

**CONCURRENT 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
Sonoma CA 95476**

**Monday, November 19, 2012
6:00 p.m.**

MINUTES

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

OPENING

Mayor Sanders called the meeting to order at 6:05 p.m. City Manager Kelly led the Pledge of Allegiance.

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

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

1. COMMENTS FROM THE PUBLIC

Scott Pace requested that Council place the issue of the recent sanitation rate increase on a future agenda for consideration. He stated that his sanitation bill had increased by 46%.

Herb Golenpaul stated that Theresa Montague, a member of the Mobilehome Park Rental Review Board for twelve years, had passed away. He requested that the meeting be adjourned in her memory.

Ed Kenney congratulated City Manager Kelly and Public Works Director Bates for their new positions with other agencies. He asked Councilmembers if they had been aware, when making the November 5, 2012 decision on the 3 Sticks Winery appeal, that there had already been an offer on the property.

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers' Comments and Announcements

Cm. Brown dedicated the meeting in the memory of Patty Westerbeke and announced that he would be volunteering for the AIDS foodbank fundraiser. Cm. Barbose dedicated the meeting to Theresa Montague and Kim Heddy. Cm. Gallian congratulated the VFW for bringing the Traveling Wall Tribute to Sonoma. She reported attendance at the Sonoma Chevrolet Toys for Tots event. Cm. Rouse reported it had been his honor to represent the City in the Mayor's absence at the Sweetwater Spectrum open house. Mayor Sanders added that the Giants General Manager had stated it was the best speech given by a politician he had ever heard. Mayor Sanders dedicated the meeting in the memory of Colleen Divine King and reported that she and Cm. Rouse had attended Supervisor Valerie Brown's retirement party.

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

City Manager Kelly stated that newly elected Councilmembers would be sworn in at the December 3 meeting and the City would host a reception with cake being served.

4. PRESENTATIONS

Item 4A: Mayor Sanders to Proclaim November 30, 2012 David "Lumpy" Williams Day

Mayor Sanders stated that because Lumpy Williams had volunteered for so many years to ride in on the Fire Truck to light up City Hall as a kick off to Holiday Season, she felt it was fitting to proclaim Friday November 30, 2012 as David Lumpy Williams Day.

Item 4B: Recognition of Barbara Hall, Narin Garrett and Erin McTaggart for achieving the National Women’s Pétanque Championship.

Mayor Sanders stated that Valley of the Moon Pétanque Club had been doing a wonderful job of advancing the sport of Pétanque. As she presented them with certificates Mayor Sanders congratulated Barbara Hall, Narin Garrett and Erin McTaggart for achieving the National Women’s Pétanque Championship.

Item 4C: Proclamation declaring the weekend after Thanksgiving, November 23-25, 2012, as “Shop Sonoma Days”

Mayor Sanders presented the Shop Sonoma Days proclamation to Economic Development Program Manager Decker who announced that the event would be held November 23 – 25, 2012 and that all residents were encouraged to “think Sonoma Valley first” when shopping for the holiday season to help support the local economy.

Item 4D: Presentation by Sonoma County Library regarding an update on Sonoma Valley Branch Library services

Mayor Sanders explained that she had invited Lisa Musgrove, the new Sonoma Valley Librarian, to provide an update on library activities. Library Commissioner Mary Evelyn Arnold thanked Mayor Sanders for her three years of service on the Library Advisory Board. Ms. Musgrove announced that the library would be open this year between Christmas and New Year, that they have many e-books available, and there are fourteen computers with internet access available for public use.

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 November 5, 2012 Meeting. (Removed from Consent, see below)

Item 5C: Request by Sonoma Valley Chamber of Commerce for City-subsidized use of the Sonoma Valley Veterans Memorial Building on March 21, 2013.
Approved subject to applicant's compliance with the City's standard insurance requirements.

Item 5D: Approval and ratification of the appointment of Lynn Clary and D. Michael Thomas to the Community Services and Environment Commission for two-year terms.

Item 5E: Approval and ratification of the appointment of Antoinette J. Kuhry to the Cultural and Fine Arts Commission as the Alternate for a two-year term.

Clm. Barbose removed Item 5B (November 5 minutes) to be continued to the next meeting to allow time to review the tape of the meeting. Mayor Sanders stated that she had submitted some requested changes to the minutes and would like them incorporated into the draft minutes when brought back for Council consideration. It was moved by Clm. Rouse, seconded by Clm. Gallian, to approve the Consent Calendar except for Item 5B. The motion carried unanimously.

Councilmembers Brown and Gallian congratulated those appointed to Commissions.

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

Item 6A: Approval of the portions of the Minutes of the November 5, 2012 City Council / Successor Agency Meetings pertaining to the Successor Agency.

Item 6B: Approval of Agreement regarding Redevelopment Housing Assets by and between the Successor Agency for the Sonoma Community Development Agency and the Sonoma County Community Development Commission.

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

7. PUBLIC HEARING

Item 7A: Discussion, consideration and possible action on an appeal of the Planning Commission's decision to deny the application of Chris Konecny (Peet's Coffee & Tea) for a Use Permit to allow a formula restaurant within an existing building on a commercial property at 591 Broadway.

Planning Director Goodison reported that the Planning Commission reviewed the Peet's Coffee & Tea use permit application September 13, 2012. In its review, the Planning Commission considered the application submittal, staff report, correspondence and public testimony on the item. In the course of the public hearing, issues were raised by a member of the public related to the negative impact of introducing another coffee shop in the area. The Planning Commission expressed concerns with traffic generation, pedestrian safety, and the relation of the application to the formula business findings. At the conclusion of the public hearing, the Planning Commission voted 4-3 to deny the use permit. An appeal of that decision was filed by Mayor Sanders on September 25, 2012.

Mayor Sanders confirmed that the Council would need to determine the environmental impact in compliance with California Environmental Quality Act (CEQA) and that the subject property was zoned commercial. She opened the public hearing. Those speaking in support of the appeal included Terry Shore, John Brady, Joe Tienney, Scott Pace, Bill Jaspar, Jean Behse, Ann Foley, Carlo Cavollo of Meritage, Henry Mayo the owner of the building, Courtney McCaully, and Joe Aaron.

Carol Mezzetti, Real Estate Director for Peet's Coffee and Tea, stated that the company was a local Bay Area business that used predominately local, Bay Area vendors. They anticipate five full-time and fifteen part time employees which will be offered a great benefit package. She pointed out that the proposed location was pedestrian oriented and would draw people south on Broadway from the Plaza.

Those who spoke against the appeal were Karla Noyes, Robert Felder, Dave Mock, and Anna Whitmore. Herb Golenpaul stated that the Council should either stick with their ordinance or do away with it. Pat Pulverenti stated that the conditions of approval should include a review by the Design Review Commission.

Sean Conway, Chief Operating Officer for Peet's Coffee and Tea, stated they had the highest values and the focus of the Emeryville based company was to provide uncompromising quality in every cup of coffee and tea.

Seeing there were no additional persons wanting to speak, Mayor Sanders closed the public hearing.

Cllm. Barbose stated that although he supported the Formula Store Ordinance, it did not mean that he did not like formula stores. The ordinance did exactly what it was intended to do; it provided an opportunity to have this type of hearing and review. He stated that the Council should focus its attention on the required findings and added that he felt Peet's would fill a need and that it would not detract from the Hot Shots coffee store or detract from the unique and historic beauty of the City. It was moved by Cllm. Barbose, seconded by Cllm. Rouse, to uphold the appeal, determine the project categorically exempt from CEQA, and approve the project conditions of approval. The motion carried unanimously.

RECESS: The meeting recessed from 7:55 to 8:05 p.m.

8. REGULAR CALENDAR – CITY COUNCIL

Item 8A: Review of Fifth Street West Pedestrian Safety Improvements and Discussion of Potential Improvements.

City Manager Kelly stated that in light of the two separate pedestrian accidents that recently occurred in improved cross walks on Fifth Street West, staff had been directed to prepare a summary of improvements that have occurred at the crosswalks located Fifth Street West at Studley and Curtain Lane, and a review of accident history.

Public Works Director Bates reported on the enhancements that had been made and stated that staff believed the existing conditions were safe. Police Sergeant Thompson reported that data for the past six years had been reviewed which indicated an overall downward trend in the number of reported collisions; however, collisions involving pedestrians and bicycles

Item 8A: Review of Fifth Street West Pedestrian Safety Improvements and Discussion of Potential Improvements, Continued

appear to be somewhat consistent. Patrol staff believed these collisions to be attributed to inattention or distraction of the driver. Incidents involving pedestrian or bicyclists indicated the pedestrian or bicyclists were most at fault. Thompson stated that it was imperative to encourage people walking or bicycling to pay attention and follow the rules of the road.

Clm. Barbose, commented about the suggestion submitted in writing by John Donnelly about adding flashing signals to alert drivers approaching the 5th Street West crosswalk from either direction. Frank Penry, Traffic Safety Engineer, stated that was why the in-roadway warning lights and signs had been installed with pedestrian activation pushbuttons on either side of the crossing. He stated that a sign on the other side of the roadway would be blocked by oncoming traffic. Penry added that having signs above the intersection would cause drivers to look up and would distract them from the pedestrians.

Clm. Rouse inquired if dots in the roadway prior to the crosswalk would help. Penry responded they were normally used to warn drivers of a speed change.

Mayor Sanders invited comments from the public. Bill Casey stated that he worked with seniors with disabilities providing occupational therapy and he was working with the California Highway Patrol in developing guidelines for senior drivers. He stated that additional lighting during the evening was needed on 5th Street West. Casey suggested removal of the crosswalks until they can be made safer.

Scott Pace inquired if the number of accidents had increased since the lane reconfigurations. Sergeant Thompson responded they were not responding to that intersection any more than others. Mr. Pace stated that the extreme congestion in that area had decreased the level of safety.

Steve Malone, father of one of two boys hit by a motorist, said the two issues at hand were safety and the viability of senior drivers. He supported the idea of installation of a flashing red light that would require drivers to stop.

Dave Duplantier, volunteer with California State Parks mounted bike unit, reported witnessing a large number of near misses and he encouraged the Council to keep this issue at the forefront.

Herb Golenpaul stated that shutting down one of the traffic lanes made matters worse and the only way to get cars to slow down was to install speed bumps.

George McKale stated that the lane configuration caused incredible gridlock and that the anxiety level of parents had increased.

Clm. Rouse stated that he had visited the area, crossed the street six times and never felt threatened although he did witness driver confusion and congestion at the entrance to Safeway. Clm. Barbose stated he would like to see additional data and analysis from qualified traffic safety people providing all possible safety scenarios. Clm. Brown agreed. Mayor Sanders also agreed and suggested closure of one of the streets that access 5th Street West.

Item 8B: Discussion, consideration and possible action granting the Valley of the Moon Certified Farmers Market a two-year permit for operating the Tuesday Night Farmers Market at the Sonoma Plaza for 2013 and 2014

Public Works Director Bates reported that the issues experienced by the previous market management regarding fairness, transparency, trash management, and vendor mix had been eliminated under management by the Valley of the Moon Certified Farmers Market. Staff did not receive any complaints in 2012. She stated that the Market Board established a website which they maintain and keep updated. Market rules, policy, procedures and vendor guidelines were also available on the website. Bates stated that the community had welcomed the market management and based on the fact that they met the conditions established by the Council, staff was recommending that they be awarded an additional two-year permit.

The public comment period was opened and closed with none received. It was moved by Clm. Rouse, seconded by Clm. Brown, to approve the two-year permit subject to a revocation clause, the standard Plaza use permit process and compliance with security arrangements as requested by the Sonoma Police Department. The motion carried unanimously.

Item 8C: Discussion of potential Brown Act violation that affected the City Council's November 5, 2012 agenda item regarding the appointment of a Planning Commissioner, requested by Mayor Sanders.

Mayor Sanders stated that she placed this on the agenda because some of her constituents had questions about the Brown Act and what happened when somebody violated it. Clm. Barbose asked City Attorney Walter if there was a procedure for handling such an item. Attorney Walter stated that the Brown Act directs that public business be conducted in the public eye. It does not punish those who are alleged to violate it except when there was an intentional act to deprive the public of information. Walter stated that in his view, that had not occurred in this instance. He said that Clm. Brown consulted with him prior to the last meeting and had complied with the Brown Act by recusing himself. Walter added that he did not feel any additional steps needed to be taken.

Mayor Sanders referred to a letter submitted by local Attorney Fred Peterson and stated that he should receive a written response from staff. Attorney Walter stated he would follow up on that. Mayor Sanders asked about her ability to discuss the matter of the appointment to the Planning Commission with another Councilmember and Walter responded that in doing so, she would put the other Councilmember at risk.

Mayor Sanders invited comments from the public. Fred Peterson read a memo memorializing a conversation he had with Clm. Rouse about his communication with Clm. Brown about the Planning Commission appointment. He asked that the letter and memo be made a part of the City's record. Peterson stated that because Brown violated the Brown Act he should be recused from any further discussion about the appointment.

Herb Golenpaul stated that the fact that the Mayor did not have anyone else participate in the interviews had a lot to do with this situation. Mayor Sanders responded it had been her intent to have another person participate but they could not make it and she did not want to reschedule the six applicants at the very last minute.

Morgan Sanders stated that there needed to be consequences for not following the rules and questioned Clm. Brown's qualification to be the next Mayor.

Clm. Rouse stated the Council needed to govern in a transparent mode. Clm. Gallian stated that Councilmembers should have been made aware of the cancellation of one of the interview panels. She said that having only one person conduct the interviews was confusing to her.

Clm. Barbose defended Clm. Brown and stated it was an inadvertent act on his part and that no additional punishment was required or appropriate.

Clm. Brown stated that he had made a mistake but that no one believed in the Brown Act more than he did. He added that he would not participate in the appointment and asked that the following statement be entered in the minutes.

I need to recuse myself from this issue. Over time I did talk to two councilmembers about elements of this issue. I did not tell one councilmember what the other member said or felt about the item. As a result, no collective concurrence was arrived at as how to vote on this item. I believe in the importance of the Brown Act and in the spirit of transparency I will step down.

Mayor Sanders stated she would like to go on record stating that she did not support what went down at the last meeting and she hoped to not see that behavior again.

Item 8D: Discussion, consideration and possible action on the adoption of a Historic Preservation Plan and direction to staff to file an application with the State Office of Historic Preservation and to process related amendments to the Development Code.

Planning Director Goodison explained that the Certified Local Government (CLG) program, administered by the State Office of Historic Preservation (OHP) in partnership with the National Park Service, provided a broad structure for local governments to identify, evaluate, register, and preserve historic properties within their jurisdiction. Given Sonoma's rich history and unique concentration of historic resources, it has been the City Council's goal to qualify Sonoma as a Certified Local Government, as this would ensure that local policies and programs with respect to historic preservation were comprehensive, consistent with best practices, and in compliance with state and federal law. Based on this direction, staff has been developing the components necessary to make this application and reviewing them with the Design Review Commission,

Item 8D: Discussion, consideration and possible action on the adoption of a Historic Preservation Plan and direction to staff to file an application with the State Office of Historic Preservation and to process related amendments to the Development Code, Continued

the Planning Commission, and other interested agencies and organizations, including the Sonoma League for Historic Preservation. This process has reached the point where, as has been recommended by the Design Review Commission, the City may now file an application for certification, subject to Council approval. Goodison added that additional actions will be necessary to amend the Development Code.

Clm. Rouse asked if obtaining CLG status could have unintended consequences. Goodison responded that there should not be because anyone purchasing a historic property would know going into the purchase the restrictions and requirements related to the property.

Mayor Sanders invited comments from the public. Patricia Cullinan, League of Historic Preservation, thanked Director Goodison and Council for moving this item forward. She stated that the League had begun a historic resource survey with grant money. Karla Noyes supported adoption of the plan and submission of the application. She stated that perhaps other cities who had been through the process could assist. City Historian George McKale stated that Sonoma was the most historically significant city in the state of California.

It was moved by Clm. Barbose, seconded by Clm. Brown, to adopt the resolution entitled A RESOLUTION OF THE SONOMA CITY COUNCIL ADOPTING A HISTORIC PRESERVATION PLAN AND DIRECTING THE APPLICATION TO THE STATE OFFICE OF HISTORIC PRESERVATION FOR THE DESIGNATION OF SONOMA AS A CERTIFIED LOCAL GOVERNMENT (Res. No. 45-2012). The motion carried unanimously.

9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS

Item 10A: Reports Regarding Committee Activities.

Item 10B: Final Councilmembers' Remarks.

Clm. Brown announced two vacancies on the Sonoma Valley Citizens Advisory Commission and one on the Design Review Commission.

11. COMMENTS FROM THE PUBLIC

Herb Golenpaul stated that he would be commenting on the Councilmember's ability to meet their previously stated goals.

Mayor Sanders requested a moment of silence prior to adjournment in the memory of Theresa Montague, Kim Heddy, Colleen Divine King, and Patty Westerbeke.

12. PUBLIC COMMENTS REGARDING CLOSED SESSION

13. CLOSED SESSION

Item 13A: PUBLIC EMPLOYEE APPOINTMENT. Title City Manager, Interim City Manager. Pursuant to Government Code 54957.

Item 13B: PUBLIC EMPLOYMENT. Title City Manager, Interim City Manager. Pursuant to Government Code 54957.

Item 13C: CONFERENCE WITH LABOR NEGOTIATORS. Agency designated representative: Mayor, Joanne Sanders. Unrepresented employee: Interim City Manager. Pursuant to Cal. Gov't Code section 54957.6.

At 10:11 p.m. Council convened in Closed Session with all members present.

14. RECONVENE IN OPEN SESSION & REPORT ON CLOSED SESSION

At 10:50 p.m. Council reconvened in open session and Mayor Sanders announced that Council had appointed current Assistant City Manager Carol Giovanatto as the next City Manager of Sonoma, effective December 13, 2012. The appointment was subject to formal adoption of an employment agreement at the City Council's next regular meeting on December 3, 2012.

15. ADJOURNMENT

At 10:51 p.m. the meeting was adjourned.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma City Council on the 17th day of December 2012.

Gay Johann, MMC
City Clerk