

**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, July 15, 2013

5:30 p.m. Closed Session (Special Meeting)

6:00 p.m. Regular Meeting

MINUTES



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

5:30 P.M. – SPECIAL MEETING - CLOSED SESSION

1. CALL TO ORDER

At 5:30 p.m., Mayor Brown 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 Manager Giovanatto was also present.

2. CLOSED SESSION

PUBLIC EMPLOYEE PERFORMANCE EVALUATION, pursuant to Government Code §54957. Title: City Manager.

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. Geof Syphers 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, Public Works Director/City Engineer Takasugi, Planning Director Goodison, Fire Chief Garcia and Police Chief Sackett.

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

1. COMMENTS FROM THE PUBLIC

Darryl Ponicsan spoke regarding leaf blowers and questioned if the Sonoma Police Department had ever issued a citation, required anyone to pay a penalty or even stopped to measure the loudness. He quoted Sonoma Municipal Code Chapter 9.56.030, Loud or unusual noises prohibited: "No person shall maintain, emit or make, or cause, suffer or permit to be maintained, emitted or made, any noise or sound produced by human, animal, mechanical or other means, which by reason of its raucous or nerve-wracking nature shall disturb the peace or comfort or be injurious to the health of any person or persons; and such a noise or sound may be deemed in violation of this section regardless of whether it is found to be within the noise limits established elsewhere in this chapter for the location or type of noise or sound."

Marty Greenman encouraged Council to consider the noise emanated by gas powered leaf blowers as "raucous" per the code section cited by Mr. Ponicsan.

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers' Comments and Announcements

Clm. Cook and Mayor Brown announced their office hours and invited citizens to stop by. Mayor Brown dedicated the meeting in the memory of Paul Prince.

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

City Manager Giovanatto announced that the July Oversight Board meeting had been cancelled and the next meeting would be held August 14, 2013 at which time they would consider a long-term management plan for the property located at 32 Patten Street.

4. PRESENTATIONS

Item 4A: Proclamation Honoring the Sonoma Valley Volunteer Firefighters' Association in Recognition of Over Thirty Years of Presenting the Annual 4th of July Fireworks Display

Mayor Brown read aloud the proclamation recognizing the Sonoma Valley Volunteer Firefighters' Association and, and in particular, Volunteers Norman Moll, Wayne Wirick Sr., Joe Neely and Joe Boldt for their efforts through the years towards sponsoring and putting on the annual Fourth of July fireworks display.

4. PRESENTATIONS, Continued

Item 4B: Recognition of the Service of Deputy Robert "Rocky" Seffens

Mayor Brown presented Robert "Rocky" Seffens a certificate of recognition and Police Chief Sackett described Rocky's dedication and his thirty-plus years of service to Sonoma Valley.

Item 4C: Health Action Steering Committee Presentation

Peter Rumble, Director of County Health Services, stated their vision was for Sonoma County to be the healthiest county in California by the year 2020. He described their goals and activities, which address social, economic, and environmental determinants of health. Patricia Talbot stated that the Health Action was seeking to have elected officials serve on their board and for that reason, she would be stepping down as the City's representative and asked the Council to consider appointing one of its members to the Health Action Board in the near future.

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: Adoption of Plans and Specifications and Award of Contract to Columbia Electric, Inc., lowest responsible bidder, for the Traffic Signal Modifications for Napa Road-Leveroni Road/Broadway (SR12) Project No. 0922, Federal Project No. HSIPL 5114(015) in the amount of \$125,202.65.

Item 5C: Second Reading and adoption of an ordinance amending Chapter 10.48 of the Sonoma Municipal Code relating to the regulation of parking on City streets. (Ord. No. 02-2013)

Item 5D: Adoption of a resolution establishing a schedule of parking fines and penalties. (Res. No. 25-2013)

Item 5E: Approve the granting of a "Free Day" at the Sonoma Valley War Memorial Veterans Building to the Valley of the Moon Amateur Radio Club, Soroptimist International of Sonoma Valley, Native Sons and Sonoma/Petaluma State Historic Parks Association. Approved subject to applicants' compliance with the City's standard insurance requirements.

Item 5F: Adoption of a resolution of the City Council of the City of Sonoma and the City Council as Successor Agency establishing the regular meetings of the City Council for the 2013 calendar year. (Res. No. 26-2013)

Item 5G: Consideration of a Resolution Supporting Participation in the Water Bond Coalition. (Res. No. 27-2013)

Item 5H: Approval of Plans and Specifications, Accept all Bids and Award the Bid for the Depot Park Parking Area and ADA Improvement Project #1301 to Serres Corporation of Sonoma.

Item 5I: Consideration and Possible Action to Authorize Submittal of a Grant Application for the PG&E Economic Vitality Grant Program and Authorize Said Grant, if Approved, to be Performed through the Chamber of Commerce and the Sonoma Valley Economic Development Partnership.

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

The public comment period was opened and closed with none received. It was moved by Clm. Rouse, seconded by Clm. Cook, to approve the agenda order and consent calendar as presented. The motion carried unanimously except that Clm. Gallian recused on Item 5I.

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

Item 6A: Adoption of a resolution of the City Council of the City of Sonoma and the City Council as Successor Agency establishing the regular meetings of the City Council for the 2013 calendar year.

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

7. PUBLIC HEARING – None Scheduled

8. REGULAR CALENDAR – CITY COUNCIL

Clm. Gallian stated that she had a conflict of interest relating to Items 8A and 8B because her husband was employed by PG&E. She stepped down from the dais and left the room.

Item 8A: Discussion, Consideration and Possible Action to conduct the second reading and adoption of Ordinance No. 03-2013 authorizing Sonoma Clean Power (SCP) to implement and carry out a Community Choice Aggregation Program within the City of Sonoma.

City Manager Giovanatto reported that the ordinance which would authorize Sonoma Clean Power to implement a community choice aggregation program for residential and commercial accounts in the City was introduced at the June 17, 2013 meeting. She stated that significant steps forward had occurred since that time including appointment of Geof Syphers as Interim General Manager. At the request of Clm. Rouse, City Attorney Walter provided explanations for the proposed changes to the Joint Powers Agreement that had been requested by the City of Santa Rosa.

Clm. Rouse confirmed that the City would not face any financial liability if a majority of the City's residents opted out of the program. Clm. Barbose stated his support for moving forward.

Mayor Brown invited comments from the public. Tom Conlon, Transition Sonoma Valley, spoke in support of adoption of the ordinance. He stated his group took the threats of climate change seriously and they want the option to choose the lowest carbon energy choice available. Bob Seiger questioned the benefits and cost of the program. Norman Gilroy stated that although he had already opted out he supported providing the same option to everyone. Pete C__ did not support the ordinance. He stated residents did not understand the program and he was concerned with the "opt out" provision. Jessica Jones read a letter of support from the Sonoma Sierra Club Group. Marilyn Goode stated her support for the program but did not want to see the open space covered with turbines or windmills. Emily Goodman stated the program had worked well in Marin and, as a resident; she supported adoption of the ordinance. Nancy Seiger questioned if there would be a proliferation of solar panels.

At the request of Mayor Brown, Geof Syphers responded to the questions posed by the public. He explained that the opt out provision had been determined by the State. He announced a public forum would be held at the Sonoma Veterans Building on July 29, 2013 at 5:30 p.m. and would provide an opportunity for the public to learn more about the program.

Clm. Barbose stated that the changes negotiated by Santa Rosa made it a stronger program and should resolve concerns people had about joining. He said it was about giving the constituents a choice.

Clm. Cook stated that he had voted against the ordinance previously because his constituents were upset about being automatically opted in to the program. He stated that although he remained at odds with the automatic opt-in, and did not like the fact that PG&E was denied by state regulators from counting large hydropower generation as part of its renewable power portfolio, he would now vote in favor of the proposal.

Item 8A: Sonoma Clean Power, Continued

Mayor Brown stated that he had done a lot of homework on the issue and that it gave him pleasure to vote yes and make it a unanimous vote. It was moved by Clm. Barbose, seconded by Clm. Rouse, to adopt the Ordinance No. 03-2013 entitled An Ordinance of the City Council of the City of Sonoma Authorizing the Implementation of a Community Choice Aggregation Program. The motion carried unanimously, Gallian absent.

RECESS: The meeting recessed from 7:30 to 7:40 p.m.

Item 8B: Consideration and Possible Action to Appoint Representative to the Sonoma Clean Power Agency [SCPA] Board.

City Manager Giovanatto reported that Council had previously adopted a resolution requesting Sonoma Clean Power to act as the Community Choice Aggregator on behalf of the City; however had failed to appoint a representative to the Sonoma Clean Power Agency Board.

The public comment period was opened and closed with none received. It was moved by Clm. Rouse, seconded by Clm. Cook, to 1) appoint Clm. Barbose as the representative on the Board; 2) adopt Resolution No. 30-2013 entitled A Resolution of the City Council of the City of Sonoma Requesting That the Sonoma Clean Power Authority Act as Community Choice Aggregator on Behalf of the City and Implement the Sonoma Clean Power Community Choice Aggregation Program in the City of Sonoma and Rescinding Resolution No. 23-2013; and 3) Direct staff to prepare an analysis of the potential impact on City utility accounts and report back to Council. The motion carried unanimously, Gallian absent.

Clm. Gallian returned to the dais.

Item 8C: Consideration of a Resolution Supporting the 20-Gallon Water Conservation Challenge.

Public Works Director/City Engineer Takasugi reported the 20-Gallon Challenge was a call to action to all Russian River water users to reduce their water use this summer by 20 gallons per day, per person. The outreach effort would include conservation tips demonstrating what 20 gallons was and how to save 20 gallons per day, per person.

Mayor Brown invited comments from the public. Bob Felder stated his support for the conservation effort and reminded Council that a previous requirement for will serve letters for proposed new development had expired.

It was moved by Clm. Gallian, seconded by Clm. Cook, to adopt Res. No. 28-2013 entitled A Resolution of the City Council of the City of Sonoma Supporting the Summer 2013 20-Gallon Challenge Water Conservation Public Awareness Program. The motion carried unanimously.

Item 8D: Adoption of a Resolution Receiving and Accepting the Verification of Petition Signatures Prepared by the Sonoma County Registrar of Voters for the Hotel Limitation Measure.

City Clerk/Assistant to the City Manager Johann reported that proponents of the Hotel Limitation Measure submitted signed petitions to the City Clerk on July 8, 2013. The City Clerk reviewed the petitions for statutory compliance and found them to be sufficient and that a prima facie review had indicated a sufficient number of signatures to be considered officially "filed". The petitions were then hand delivered to the Sonoma County Registrar of Voters office for signature verification that same day. Johann stated that in order to qualify and require a Special Election to be called, proponents were required to obtain signatures of at least 15% (1,017) of the number of registered voters in the City. The Sonoma County Registrar of Voters office had verified that the petition contained 1312 valid signatures of registered voters in the City of Sonoma.

The public comment period opened and closed with none received. It was moved by Clm. Rouse, seconded by Clm. Gallian, to adopt Resolution No. 29-2013 entitled A Resolution of the City Council of the City of Sonoma California Receiving and Accepting the Verification of Petition Signatures Prepared by the Sonoma County Registrar of Voters for the Hotel Limitation Measure. The motion carried unanimously.

- Item 8E: Discussion, Consideration and Possible Action on the Hotel Limitation Measure including:**
- A. Consider, discuss and possibly adopt an Ordinance amending the Sonoma General Plan and Development Code.**
 - B. Consider, discuss and possibly accept the petition and call for a Special Election.**
 - C. Consider, discuss and possibly direct that an Impact Report be prepared**

City Manager Giovanatto reported that now that the Hotel Limitation Measure petition had qualified, the City Council had options for the next step in the process. It could adopt the proposed ordinance, call a special election, or request an impact report. She stated that if Council were to call for the special election to be held on November 5, 2013, it would need to also determine who should prepare the ballot arguments and direct the City Attorney to prepare an impartial analysis. She stated that on April 15, 2013 Council had authorized her to solicit proposals and evaluate the options related to preparation of an impact report. Giovanatto stated she had been in contact with five consultants who provided proposals in the range of \$17,500 to \$55,000. She stated that information gathered in the report could help citizens better understand the measure and would ensure that Councilmembers and staff were delivering the same and concise information to the public. If Council were to go in that direction, she would recommend approval of expenditure of an amount not to exceed \$17,500. The report would have to be completed by August 13, 2013 and it would require this meeting to be adjourned to August 12, 2013.

Mayor Brown confirmed that the public could donate to the City General Fund towards the cost of the impact report and special election.

Mayor Brown invited comments from the public. Joanne Sanders urged the Council to order the impact report stating it was crucial to have as much information as possible.

Norm Krug, Sonoma Tourism Improvement District, read aloud a letter of support for ordering an impact report and stated that the potential impact of the proposed measure on the City had not yet been evaluated.

Bill Hooper, Kenwood Investments, said they had been listening to the community and felt it was important that the public know the facts. He said the report should also include the economic impact of the loss of their proposed development as well as the potential environmental impacts of other potential projects.

Larry Barnett, petition proponent, stated that reports were not facts but were opinions and not worth the money. He said the election would be decided on the basis of the Transient Occupancy Tax (TOT) and how people felt about Sonoma. Most residents feel too hurried, too crowded, and that it is too loud and there is nothing they can do about it because their voices were not heard. He told the Council they should step out of the way and schedule the election.

Nancy Simpson stated she was the Campaign Manager for the Protect Sonoma organization formed to oppose the Hotel Limitation Measure. She urged the Council to order the impact report stating there would be unintended consequences if the measure were to pass. She said she was deeply concerned with potential impacts on the City's future ability to fund road improvements and continue to provide financial support for the local nonprofit service providers.

Karen Collins expressed support for ordering the impact report and suggested that the initiative be considered at meetings of all City commissions to allow opportunities for public input.

Tom Whitworth stated that tons of information had already been produced and the City did not need the impact report. However, if Council went that direction he felt the process should include group discussions and input from the public.

Jerry Bernhought did not think the impact report would make a difference but that it should address environmental impacts.

Marilyn Goode urged the Council to adopt the ordinance and stated the impact report would not change the hearts and minds of Sonomans.

Tina Shone stated that zoning laws already in place would control growth.

David Eichar stated that he gathered petition signatures and it was clear to him that the ballot initiative would pass. He said the Council should just adopt the ordinance and skip the report and election.

Item 8E: Hotel Limitation Measure, Continued

Bob Edwards did not support the impact study but would be happy to provide some questions that should be answered if one was conducted.

Helen Marsh supported going to an election and letting the people have a voice.

Ed Claye stated that an impact report could not relay what was in people's hearts or their emotions.

Bob Parmelee stated the Council should just call the election.

RECESS: The meeting recessed from 8:40 to 8:45 p.m.

Clm. Rouse stated his belief that an impact report would be an important part of the process. He said it may not address every issue but would provide some understanding of what the impacts of the initiative would be.

Clm. Barbose stated there was not enough time or money to prepare a report that would be thorough. He said too many assumptions would have to be made. Clm. Barbose suggested that, instead of a report, the two sides of the issue bring forth the information they feel should be heard.

Clm. Cook stated he wanted the people to have the facts and supported the impact report.

Clm. Gallian did not support the impact report and stated the issue would be decided at the ballot box.

Mayor Brown stated that he had changed over the years and would conform his decision to be based on fact and not on emotion. He felt the more information that could be provided to the citizens, the better.

It was moved by Clm. Rouse, seconded by Clm. Cook, to direct staff to order an impact report on the Hotel Limitation Measure at a cost not to exceed \$17,500. The motion carried three to two, Councilmembers Barbose and Gallian dissented.

9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS

Item 10A: Reports Regarding Committee Activities.

Mayor Brown reported attendance at the Health Roundtable meeting.

Item 10B: Final Councilmembers' Remarks.

11. COMMENTS FROM THE PUBLIC - None

12. ADJOURNMENT

It was moved by Clm. Barbose, seconded by Clm. Gallian, to adjourn the meeting to August 12, 2013. The motion carried unanimously.

The meeting adjourned at 8:59 p.m. to an adjourned regular meeting on August 12, 2013 in the memory of Paul Prince.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma City Council on the 19th day of August 2013.

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