mayor's decision and noted that Mr. Cribb had served on the Design Review Commission for eight years.

CIm. Gallian stated that she had spoken with Commissioner Willers and had inquired if he had been contacted by the Mayor regarding possible appointment. He stated that he had not been asked. Clm. Gallian stated that the appointment process needed to be shored up and that she would have liked to have seen two Councilmembers involved in the interview process.

CIm. Barbose stated he spoke to Mr. Willers who stated it had been his expectation to be appointed when an opening came up. Mayor Sanders stated that it was obvious that a motion to appoint Cribb would result in a tie vote and they should move on to another item on the agenda.

Sanders stated there is no provision in the municipal code that requires alternates to be promoted to regular positions. She stated the Council had discussed this very subject and decided not to automatically promote the alternate. She said that Mr. Barbose was aware these interviews were taking place and that if we automatically promote alternates, it would have been unnecessary to conduct the interviews.

CIm. Barbose said that he was not aware that the mayor did not intend to follow tradition and appoint the alternate when she scheduled interviews. Clm Barbose stated that he spoke with Mr. Willers and that he understood when he accepted the appointment as an alternate that he would be appointed to a regular position on the planning commission when one opened up. He stated that while the only thing that could be done tonight was to either ratify the nomination or Mr. Cribb or not, he again suggested that the matter be brought back at a subsequent meeting and that Mr. Willers be appointed to the regular position and Mr. Cribb be appointed to the alternate. Mayor Sanders stated that Clm Barbose did not have authority to make the appointment, only she did. Clm Barbose said he understood that, but that Mayor Sanders would only be mayor for two more meetings. She said she was aware of that and that there was a two to two split on this matter and it is up to the mayor to make another appointment and try and get three votes to ratify it. She urged the public to contact the council and make their opinions known on this matter.

CIm. Brown returned to the dais.

Item 5F: Consideration of actions by the City Council to authorize purchase and sale of Pension Obligation Bonds in an amount not to exceed \$3,250,000.

Assistant City Manager Giovanatto stated that she removed the item from the Consent Calendar because State law required a separate vote. She reported that on September 5, 2012 the Council had authorized the issuance of Pension Obligation Bonds for an estimated amount not to exceed \$3,250,000 in order to refinance certain pension side fund obligations. The projected cost savings were \$382,000 in reduced retirement payments over a nine-year period. The public comment period was opened and closed with none received. It was moved by Clm. Barbose, seconded by Clm. Rouse, to adopt the resolution entitled A Resolution of the City Council of the City of Sonoma Authorizing the Sale of its City of Sonoma 2012 Taxable Pension Obligation Bonds and Authorizing and Directing the Execution and Delivery of a Bond Purchase Agreement Relating Thereto and Providing Other Matters Relating Thereto. The motion carried unanimously.

RECESS: The meeting recessed from 6:53 to 7:00 p.m.

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

Item 6A: Approval of the portions of the Minutes of the October 15, 2012 City Council / Successor Agency Meetings pertaining to the Successor Agency.

It was moved by Clm. Gallian, seconded by Clm. Rouse, to approve the minutes as corrected in 5B above. The motion carried unanimously.

7. PUBLIC HEARING

Item 7A: Discussion, consideration and possible action on an appeal of the Planning Commission's decision to approve, as an adaptive re-use, administrative offices and wine tasting by appointment within a historic residence (143 West Spain Street / 138 Church Street), along with the development of associated off-street parking.

Planning Director Goodison reported that Philip Rosasco and Lisa Valenti, 144 West Spain Street, filed an appeal of the Planning Commission's decision to approve, as an adaptive re-use, administrative offices and wine tasting by appointment within a historic residence located at 143 West Spain and 138 Church Street, along with the development of associated off-street parking. He provided additional details regarding the property presently owned by Robert Demler and known as the Vallejo-Castaneda adobe constructed circa 1842. The project applicant was Three Sticks Wine Company, Price Family Vineyards, represented by Bill Price.

Mayor Sanders opened the public hearing. Appellant Philip Rosasco stated that only professional and service oriented offices were permitted under the adaptive use provision, which was intended for disadvantaged properties with hardships pertaining to lot or structure, not for the sale of a house as in this case. He also stated that the conversion of the adobe to a wine tasting facility and offices would have a negative impact on the privacy and quiet enjoyment of the entire neighborhood, in addition to creating more traffic and congestion.

Barbara Wimmer, President of the League for Historic Preservation, stated they supported the adaptive reuse permit and they were looking forward to working with Three Sticks Winery in the preservation of the property.

Yvonne Bowers stated the home would need a lot of maintenance and preservation that a typical family would not be able to afford. She supported the Planning Commission's decision.

Bill Price thanked staff and acknowledged the hard work of the Planning Commissioners. He stated that their proposed use of the property would result in less impact to the neighborhood than the previously approved use as a vacation rental. He said Three Sticks Winery was committed to the project and preservation of the historic property.

Steve Martin, Civil Engineer for the applicants, stated the proposed use would result in fewer vehicle trips per day than the currently allowed development of the property.

Karla Noyes stated that the conservation easement on the property would ensure its preservation and she supported the Planning Commission's decision.

Deana Castagnasso stated that the Council needed to consider the safety of pedestrians and those who live in the alleyway.

Prema Behan, Three Sticks Winery, stated they had added an additional three feet of setback along the alley to create a safer environment. She said it was important to them to be good neighbors and they had made every attempt to communicate with neighboring residents and property owners from the beginning.

Rosemarie Pedranzini stated that traffic in the area was already a problem and she did not think the City needed another tasting room.

Michelle Drake and Les Swaller expressed support for the Planning Commission's decision.

Item 7A: Discussion, consideration and possible action on an appeal of the Planning Commission's decision to approve, as an adaptive re-use, administrative offices and wine tasting by appointment within a historic residence (143 West Spain Street / 138 Church Street), along with the development of associated off-street parking, Continued.

Michael Woods, attorney for Three Sticks Winery, stated his agreement with staff's opinion that the adaptive reuse was consistent with the General Plan. He said the approval of the use permit supported a local business enterprise and would help preserve the historic Plaza area. It would retain the residential character, scale and style of the historic adobe.

Seeing there were no additional comments from the public, Mayor Sanders closed the public hearing.

It was moved by Clm. Rouse, seconded by Clm. Barbose, to deny the appeal and uphold the decision of the Planning Commission and to direct staff to prepare an implementing resolution for adoption at a subsequent meeting. Clm. Barbose stated that the Demlers loved the property and they would not be selling it if they did not feel it was in the best interests of the property. He added it was noteworthy that the League for Historic Preservation supported the use permit. The motion carried unanimously.

RECESS: The meeting recessed from 8:00 to 8:05 p.m.

8. REGULAR CALENDAR – CITY COUNCIL

9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS

Item 10A: Reports Regarding Committee Activities.

Clm. Brown reported on the Sonoma Valley Citizens Advisory Commission meeting.

Clm. Barbose reported on the North Bay Watershed Association meeting, Sonoma County Waste Management and the Waste Advisory Group meetings.

Clm. Gallian reported on the Water Advisory Committee and the Sonoma County Open Space and Agricultural District meetings.

Mayor Sanders reported that the Economic Development Steering Committee and staff had worked with a local business towards a more reasonable water hookup fee.

Item 10B: Final Councilmembers' Remarks.

Clm. Brown announced that the Police Chief was distributing bumper stickers promoting pedestrian safety.

Clm. Gallian reminded everyone to attend the Cost of Freedom tribute.

Mayor Sanders stated that she presented a proclamation to two long-time high school football coaches and that the school could use a better public address system. She requested that staff provide updates on the Montini Trail and Mills Act.

11. COMMENTS FROM THE PUBLIC - None

12. PUBLIC COMMENTS REGARDING CLOSED SESSION - None

13. CLOSED SESSION

Item 13A: PUBLIC EMPLOYEE PERFORMANCE EVALUATION, pursuant to Government Code §54957. Title: City Attorney.

The Council, with all members present, convened in closed session at 8:31 p.m. Attorney Walter was also present for a portion of the meeting.

14. RECONVENE IN OPEN SESSION & REPORT ON CLOSED SESSION

At 9:00 p.m., Council reconvened in open session and Mayor Sanders announced that no action had been taken.

15. ADJOURNMENT

The meeting was adjourned at 9:01 p.m. in the memory of David "Lumpy" Williams and Heath Hunter and with wishes for a speedy recovery for the two students recently hit by a vehicle in a crosswalk.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma City Council on the 3rd day of December 2012.

Gay Johann, MMC
City Clerk