

**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, December 3, 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 Attorney Walter was also present.

2. CLOSED SESSION

Item 2A: PUBLIC EMPLOYEE APPOINTMENT. Title: City Manager. Pursuant to Government Code 54957.

Item 2B: PUBLIC EMPLOYMENT. Title: City Manager. Pursuant to Government Code 54957.

Item 2C: CONFERENCE WITH LABOR NEGOTIATORS. Agency designated representative: Mayor, Joanne Sanders. Unrepresented employee: City Manager. Pursuant to Cal. Gov't Code section 54957.6.

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

OPENING

The City Council reconvened in open session and Mayor Sanders called the meeting to order at 6:05 p.m. Madolyn Agrimonti 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, Planning Director Goodison, and City Engineer Bertolero.

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

1. COMMENTS FROM THE PUBLIC

Christine Armstrong told the Council that she had not given up on a community swimming pool and that she had obtained support from Susan Gorin and La Luz.

Herb Golenpaul stated that in the last four years the Council had given away the Police and Fire Departments and had given tourist dollars away to the Tourism Board. He said he hoped the new Council does a better job.

Ed Kenney wished the new Council good luck and stated the Grand Jury would be conducting an investigation.

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Clm. Brown reported that Speedway Children's Charity had recently distributed \$269,000 to Sonoma Valley youth organizations. He also announced the upcoming Wreaths Across America and the Christmas Dinner for Veterans.

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS, Continued

Clm. Gallian thanked Sonoma Valley Soroptimists, the Chamber and the Fire Department for the arrival of Santa Clause and annual lighting of the Christmas tree. She also thanked the City employees responsible for keeping the storm drains cleared during the recent rains.

Mayor Sanders reported attendance at a memorial concert in tribute to Lumpy Williams. She announced that she had presented a proclamation that day at St. Francis Solano school declaring it Renee Sanders (her daughter) day and recognized Renee and her father in the audience. She also announced that the Alcalde Nominating Committee met and were putting forth three names to the new Mayor for consideration: Gary Edwards, Rob Wilson and Les & Judy Vadasz (as one nomination).

3. CITY MANAGER COMMENTS AND ANNOUNCEMENTS INCLUDING ANNOUNCEMENTS FROM SUCCESSOR AGENCY STAFF - None

4. PRESENTATIONS

Item 4A: Recognition of the Service of City Manager Kelly, Public Works Director Bates and City Engineer Bertolero

Mayor Sanders expressed her deep appreciation for City Manager Kelly, Public Works Director Bates and City Engineer Bertolero and spoke about their service to the City. She then presented Engineer Bertolero and Hanna Bates (on behalf of her mother) with certificates of appreciation. Mayor Sanders presented City Manager Kelly a plaque. City Manager Kelly stated it had been an honor to work with an amazing City Council and staff. She stated that City Clerk Johann had been very helpful to her and presented Johann with a bouquet of flowers.

Mayor Sanders invited comments from the public. Kathy Swett stated that the Sonoma Community Center was extremely grateful for City Manager Kelly's leadership and incredible hard work. She stated that Director Bates was one of the most incredible people they had ever worked with.

Item 4B: Viewing of new video "Tips for Starting a Business in Sonoma"

City Manager Kelly thanked Economic Development Manager Decker for putting together the promo piece, which was then viewed and enjoyed by all.

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 a resolution declaring the results of the November 6, 2012 General Municipal Election. (Res. 46-2012)

Item 5C: Approval of Employment Agreement between the City of Sonoma and Carol Giovanatto as City Manager.

Item 5D: Approve the Notice of Completion for the Maxwell Village Water Services Replacement Constructed by Coastside Concrete and Direct the City Clerk to File the Document.

Item 5E: Adoption of a Resolution upholding the 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 located at 591 Broadway, subject to revised conditions of approval. (Res. No. 47-2012)

Item 5F: Adoption of a resolution denying the appeal and upholding 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. Removed from Consent, see below.

Item 5G: Approval of the Minutes of the November 5 and November 14, 2012 Meetings.

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

Item 5H: Ratify Mayor's nomination of James K. Cribb to fill the current vacancy on the Planning Commission, and should said nomination not garner sufficient votes to ratify same, then the Mayor may nominate another person or other persons to fill this position for the Council's consideration and ratification; information regarding the Planning Commission appointment process is also provided for the Council's consideration.
Removed from Consent, see below.

Item 5I: Approve the Notice of Completion for the 2MG Water Tank Improvements Project Constructed by Quality Painting and Maintenance and Direct the City Clerk to File the Document.

Item 5J: Adoption of Resolution authorizing the City Manager to grant interim incentive pay to specified management employees of the City to fulfill duties of Interim Public Works Director.

Clm. Rouse removed Item 5H. Philip Rososco removed Item 5F. It was moved by Clm. Rouse, seconded by Clm. Brown, to approve the remaining Consent Calendar items. The motion carried unanimously. Mayor Sanders congratulated Carol Giovanatto, the new City Manager effective December 13, 2012.

Item 5F: Adoption of a resolution denying the appeal and upholding 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.

Appellant Philip Rososco stated his disagreement with the Council's decision to deny the appeal. He expressed concern about increased traffic, lack of parking and impact on pedestrian safety. He added there were already too many wine tasting rooms and this would serve to further degrade the neighborhood.

Mrs. Chan said she had been the owner of Cypress Apartments for over thirty years. She felt the project would add to traffic congestion and put pedestrians at further risk in addition to an increase in noise that would be intrusive to her residents.

Linda McGarr stated there were enough tasting rooms and Sonoma did not need another one.

Lisa Valenti stated her disagreement with the approval of the adaptive re-use of the property.

Michael Woods, on behalf of Three Sticks Wines/Price Family Vineyards, stated they had worked with the neighboring property owners. He said they were proposing a very limited use as a tasting room.

Clm. Barbose stated that the Council had vetted the project thoroughly at the public hearing and it was his recollection that the traffic analysis indicated there would be less traffic impact from the proposed use than from a single-family residence. He stated that he felt it was an appropriate Adaptive Reuse. It was moved by Clm. Barbose, seconded by Clm. Gallian, to adopt the resolution entitled A Resolution of the Sonoma City Council Upholding the Decision of the Planning Commission to Approve a Use Permit Allowing, as an Adaptive Reuse, 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, Subject to Conditions of Approval. (Res. No. 48-2012). The motion carried unanimously.

Item 5H: Ratify Mayor's nomination of James K. Cribb to fill the current vacancy on the Planning Commission, and should said nomination not garner sufficient votes to ratify same, then the Mayor may nominate another person or other persons to fill this position for the Council's consideration and ratification; information regarding the Planning Commission appointment process is also provided for the Council's consideration.

Clm. Brown recused himself and left the room.

Clm. Barbose stated that it was still his opinion that, although Mr. Cribb was a qualified applicant, the Alternate should be appointed to fill the current vacancy. He said the Council should honor the custom and practice of appointing Alternates who had served ably and capably. Clm. Barbose added that he would not support a nomination of any of the other applicants except for Mr. Willers.

Item 5H: Ratify Mayor's nomination of James K. Cribb to fill the current vacancy on the Planning Commission, Continued

At the request of Mayor Sanders, staff read a portion of minutes from a past Council meeting relating to the appointment of Alternates. She said it was clear that the appointment of an Alternate to fill a vacancy was not automatic.

Mayor Sanders invited comments from the public. Herb Golenpaul asked Clm. Rouse why he supported the Mayor's nomination of Cribb. Clm. Rouse responded that he was supposed to participate in the interviews but when unable to do so, he was comfortable leaving it in the Mayor's hands.

It was moved by Clm. Rouse, seconded by Mayor Sanders, to ratify the nomination of Mr. Cribb. Clm. Barbose stated that he never said that the ordinance required the automatic appointment of an Alternate. Clm. Gallian said she felt the process was in question and that Councilmembers had not been informed that the Mayor did not intend to appoint Alternate Willers. The motion failed with a tie vote, Barbose and Gallian dissented.

The Mayor said she would then nominate Jennifer Gray. It was moved by Mayor Sanders, seconded by Clm. Rouse, to ratify the nomination of Jennifer Gray. The motion failed with a tie vote, Barbose and Gallian dissented. Mayor Sanders stated she would not nominate any of the other applicants.

Clm. Brown returned to the dais.

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

There were no Successor Agency consent calendar items.

7. COUNCILMEMBER RECOGNITIONS

The public comment period on the Councilmember Recognitions was opened and closed with none received.

Mayor Pro Tem Brown stated that Mayor Sanders had done an exemplary job representing the City and that she ran great meetings. He then presented her with a plaque of appreciation and the ceremonial outgoing Mayor's gavel.

Clm. Rouse told Sanders it had been great to work with her. Clm. Barbose thanked Mayor Sanders for bringing important issues to the forefront. Clm. Gallian stated the camaraderie had been great.

Mayor Sanders stated it had been a genuine honor to serve the public. She thanked those who guided her along the way and her family for all their support. She complimented City Clerk Johann for her efficiency.

8. OATHS OF OFFICE

Item 8A: City Clerk Johann will administer the Oath of Office and present a Certificate of Election to newly elected Councilmembers.

City Clerk Johann administered the Oath of Office to David Cook and Laurie Gallian and presented them with framed Certificates of Election.

Dillon and Jennifer Irving came to the podium. Jennifer complimented Mayor Sanders for a job well done and presented her with a gift. Mayor Sanders stepped down from the dais and newly elected Clm. Cook was seated.

9. SELECTION OF MAYOR AND MAYOR PRO TEMPORE

The public comment period was opened and closed with none received. Mayor Pro Tem Brown called for nominations for Mayor. Clm. Rouse nominated Mayor Pro Tem Brown. Being put to a vote, the nomination was ratified unanimously.

Mayor Brown called for nominations for Mayor Pro Tem. Mayor Brown nominated Clm. Rouse. Being put to a vote, the nomination was ratified unanimously.

10. RECESS: Reception

The meeting recessed from 8:00 - 8:20 p.m. for a reception. Cake and punch were served.

11. PUBLIC HEARING – None Scheduled

12. REGULAR CALENDAR – CITY COUNCIL

Item 12A: Discussion, consideration and possible action on Capital Improvement Program and Amendments to the FY 2013 Operating Budget.

Assistant City Manager Giovanatto reported that the adopted 2012-2013 Operating Budget needed to be amended to ratify and fund Capital Projects. She provided detailed information on the projects and funding sources totaling \$9,151,230.

Mayor Brown invited comments from the public. Herb Golenpaul inquired how staff prioritized the projects. City Manager Kelly explained that staff prioritized them based on a number of factors which included construction schedules, the bid process and if being done in conjunction with another project.

Clm. Cook inquired when the City would receive Measure J funds. City Manager Kelly stated that the sales tax went into effect October 1 but the City would not begin receiving the funds until next year. She stated that staff had projected revenue in the amount of \$750,000 in this partial year. It was moved by Clm. Gallian, seconded by Clm. Rouse, to adopt the City (Res. No. 49-2012) and the Successor Agency (Res. No. SA04-2012) resolutions amending the budget to incorporate the Capital Improvement Projects. The motion carried unanimously.

13. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

There were no Successor Agency regular calendar items.

14. COUNCILMEMBERS' REPORTS AND FINAL REMARKS

Item 14A: Reports Regarding Committee Activities.

Clm. Barbose reported on the Facilities Committee meetings. Mayor Brown reported on the Disaster Council meeting.

Item 14B: Final Councilmembers' Remarks.

Mayor Pro Tem Rouse thanked the Council for making him the Mayor Pro Tem. Clm. Barbose thanked City Manager Kelly for her service and stated it had been a pleasure to work with her. Clm. Cook thanked the citizens for electing him and he encouraged people to feel free to contact him at any time.

Mayor Brown said he was glad that City Clerk Johann had been recognized and added that she was a brilliant City Clerk. He told City Manager Kelly she would be missed and that the citizens of Sonoma appreciated all that she had done.

15. COMMENTS FROM THE PUBLIC

Mr. Golenpaul stated that Mayor Sanders deserved the praise that she received and that she would be missed. He reported that many unpermitted vehicles park illegally in handicapped parking spots.

16. ADJOURNMENT

The meeting adjourned at 8:53 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 17th day of December 2012.

Gay Johann, MMC
City Clerk