

**SPECIAL & REGULAR MEETINGS OF THE  
SONOMA CITY COUNCIL  
&  
CONCURRENT REGULAR MEETING OF THE 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, June 3, 2013  
5:00 p.m. Special Meeting  
6:00 p.m. Regular Meeting**

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

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**MINUTES**

**5:00 P.M. - STUDY SESSION**

Mayor Brown called the meeting to order and Public Works Director Takasugi acknowledged the presence of First District Supervisor Gorin and introduced Jay Jasperse, Chief Engineer - Sonoma County Water Agency (SCWA). Takasugi explained that staff would be conducting a follow up discussion regarding water issues at the June 17 City Council meeting.

Mr. Jasperse provided an overview of SCWA, water supply challenges, and their Integrated Water Management Plan for the Sonoma Valley and the entire region they serve. He reported that water supply reliability was an issue for the Valley due to its distance from Russian River supplies, pipelines vulnerable to natural hazards, an aquifer with relatively low productivity, presence of saline in the water at the southern boundary and increased water usage. Four components of the Integrated Water Management Plan to meet water supply demands include surface water, recycled water, groundwater and conservation. He provided graphs depicting groundwater declines and areas where salinity was a concern.

Mr. Jasperse stated that SCWA recently issued the "20 Gallon Challenge" to encourage water conservation this summer. The challenge encourages all Russian River water users to reduce water use by 20 gallons per day, per person.

CIm. Barbose inquired if use of the reservoir at Sonoma Developmental Center was a viable option for water storage. Mr. Jasperse stated that the reservoir had been used as a back-up in the past, but could be explored for additional usage.

CIm. Rouse inquired what effect rainwater harvesting had on groundwater levels. Jasperse responded that a few projects would not have much effect on the groundwater level.

**6:00 P.M. - REGULAR SESSION - OPENING**

Mayor Brown called the meeting to order at 6:00 p.m. Rebecca Hermosillo led the Pledge of Allegiance.

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

ALSO PRESENT: City Manager Giovanatto, City Clerk/Assistant to the City Manager Johann, City Attorney Walter, Planning Director Goodison, Public Works Director Takasugi.

**1. COMMENTS FROM THE PUBLIC**

Wendy Peterson, Sonoma Valley Visitor Bureau, announced that a partnership of Sonoma Raceway, Sonoma County Transit and the Bureau would offer free shuttle rides between the Plaza and the Raceway on Friday and Saturday of the June Nascar event.

Darryl and Cecilia Ponicsan spoke regarding the ill effects of leafblowers and urged the City Council to ban them.

Anita Smith announced the Hula Mai's "Hula in the Plaza" event at the Grinstead Amphitheater on June 14 and invited all to attend.

## **2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS**

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

Clm. Rouse reported an upcoming meeting of the Swimming Pool Committee and stated he had a fabulous time while visiting sister city Tokaj Hungary.

Clm. Barbose announced that a delegation from sister city Greve would be visiting in two weeks.

Clm. Gallian reported her pleasure in attending the Sonoma Valley High School graduation.

Clm. Cook announced his next office hour would be on June 12 at 11:00 a.m. to noon.

Mayor Brown reported a successful Hit the Road Jack race and fund raiser. He dedicated the meeting in the memory of Anita Saperstein and Edith Elsie Lanning.

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

City Manager Giovanatto reported the following: A delegation from sister city Penglai would be here June 13. The June Oversight Board meeting had been cancelled. There were open positions on the Mobilehome Park Rent Review Board and the Cultural and Fine Arts Commission. A tentative agreement had been reached with the County for the use of the Veterans Memorial Building and she acknowledged the cooperation of Supervisor Gorin in that process.

## **4. PRESENTATIONS**

### **Item 4A: Gay Wine Weekend Proclamation**

Mayor Brown read aloud the proclamation declaring June 14-16, 2013 Gay Wine Weekend and presented it to Mark Vogler. Mr. Vogler thanked the Council and the entire community for the support that had been shown towards the event.

### **Item 4B: Presentation on the Implementation of the Sonoma Clean Power (SCP) Program in the City of Sonoma**

Clm. Gallian announced that her husband's employment by PG&E created a conflict of interest for her and she would recuse herself from this item. She stepped down from the dais and left the room.

Supervisor Gorin stated she was present to offer the City an invitation to join Sonoma Clean Power (SCP). She stated that some felt the process for establishment of SCP had been too fast; however, she said, it really had not. She stated there had been two and a half years of study, peer review, input from a steering committee and multiple presentations to the Council and the community at large. Gorin stated that the County was asking the Council to adopt a resolution and an ordinance by the end of July. Those actions to join SCP would give the Council a place on the Board of Directors.

Steven Shupe, County Counsel, said it was a good idea for Sonoma to join SCP because there was no risk, no cost, and it would provide a choice of power providers to Sonoma residents and businesses. He said SCP was a community choice aggregation program wherein a joint powers authority would be formed to consolidate electricity-buying power. PG&E would continue to provide all delivery and billing services. He described the process that had been completed to get to this point and reported that the program was an "opt out" program. If Sonoma chose to participate, residents and businesses in the city would be automatically enrolled in the program and each customer would receive four notices of their right to opt out of the program and remain with PG&E. The energy rates would depend on how many Sonoma County jurisdictions join SCP and the negotiations with power producers. Shupe stated that SCP would provide 33% renewable power compared to 19.6% provided by PG&E and that First Community Bank had offered to provide a \$2.5 million loan for startup costs.

Amy Bolton, SCWA, stated that PG&E would continue maintenance of the infrastructure and billing. SCP estimated the rate for residential customers to be from 1.8% below to 1.1% above PG&E's rates, and for commercial customers to be from 3.1% below to 0.5% above PG&E's rates.

**Item 4B: Presentation on the Implementation of the Sonoma Clean Power (SCP) Program in the City of Sonoma, Continued**

Clm. Rouse questioned the risk associated with repayment of the \$2.5 million loan. Shupe stated they felt that the risk of not being able to repay the loan was very small.

Clm. Cook inquired what would happen if SCP did not work out and everyone went back to PG&E. Shupe responded that PG&E would be required to provide the power.

Attorney Walter inquired if the City could get out if it joined and what liability would there be. Shupe responded that if the City wanted to withdraw from the Joint Powers Authority, any potential loss of revenue could become a liability of the City. Attorney Walter pointed out to the City Council two choices would be before them. They were 1) whether to join the SCP; and 2) if it joined whether to subscribe for its facilities or to opt out.

Mayor Brown invited comments from the public. Ann Hancock, Climate Protection Campaign, stated that joining the SCP would be the most effective way to reduce greenhouse gas emissions. She reminded Councilmembers of the City's past commitments towards that end.

The following spoke in favor of joining the SCP: Juanita Roland of the League of Women Voters, Woody Hastings of Climate Protection Campaign, Duane Hartley, James Baltar, Raymond Baltar of the Sierra Club, Barbara Oldershaw, Melinda Kelly, Peter Renfrow of Solar Sonoma County, Alan Strong, Tim Holms of Sonoma Solar Power, Richard Dale of Sonoma Ecology Center, Gina Cuclis,

The following spoke against joining the SCP: James Bennett and Debby (last name not given).

Gary Germano questioned the amount of reported renewable energy of PG&E and why hydroelectric power was not considered renewable by SCP.

Clm. Barbose confirmed with staff that the issue of joining the SCP would be on the next agenda.

**RECESS:** The meeting recessed from 7:50 to 8:00 p.m.

**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 May 20, 2013 Meeting.**

**Item 5C: Request by Congregation Shir Shalom for City-subsidized use of the Sonoma Valley Veterans Memorial Building on October 27, 2013.** Approved subject to applicant's compliance with the City's standard insurance requirements.

**Item 5D: Adoption of a Resolution urging the State to assert its right to continue to lease the water bottoms in Drakes Estero for shellfish cultivation.** [Requested by Mayor Brown and Mayor Pro Tem Rouse], removed from consent, see below.

Clm. Gallian returned to her place at the dais. Clm. Rouse removed Consent Item 5D. The public comment period opened and closed with none received. It was moved by Clm. Barbose, seconded by Clm. Gallian, to approve the items remaining on the Consent Calendar. The motion carried unanimously.

**Item 5D: Adoption of a Resolution urging the State to assert its right to continue to lease the water bottoms in Drakes Estero for shellfish cultivation.**

Clm. Rouse stated he removed the item due to the number of persons wanting to address the Council regarding the issue.

Mayor Brown invited comments from the public. The following spoke in favor of the resolution: Dr. Cory Goodman, Peter Prowse, Donna Yamaguto, Mike Smith, Debby Bochuaculopia, James Bennett, Michael Greenberg, Jeff Creek, Dr. Paul Olin, Jane Georgie, Nellie Gomez, Jenny Lunny Cummings, Yannick Phillips, Tony Moll, Mary Laslin, Judy Tidewing, Kevin, Nancy & Jerrod Lunny, Vince Generas, Hunt Bailey, and Jonah Askin.

**Item 5D:      Drakes Estero**

The following spoke against the resolution: Terry Shore and Marilyn Goode. Ms. Shore stated that the oyster farm had known they had to be out by 2012 and stated they were circumventing the Wilderness Act.

Local merchants representing Murphy's Irish Pub, Meritage Restaurant, and The Red Grape restaurant stated that the loss of oysters from Drakes Bay Oyster Company would force them to obtain their oysters from out of state and possibly from as far away as China.

Attorney Peter Prowse explained legal aspects of the matter and reported that the 9<sup>th</sup> Circuit had heard the case. He cited a letter from the Fish and Game Commission whereby they authorized shellfish cultivation in Drakes Estero through 2029. He stated the oyster farm had been there for over eighty years and was an integral part of the agricultural community.

Dr. Paul Olin stated that he studied the issue and various reports that had been prepared and had concluded that there was not a shred of evidence that the oyster farm was doing any harm to the environment or Drakes Estero. He said the Wilderness Act retained acres of rangeland for continued operation and the same was supposed to apply to the oyster farm.

Drakes Oyster Farm owner Kevin Lunny stated that Council adoption of the resolution would be an important step and show of community support. He reported their company produced one third of California's oysters and if they cease to operate, oysters would have to be imported from Asia.

Cm. Rouse stated his support for the resolution. Cm. Gallian stated she would support because it was about supporting a small farming operation. Cm. Barbose stated he felt it was important for Sonoma to stand up and be counted although he wondered if it would have any effect. Cm. Cook stated his support for local businesses and that he did not like to see small business owners get beat up. Mayor Brown also stated his support. It was moved by Cm. Rouse, seconded by Cm. Gallian, to adopt the resolution entitled A Resolution of the City Council of the City of Sonoma Supporting the State of California's Rights Over Oyster Cultivation. (Res. No. 22-2013) The motion carried unanimously.

**RECESS:** The meeting recessed from 9:00 to 9:15 p.m.

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

**Item 6A:      Approval of the portions of the Minutes of the May 20, 2013 City Council / Successor Agency Meeting pertaining to the Successor Agency.**

The public comment period opened and closed with none received. It was moved by Cm. Gallian, seconded by Cm. Cook, 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 adoption of a resolution establishing procedures pertaining to appointments to City boards and commissions.**

City Manager Giovanatto reported that towards the end of 2012 during Council discussions related to an appointment to the Planning Commission, certain issues arose pertaining to the commission appointment process that would benefit from further clarification. Two issues in particular included: 1) the appointment of commission alternates; and 2) the use of a Council subcommittee to conduct applicant interviews. She explained that staff had drafted a resolution pertaining to the appointment of commission alternates, the recruitment process, and the Council subcommittee which conducts applicant interviews based upon the current practices currently being adhered to.

At the request of Cm. Rouse, Attorney Walter described the process of conducting applicant interviews at an open meeting of the Council. Councilmembers discussed the pros and cons of that idea and other options.

**Item 8A: Appointments to City boards and commissions, Continued**

Mayor Brown invited comments from the public. Former Mayor Joanne Sanders stated that the Planning Commission was a key commission for the City as it dealt with important land use issues. As such, it deserved transparency and a democratic process. She said she did not support the automatic appointment of Alternates. Sanders stated the best process would be for each Councilmember to have an appointee on the Planning Commission.

Cultural and Fine Arts Commissioner (CFAC) Nellie Cravens stated that the current process of appointing the Alternate to fill any vacancy had resulted in the CFAC having no outside-the-City members. She asked the City Council to change the requirement so that non-residents could fill Alternate positions. Clm. Barbose stated that he had spoken to former CFAC Chair Simmel regarding that issue. One way to solve it would be to not appoint the Alternate if the open position was for a non-city resident.

Council discussed the process of appointment of the Alternates and other issues related to the appointment process. It was moved by Clm. Rouse, seconded by Clm. Cook, not to change the existing process except to state that there must be two people conduct the interviews. The motion carried unanimously.

**Item 8B: Discussion, consideration and possible action regarding the process for filling the vacant position on the Planning Commission.**

Mayor Brown recused himself, stepped down from the dais and left the room. Mayor Pro Tem Rouse assumed the Chair. City Manager Giovanatto reported that a position on the Planning Commission was vacated in November 2012 when Michael George did not seek reappointment after serving six years on the Commission. The then Mayor, Joanne Sanders, directed the City Clerk to advertise the vacancy. Six applications were received including one submitted by the Planning Commission Alternate Bill Willers. Mayor Sanders conducted the interviews and placed the nomination of James Cribb on the November 5, 2012 Consent Calendar. Mayor Brown recused himself and did not participate in the item. The nomination was not ratified. At the December 3, 2012, Council meeting, Mayor Sanders again nominated Mr. Cribb and one of the other applicants; however neither nomination was ratified and the position had remained vacant. Giovanatto stated that staff was seeking Council direction on how it wished to proceed with filling the vacant position.

Clm. Barbose questioned that since this was de novo why Mayor Brown could not participate. Attorney Walter stated that it was a continuation of the previous appointment process and Brown could not participate.

Mayor Pro Tem Rouse invited comments from the public. Former Mayor Joanne Sanders asked the Council to honor her previous nomination of James Cribb for the appointment.

At the request of Mayor Pro Tem Rouse, Attorney Walter explained that one option would be to re-advertise the opening, conduct the interviews and the Mayor Pro Tem would make a nomination.

It was moved by Clm Barbose, seconded by Clm. Cook, to re-advertise and proceed as suggested by the City Attorney. The motion carried unanimously, Brown absent.

**Item 8C: Discussion, consideration and possible action regarding designation of the voting delegate and alternate for the 2013 League of California Cities Annual Conference.**

City Manager Giovanatto reported that the League of California Cities 2013 Annual Conference would be held September 18-20, 2013 at the Sacramento Convention Center. An important part of the Annual Conference is the Annual Business Meeting scheduled for noon on Friday September 20. At that meeting, representatives from each city consider and take action on resolutions that establish League policy. In order for the City of Sonoma to cast a vote at the September 20 Annual Business Meeting, the City Council must designate a Voting Delegate and up to two Alternates. Clm. Gallian volunteered to represent the City. It was moved by Clm. Rouse, seconded by Clm. Barbose, to appoint Clm. Gallian as the City's voting delegate. The motion carried unanimously.

**Item 8D: Discussion, consideration and possible action providing direction to the Mayor regarding the City's vote on an appointment by the Sonoma County Mayors' and Councilmembers' Association at their June 13, 2013 meeting**

City Manager Giovanatto reported that the Board of Directors would be making an appointment to the Ag and Open Space at their June 13 meeting. She stated that Clm. Gallian had been the only person to submit a letter of interest. It was moved by Clm. Barbose, seconded by Clm. Cook, to direct the Mayor to vote in favor of Clm. Gallian's appointment. The motion carried unanimously.

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

There were no items to consider.

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

**Item 10A: Reports Regarding Committee Activities.** Deferred to the next meeting.

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

Clm. Gallian commented on the beautiful Memorial Day Celebration.

**11. COMMENTS FROM THE PUBLIC - None**

**12. PUBLIC COMMENTS REGARDING CLOSED SESSION**

The period of public comment opened and closed with none received. At 10:32 p.m., Council convened in Closed Session with all members present. Also present were City Manager Giovanatto and City Attorney Walter. Attorney Slater participated via teleconference.

**13. CLOSED SESSION**

**Item 13A: CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION.** Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): (One Potential Case)

**14. RECONVENE IN OPEN SESSION & REPORT ON CLOSED SESSION**

At 11:00 p.m., Council reconvened in open session and Attorney Walter announced that no reportable action had been taken.

**15. ADJOURNMENT**

The meeting was adjourned at 11:01 p.m. in the memory of Anita Saperstein and Edith Elsie Lanning.

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

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