

**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, April 15, 2013
5:00 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

5:00 P.M. – SPECIAL MEETING - CLOSED SESSION

CALL TO ORDER

At 5:00 p.m., Mayor Brown called the meeting to order. No one from the public was present to provide public testimony on the closed session item. The Council recessed into closed session with all members present. City Manager Giovanatto and City Attorney Walter were also present.

CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to Cal. Gov't Code section 54956.9(d)(2): One potential case involving the claims of the County of Sonoma that the County's cities are liable for the costs of closing and monitoring the closure of the County's central landfill.

6:00 P.M. – REGULAR MEETING

The City Council reconvened in open session and Mayor Brown called the meeting to order at 6:00 p.m. Toni Castrone led the Pledge of Allegiance.

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

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

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

1. COMMENTS FROM THE PUBLIC

Harry Blum commended City workers and the Film Festival team for a job well done.

Wendy Peterson announced the April 26, 2013 Arbor Day Celebration in the Plaza.

Matt Metzler stated that the bike path pavement at West Napa and Fifth West was in need of repair. He also stated that if the Fryer Creek bike path were completed, it would increase ridership.

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers' Comments and Announcements

Cllm. Gallian called for a moment of silence for those impacted by the bombing at the Boston Marathon. She announced that the mission would hold a children's day on May 4 and that she attended the Valley of the Moon Water District Board meeting.

Mayor Brown and Councilmembers Gallian and Barbose commented on the success of the Sonoma International Film Festival.

Mayor Brown dedicated the meeting to the memory of Diana Beebe and Martha Singleton McCullough.

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

City Manager Giovanatto announced that the Sonoma Police Department and the Identity Theft Council were holding a seminar regarding identity theft at Vintage House on May 15. She reported that the April 17 Responsible Beverage Service Training seminar offered by the Police Department was full with a waiting list. The City Finance Department would be implementing the new financial software at the end of the month.

4. PRESENTATIONS

Item 4A: Proclamation declaring the Fourth Friday in April 2013 Children's Memorial Day

Mayor Brown read aloud the proclamation declaring the fourth Friday in April Children's Memorial Day and noted that the City would fly the Children's Memorial Flag at City Hall on April 17. John Goehring and Steve Berry received the proclamation on behalf of Minimize Occurrences of Violence in Everyday Society (MOVES) and thanked the Council for the recognition.

4. PRESENTATIONS, Continued

Item 4B: Proclamation declaring April 14-20 The Week of the Young Child

Mayor Brown read aloud the proclamation declaring April 14-20 The Week of the Young Child. Kathy Vaughn received the proclamation on behalf of the Child Care Planning Council of Sonoma County and thanked the Council for its recognition.

Item 4C: Proclamation declaring April 2013 Autism Awareness Month

Mayor Brown read aloud the proclamation declaring April 2013 Autism Awareness Month. Ashley, a Sweetwater Spectrum resident, and Deirdre Sheerin accepted the proclamation and thanked the City Council. Ms. Sheerin stated that nine residents had moved into the facility since its opening two months ago. Another Sweetwater resident, Christopher, stated that he had become more independent and had learned to cook since moving in.

Item 4D: Presentation by the Sonoma County Department of Health Services on strategies to improve the oral health of Sonoma County, including a potential water fluoridation program.

Lynn Chalfin, Sonoma County Health Officer, reported that as part of its mandate to promote good health, the Sonoma County Department of Public Health (DHS) had engaged in a multi-pronged approach to address oral health problems in Sonoma County. While access to dental care, tooth sealants, fluoride varnishes and oral health education had all expanded, DHS has found that untreated dental decay continued to be a significant problem, disproportionately affecting lower income and Latino children. In light of this finding, the Board of Supervisors directed DHS to conduct a study of the County's water delivery system and the feasibility of community water fluoridation. On February 26, 2013, DHS presented an updated status report on oral health within Sonoma County, along with the results of the water system study, which included a preliminary cost/benefit assessment of fluoridation as well as proposed next steps in developing more detailed information. Acting on the recommendations of DHS, the Board of Supervisors voted unanimously to authorize the preparation of a "Preliminary Engineering Design Report and Cost Estimate" that would identify and evaluate alternative methods of retrofitting the Sonoma County Water Agency's (SCWA) delivery system to provide for the fluoridation of the SCWA water supply. While waiting on the completion of the report, DHS is embarking on a process of community and stakeholder outreach that includes the formation of an advisory committee. The advisory committee's charge, in addition to reviewing the preliminary design plan and cost estimate, is to develop a funding plan. The outreach process, which has already started, is expected to continue through June 2015. In addition, all of the other DHS oral health strategies will continue to be expanded, with outcomes monitored through an updated county-wide survey.

Clm. Rouse inquired if other approaches to improving dental health were being taken and what were other counties doing in that regard. Ms. Chalfin stated there were some tooth brushing training at schools but mostly through the WIC program. She said that the Safe Water Act required counties to fluoridate only if and when funding became available; she thought that Marin, San Francisco, and Contra Costa were fluoridating.

Item 4D: Presentation regarding a potential water fluoridation program, continued

Clm. Gallian inquired what data had been utilized in analyzing the significance of the problem. Ms. Chalfin stated they used a sampling of a population base of California schools. Clm. Gallian stated it was important to understand what the need was and to properly inform the citizens.

Clm. Barbose inquired if it was possible to introduce fluoride by other means such as tablets. Ms. Chalfin stated that fluoridation was the most cost-effective means. She noted that fluoride was obtained through toothpaste and other sources.

Clm. Cook inquired what percent of the fluoride would hit its target. Ms. Chalfin responded that the percent was very low but said that was true of chlorination as well. An advantage was that the fluoride would reach every person every day.

Mayor Brown invited comments from the public. Rosemary Pedranzini stated that it would be ridiculous for the County to spend money on fluoridation and pointed out that there were cautions on toothpaste tubes not to swallow the paste because it was toxic.

Lauren Ayers stated that Council needed to look at both sides and invited everyone to a fluoride forum at the Grange on April 29.

Regina Baker stated there were many other nutrients necessary for healthy skin teeth and bones and said fluoride was on the bottom of the list.

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 March 25 Goal Setting, March 25 Ethics Training, and April 1, 2013 Meetings. (Removed from Consent, see below)

Item 5C: Approval and Ratification of the Reappointment of Matthew Tippell to the Planning Commission for a four-year term.

Item 5D: Approval of agreement for Economic Development Project Management services with Laurie Decker.

Item 5E: Approval of a temporary exception to Sonoma Municipal Code §8.06.070 allowing dogs in the Plaza Park Horseshoe Lawn in conjunction with Pets Lifeline Bark in the Park event on July 27, 2013.

Clm. Barbose removed Consent Item 5B. 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. Clm. Cook thanked Mathew Tippell for his service on the Planning Commission.

Item 5B: Approval of the Minutes of the March 25 Goal Setting, March 25 Ethics Training, and April 1, 2013 Meetings.

Clm. Barbose requested a revision to the April 1 minutes. It was moved by Clm. Rouse, seconded by Clm. Cook, to approve the minutes as revised. The motion carried unanimously.

Clm. Rouse thanked Laurie Decker for her service as the Economic Development Program Manager and said she was doing a great job.

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

Item 6A: Approval of the portions of the Minutes of the April 1, 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 8A: Discussion, Consideration and Possible Action to Increase Parking Limits on the Plaza from 2 hours to 3 hours.

City Manager Giovanatto reported that pursuant to direction provided by City Council at the March 18 meeting, staff had analyzed the potential impacts of increasing the parking limits around the Plaza from 2 hours to 3 hours. Councilmember Cook had requested Council support for this analysis. Giovanatto reported that staff completed an analysis of the impacts and costs and the Chamber and the Economic Development Steering Committee had discussed the issue. The Economic Development Manager and Chamber Executive Director communicated with business owners in the Plaza area. Staff estimated the cost to replace parking signs would be between \$1,300 and \$5,200 depending on the areas targeted for change.

Giovanatto reported that of the twenty-nine businesses that responded to the downtown parking survey, 72.4% agreed that the time limit should be increased to three hours.

Cm. Rouse questioned the need to spend \$5,000 and asked about a potential downtown parking study. Planning Director Goodison responded that the General Plan Circulation Element would be updated in the near future and as part of that update, Council may wish to include a downtown parking assessment and management plan. Cm. Rouse asked Laurie Decker what her opinion was. She reported that the majority of business owners she spoke to supported the change and felt it would encourage shoppers to stick around longer.

Cm. Barbose stated that when Cm. Cook first presented the idea he had suggested that instead of replacing the signs, that stickers be placed over the number 2 on the signs. He asked if staff had explored the possibility of using metallic decals. City Manager Giovanatto stated that Public Works crew did consider that alternative but were not supportive of it. Cm. Cook inquired how long the signs usually last. Giovanatto responded that they were replace about every two years.

Mayor Brown invited comments from the public. Rosemary Pedranzini stated that a \$40 ticket was not enough deterrent so the Council might as well change it to three hours.

Charlene Hunter suggested surveying other Sonoma County towns and to be consistent with them.

Lynn Clary stated that the longer time limit would leave time on the hands of traffic patrol officers and they could spend more time patrolling the Plaza.

Cm. Cook stated that he supported the change which would allow tourists ample time to shop, eat and get back to their car without worrying about getting a ticket. He said he did not want to wait for completion of the parking assessment and management plan.

Cm. Gallian supported the change and wanted the time limit to be consistent in all areas. Cm. Rouse said he would go along with it if it was the will of the Council but he did not want to spend \$5,000. Cm. Barbose agreed and suggested staff obtain high quality decals and a good cleaning solution. Mayor Brown agreed and added that there should be an outreach to local businesses.

It was moved by Cm. Cook, seconded by Cm. Gallian, to change the parking time limit from two to three hours for all areas effective May 20, 2013 and to direct staff to look into the use of decals to change the signage. The motion carried unanimously. City Manager Giovanatto stated that she would take a frugal approach and would report the cost of changing the signage to the Council.

Item 8B: Receive and File Report on Initiative Procedures and Discussion Concerning Individual Council Members Commenting Thereon.

City Attorney Walter reported that a notice of intent to circulate a petition which proposed an ordinance governing hotels containing more than 25 rooms had been submitted to the City Clerk. He presented the ballot title and summary which he had prepared pursuant to the law. Walter explained the timeline and procedural steps involved when processing a ballot initiative. If the initiative petition was signed by 15% of the registered voters, when it is presented to the Council, the Council must (1) adopt the measure, (2) order a special election 88 to 103 days thereafter, or (3) order the preparation of a report. If the petition is signed by less than 15%, but not less than 10%, upon its presentation to the Council, the Council must (1) adopt the

**Item 8B: Receive and File Report on Initiative Procedures and Discussion
Concerning Individual Council Members Commenting Thereon, continued**

measure, (2) order it placed on a regular election not less than 180 days thereafter, or (3) order preparation of a report.

Attorney Walter reported that the report that the Council could order be prepared could analyze the initiative measure's fiscal impact, its effect on the internal consistency of the City's general and specific plans, its effect on the use of land, its impact on funding for infrastructure of all types, its impact on the community's ability to attract and retain business and employment, and any other matters the City Council requests to be in the report. The report would have to be presented to the Council no later than 30 days after the Elections Official certifies to the Council that the petition had been signed by the requisite number of voters. Once the report was completed and returned to the Council for consideration the Council must either adopt the initiative measure within 10 days after the report was submitted or order an election. Should the measure be placed on the ballot, the Council would have the opportunity to prepare an argument in favor of or against the measure and the City Attorney would prepare an impartial analysis which would be included in the ballot pamphlet. If the measure was approved by a majority of the voters voting on it, it would become effective. The substantive portions of the measure which impose conditions precedent to the filing of and approving an application for a hotel containing more than 25 rooms may not be amended or repealed except by a subsequent vote of the registered voters.

Attorney Walter stated that Councilmembers were free to say or do anything they wish regarding the petition as long as they were acting on their own. He cautioned them that making comments about a proposed hotel on West Napa Street could indicate an actual bias and could preclude them from participating in a decision should that project come before the City Council.

CIm. Rouse confirmed with the City Attorney that it was okay for him to state he did not like the arbitrary 80% occupancy requirement contained in the initiative and that he felt there were ulterior motives behind it. CIm. Cook confirmed with the City Attorney that a special town hall meeting could be held to discuss the initiative. CIm. Gallian confirmed with the City Attorney that it was okay for individual Councilmembers to contribute money, speak at meetings and host a meeting as long as it was on their own time and with their own money.

Mayor Brown invited comments from the public. Larry Barnett, former Mayor and initiative proponent, stated his agreement with the City Attorney's opinion regarding the Councilmembers' freedom to speak about and take a position regarding the initiative. He stated that he did not believe; however, that if a Councilmember were sued that the City would pay for his defense. Attorney Walter responded that he felt the City would defend the City Council if one or more were challenged as being biased.

Joanne Sanders, former Mayor, questioned the motive behind the initiative and said she believed it was a vendetta against Darius Anderson, the developer proposing a hotel on West Napa, and that they were trying to limit the competition. She said she had concerns about the proposed hotel project but that the process the City had in place would provide citizens plenty of opportunity to express their opinions. She stated that Barnett helped write the General Plan and that a large development went in on First Street West during his watch and noted that a ban had not been mentioned until Anderson's project came along. She urged citizens to not sign the petition.

Tine Shone, real estate broker, said she did not believe a moratorium would be good for business.

Regina Baker stated that if Anderson would keep the existing buildings and put his hotel behind them, no one would object to his proposal.

Jennifer Yankovich stated that the Sonoma Valley Chamber of Commerce Board unanimously voted to oppose the initiative. She said there was a process in place to allow discussion and input about development proposals.

Rosemary Pedranzini agreed with Baker's comment. She said it was too big of a project and would cause traffic chaos.

Mayor Brown stated that speakers should keep their comments to the issue as listed on the agenda.

Item 8B: Receive and File Report on Initiative Procedures and Discussion Concerning Individual Council Members Commenting Thereon, continued

Doug Graham stated that the City needed revenue and that some argued the proposed hotel would ruin the character of the City. He said that the people were what gave Sonoma its small town character, not the buildings.

Doreen Proctor said she did not agree with initiative's 80% occupancy requirement and opposed the initiative.

Item 8C: Discussion, consideration and possible action authorizing City Manager to solicit proposals and retain qualified consultant(s) to assist staff in commencing and prosecuting the analysis and investigation concerning the impacts described in Elections Code section 9212 (and any others identified by the Council) of the proposed Hotel Limitation Measure.

City Manager Giovanatto reported that the initiative process allowed for the preparation of a report which would analyze the effects and potential impacts of the ballot measure. The report must be presented to the Council within 30 days after the City Clerk certifies the sufficiency of the petition. Giovanatto stated that due to the restricted timeframes, staff was requesting authorization to solicit proposals and retain a consultant (s) to assist in preparation of the report. Extending this authorization will give clear direction to staff to fully vet the options available to either prepare the report in-house or secure the services of an outside firm. She added that the report would not be initiated until the petition had been certified and the Council called for the report to be prepared. Giovanatto stated that the Council could request a report now if it so desired.

Clm. Rouse stated he was not in favor of spending staff time or money until the initiative proponents gathered enough signatures to qualify the measure for the ballot. Clm. Cook stated he would support staff's request for authorization to do some preliminary preparations.

Mayor Brown invited comments from the public. Larry Barnett stated he was sorry to have heard the inaccurate personal assault against him. He stated he had been firmly against the referenced project on First Street West. He said the Preserving Sonoma members felt their initiative was easy to understand and there was no need for the City to hire a consultant to prepare a report.

Joanne Sanders supported the City Manager's request for authorization to explore what consultants were out there and what kind of information was available. She added that property owners and deserved to know what was at stake.

Clm. Barbose commented that thirty days was not much time and he felt it prudent for the City Manager to look around to see who was available and what such a report would cost.

It was moved by Clm. Barbose, seconded by Clm. Gallian, to authorize the City Manager to evaluate the options for preparing a report, solicit proposals and/or evaluate other such actions as necessary to meet the 30-day timeframe should the Council call for the report. The motion carried four to one, Clm. Rouse dissented.

9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

There were no agenda items.

10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS

Item 10A: Reports Regarding Committee Activities.

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

Clm. Gallian reported on meetings of the Sonoma County Transportation Authority and the Mayors and Councilmembers Association.

Item 10B: Final Councilmembers' Remarks.

Clm. Rouse reported that he missed the Mayors and Councilmembers meeting to attend a Tokaj Sister City meeting. He stated that would be traveling to Tokaj in May at his own expense. His trip included a tour of Parliament and attendance at their wine festival.

11. COMMENTS FROM THE PUBLIC

Joanne Sanders stated she was happy to read of the recent apprehension of guns and arrest of gang members by law enforcement. She reiterated her previous comments about the initiative and stated that the hotel industry was what Sonoma has and that we want people to come here. She stated she was very concerned about a proposed ban on hotels. Ms. Sander reported that her son Calvin had been selected to represent Sonoma Valley High at Boys State.

Larry Barnett stated that the initiative was not a ban or a moratorium on hotels; it was a limitation designed to slow the pace and scale of hotel development. The initiative process was part of the democratic process and people can vote yes or no.

Regina Baker stated that that the initiative process allowed people to vote on what was dear to their hearts and was good for a small town.

12. ADJOURNMENT

The meeting was adjourned at 8:44 p.m. in the memory of Dianna Beebe and Martha Singleton McCullough.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma City Council on the 6th day of May 2013.

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