

**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, March 4, 2013
5:30 p.m. Closed Session (Special Meeting)
6:00 p.m. Regular Session**

City Council
Ken Brown, Mayor
Tom Rouse, Mayor Pro Tem
Steve Barbose
David Cook
Laurie Gallian

MINUTES

SPECIAL MEETING - CLOSED SESSION

At 5:30 p.m., Mayor Brown called the meeting to order. City Attorney Walter requested that an additional Closed Session item be added to the agenda. He stated that the need to take action arose subsequent to the posting of the agenda and action needed to be taken prior to the next meeting of the City Council. The item would be a Conference with Legal Counsel, one case of Anticipated Litigation pertaining to the closure and remediation of the Central Landfill. It was moved by Clm. Rouse, seconded by Clm. Gallian, to add the closed session. The motion carried unanimously.

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 Giovanatto, City Attorney Walter, and Planning Director Goodison were also present.

2. CLOSED SESSION

Item 2A: CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Pursuant to Government Code §54956.8. Property: Montini Property, AP# 018-021-006, 018-011-017, 018-031-003, 127-051-105 and 127-051-106, Sonoma. Agency Negotiators: Planning Director David Goodison, City Attorney Jeff Walter & City Manager Carol Giovanatto. Negotiating Parties: Sara Press, Misti Arias, & Lisa A. Pheatt. Under Negotiation: Terms and conditions of Transfer Agreement under which property is to be conveyed to the City.

Item 2B: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation, one potential case. Pursuant to Government Code §54956.9(e)(5).

Item 2C: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation, one potential case. Pursuant to Government Code §54956.9(b).

REGULAR MEETING

The City Council reconvened in open session and Mayor Brown called the meeting to order at 6:05 p.m. Karen Collins led the Pledge of Allegiance.

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

ALSO PRESENT: City Manager Giovanatto, City Clerk Johann, City Attorney Walter, Assistant City Attorney Nebb, and Planning Director Goodison.

REPORT ON CLOSED SESSION – Mayor Brown stated that no reportable action had been taken and that Council would continue the Closed Session at the end of the regular meeting.

SPECIAL TRIBUTE TO NIELS CHEW

Mayor Brown stated that because Niels Chew had been such a beloved member of the community, he felt it was appropriate to honor him. He read aloud a proclamation which had been presented to Mr. Chew prior to his death. Mayor Brown presented the proclamation and the framed official Alcalde photograph of Niels to Mrs. Susan Chew. First District representative Pat Gilardi read a resolution of the Sonoma County Board of Supervisors and Clm. Rouse read a resolution from Congressman Mike Thompson honoring Mr. Chew. Mrs. Chew thanked Mayor Brown for the recognition and stated that the entire family appreciated the tribute.

1. COMMENTS FROM THE PUBLIC

Darryl Ponicsan spoke regarding the detrimental impact that leaf blowers have on him and his property. Martenell Greenman stated his agreement with Mr. Ponicsan.

Herb Golenpaul stated that Rancho De Sonoma Mobilehome Park was back under the rent control system and would not be condoizing. He questioned if the park was paying their required fees to the City.

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers' Comments and Announcements

Clm. Rouse dedicated the meeting in the memory of Gale Johnson.

Clm. Barbose dedicated the meeting in the memory of Don Geddes.

Clm. Gallian reported participation in the 2013 Sonoma Valley Cheesemaking Conference.

Clm. Cook announced he would hold office hours every other Wednesday at City Hall beginning April 3. He stated he discussed with staff placing a discussion regarding changing Plaza parking limit to three hours on a future Council agenda.

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

City Manager Giovanatto, in response to Mr. Golenpaul, stated that all three mobilehome parks had paid their annual fees to the City.

4. PRESENTATIONS

Item 4A: Proclamation Declaring March 2013 as Big Read Sonoma County Month

Mayor Brown read aloud the proclamation declaring March 2013 Big Read Month and presented it to Sonoma Branch Librarian Lisa Musgrove.

Item 4B: Proclamation Declaring March 2013 Community Center Month

Mayor Brown read aloud the proclamation and presented it to Community Center Board Member Brock Arner.

Item 4C: Presentation by the Sonoma Community Center on Phase 2 of the ongoing Community Center renovation project.

Toni Castrone presented a slide show presentation and reported on the progress of the Community Center renovation project.

Item 4D: Presentation by the Sonoma County Agricultural Preservation and Open Space District on the Montini Preserve (requested by Councilmember Gallian)

Leslie Lew reported that the District acquired the 98-acre property for \$13.9 million in 2005. Funding was provided by the California State Coastal Conservancy (\$1.15 million), the City of Sonoma (\$1.25 million) and \$11.5 million by the District. Ms. Lew provided the history of and description of the process that had gone into development of the management plan and the proposed trail.

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 February 11, 2013 Meeting.

Item 5C: Approval of a Memorandum of Understanding with the Sonoma Community Center for provision of emergency volunteer coordination services and authorization for the City Manager to execute it on behalf of the City.

Item 5D: Approval and ratification of the reappointment of Robert McDonald to the Design Review Commission for a two-year term.

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

- Item 5E:** Approval and Ratification of the Reappointment of Matt Howarth to the Planning Commission for a two-year term.
- Item 5F:** Request by Prestwood PTO for City-subsidized use of the Sonoma Valley Veterans Memorial Building on March 8, 2013. Approved subject to applicant's compliance with the City's standard insurance requirements.
- Item 5G:** Approve the application of Sonoma Raceway for temporary use of city streets for the Speedway Children's Charities on Saturday, May 18, 2013 and Adopt Resolution approving and consenting to the use of city streets for the Speedway Children's Charities Parade. (Res. No. 10-2013)

It was moved by Clm. Rouse, seconded by Clm. Cook, to move Item 8B up to be considered prior to 8A. The motion carried unanimously.

The public comment period was opened and closed with none received. It was moved by Clm. Rouse, seconded by Clm. Gallian, to approve the consent calendar as presented. 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 February 11, 2013 City Council / Successor Agency Meeting pertaining to the Successor Agency.

The public comment period was opened and closed with none received. It was moved by Clm. Rouse, seconded by Clm. Gallian, to approve the consent calendar as presented. The motion carried unanimously.

7. PUBLIC HEARING – None Scheduled

8. REGULAR CALENDAR – CITY COUNCIL

- Item 8B:** Discussion, consideration and possible action regarding a request to install a sign (10' tall x 50' wide) on the Plaza Horseshoe Lawn for the 2013 Sonoma International Film Festival.

Planning Director Goodison reported that Sonoma International Film Festival had requested permission to install the S-O-N-O-M-A-W-O-O-D sign on the Plaza horseshoe during this year's festival. Clm. Barbose confirmed that it would be the same sign as the one approved last year.

Mayor Brown invited comments from the public. Kevin McNeely asked the Council to consider approving the sign and to consider it as an art installation. He stated that the sign created a sense of pride among the high school students that developed it. Deirdre Sheerin, Christopher Oscar, and Jenny Irving added their support for placement of the sign. Herb Golenpaul cautioned that the City should not be held responsible if someone were to be injured as a result of the sign placement.

It was moved by Clm. Barbose, seconded by Clm. Cook, to approve the request and to waive the Plaza use fee associated with the sign. The motion carried unanimously.

- Item 8A:** Discussion, consideration and possible action on the transfer of ownership of the Montini Preserve from the Sonoma County Agricultural Preservation and Open Space District to the City of Sonoma.

Planning Director Goodison provided the staff report. Attorney Walter described one last minute revision to page one of the Transfer Agreement.

Clm. Barbose confirmed with staff the following: 1) Any possible development rights of the property were lost when the District acquired the property and that the property could only be used for recreational purposes. 2) The Management Plan was developed with the assumption that the State of California would acquire the property and thus the no dog requirement was included. 3) The Management Plan would need to be amended to allow leashed dogs on the trail and that any amendment of the Management Plan would need to be approved by the district.

Item 8A: Montini Preserve, Continued

Clm. Rouse stated that the vision statement included in the Management Plan included the preservation of a "high quality habitat". He stated that introduction of dogs would be harmful to the natural habitat.

Planning Director Goodison described the process for amending the Management Plan.

Mayor Brown invited Councilmembers to address questions to the Open Space representatives. Clm. Barbose confirmed with Bill Keene that the Conservation Easement would be the guide for use of the preserve and that the District did not have a problem with allowing leashed dogs on the trail. Mr. Keene reported that they would be going to the Board of Supervisors for authorization to begin trail construction. Clm. Barbose noted that the District had stated in public hearings that it would be up to the city to decide whether or not to allow dogs in the Montini preserve and that it was not until late 2012 that the council learned that there was a prohibition against dogs in the Management Plan and that the City would have to conduct an environmental study at its expense and later obtain District approval to change that. He asked if the District would agree to amend the Management Plan before transferring the property to the City and Mr. Keene responded that the City should take that on.

Clm. Rouse inquired if there was any historical data relating to allowing dogs on trails. Keene stated that dogs were allowed at the Healdsburg and Laguna Preserves and the key was keeping them on leash. He said some reports indicated that dogs marking their territory did impact wildlife. Clm. Rouse pointed out that dogs were not allowed on the Overlook Trail or on the State property.

Mayor Brown invited comments from the public. Bob Edwards, President of Sonoma Valley Dog Owners, stated this project had nothing to do with the Overlook Trail and the time to amend the Management Plan was now. He asked the City Council to reject the transfer, as it would preclude dogs in the preserve.

The following spoke in favor of allowing dogs on the Preserve: Ellen Bradley, Sandy Donohue, Katie Burn, Rich Lee, and Will Shonbrun. The following were not in favor of allowing dogs on the Preserve: Fred Allebach, Russ Bair, Rich Gibson, and Julie Manaker. Joanna Kemper, Chair of the Overlook Trail, stated their support for acquisition of the Preserve but did not want dogs on the Overlook.

Richard Dale, Sonoma Ecology Center, expressed support for acquisition of the Preserve and urged the Council to not lose out on the opportunity because of the dog issue. Lynn Clary stated that if dogs were allowed it would mean extra costs for insurance and patrol.

It was moved by Clm. Rouse, seconded by Clm. Cook, to adopt the Resolution entitled A Resolution of the City Council of the City of Sonoma Conditionally Approving and Authorizing the Execution of Documents Implementing the Transfer of Ownership of the Montini Preserve From the Sonoma County Agricultural Preservation and Open Space District to the City of Sonoma and to approve the City Attorney's suggested modifications to the agreement. (Res. No. 12-2013) The motion carried three to two, Councilmembers Barbose and Gallian dissented.

RECESS: The meeting recessed 9:00 to 9:10 p.m.

Item 8C: Discussion, consideration and possible action on Amendments to the FY 2013 Operating Budget.

City Manager Giovanatto presented the mid-year budget report and suggested amendments to the FY 2013 Operating Budget. The report showed the City in the black as of December 31, 2012 with revenues exceeding expenditures by \$473,544. Giovanatto cautioned that the revenue sources were static and did not necessarily represent future revenue levels.

Clm. Rouse inquired if Special Project funds could be transferred to bring the Emergency Reserve up to 17%. Giovanatto stated that it could and that would have been her recommendation at yearend.

It was moved by Clm. Gallian, seconded by Clm. Rouse, to adopt the resolution entitled A Resolution of the City Council of the City of Sonoma Amending the FY 2012/13 Budget and to authorize the transfer of Special Project Funds to bring the Emergency Reserve fund to 17%. (Res. No. 11-2013) The motion carried unanimously.

10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS

Item 10A: Reports Regarding Committee Activities.

Clm. Barbose reported on the meeting of the North Bay Watershed Association.

Clm. Cook encouraged all to visit the library and reported on the Legislative Committee meeting.

Clm. Gallian reported on the meetings of the LOCC North Bay Division, Sonoma County Ag and Open Space Advisory Committee, and Mayors and Councilmember Association.

Mayor Brown reported on the meetings of the Mayors and Councilmembers Association, Economic Development Steering Committee, and Disaster Council.

Item 10B: Final Councilmembers' Remarks.

Mayor Brown reported plans were being made to celebrate Earth Day.

Clm. Barbose reported that a delegation from Sister City Greve would be visiting in June.

11. COMMENTS FROM THE PUBLIC

Bob Edwards thanked the City Council for the time they had invested in the Montini Preserve transfer and inquired when the City would be making a request for modification of the Management Plan. He also inquired if individuals would be allowed to request modification of the Management Plan.

12. PUBLIC COMMENTS REGARDING CLOSED SESSION

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

13. CLOSED SESSION

At 9:34 p.m., the City Council continued the Closed Session. All Councilmembers, City Manager Giovanatto, City Attorney Walter and Assistant City Attorney Nebb were present.

14. RECONVENE IN OPEN SESSION & REPORT ON CLOSED SESSION

At 10:17 p.m., the City Council convened in open session and Mayor Brown announced that direction had been given to staff.

15. ADJOURNMENT

The meeting adjourned at 10:18 p.m. in the memory of Gale Johnson and Don Geddes.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma City Council on the 1st day of April 2013.

Gay Johann, MMC
City Clerk/Assistant to the City Manager