

**CONCURRENT REGULAR MEETINGS OF THE  
SONOMA CITY COUNCIL  
&  
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, October 21, 2013**

**6:00 p.m.**

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**MINUTES**

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

**OPENING**

Mayor Brown called the meeting to order at 6:00 p.m. Kyra Hinton and Ellen Ballard 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, Public Works Director Takasugi, Development Services Director Wirick and Planning Director Goodison.

**1. COMMENTS FROM THE PUBLIC**

Lynn Clary requested that the City Council take up the issue of traffic in and around the area of the Safeway store. He suggested that the parking lot exits be posted with right turn only signs.

**2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS**

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

Clm. Gallian announced attendance at the Bi-National Health Fair and the Amistad Awards. She congratulated Mayor Brown for being a recipient of an Amistad Award.

Clm. Rouse said it had been his honor to Emcee the Amistad Award ceremony.

Mayor Brown requested a future agenda item for discussion of the three-minute time limit on public comments. He dedicated the meeting in the memory of Michael Hinton, Mark Toole and former City Attorney Tom Curry.

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

City Manager Giovanatto stated that former City Attorney Tom Curry had served the City well during his tenure with the City from 2001 through 2009 and that staff was saddened to hear of his passing.

**4. PRESENTATIONS**

**Item 4A: Recognition of Michael David Hinton**

Mayor Brown read aloud the proclamation in loving memory of Michael Hinton and presented it to Kyra Hinton and Ellen Ballard. Ms. Ballard announced that a celebration of Michael's life would be held October 26 at the Veteran's Building.

**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 and ratification of the appointment of John H. Bouldt to the Traffic Safety Committee for a term ending October 21, 2015.**

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

- Item 5C:** Approval of procedures for the collection of delinquent water utility fees and charges. (Res. No. 37-2013)
- Item 5D:** Approval of a Residential Customer Water Leak Adjustment Policy. (Res. No. 38-2013)
- Item 5E:** Approve the Notice of Completion for the Depot Park Parking Area and ADA Improvement Project No. 1301 Constructed by Serres Corporation and Direct the City Clerk to File the Document.
- Item 5F:** Resolution Establishing an Appropriations Limit for FY 2012-13 Pursuant to Article XIII B of the California Constitution as Amended by Proposition 111. (Res. No. 39-2013)
- Item 5G:** Approve changes and additions to employment positions in the City's Classification and Compensation Plan. (Res. No. 40-2013 and 41-2013)
- Item 5H:** Adoption of an ordinance banning leaf blowers powered by internal combustion engines. (Removed from consent, see below)

Mayor Brown removed Item 5H. It was moved by Clm. Rouse, seconded by Clm. Gallian, to approve the Consent Calendar except for Item 5H. The motion carried unanimously.

- Item 5H:** Adoption of an ordinance banning leaf blowers powered by internal combustion engines.

Planning Director Goodison reported that Council had voted to introduce the ordinance at the October 7 meeting and it was now on the agenda for the second reading and adoption.

Mayor Brown invited comments from the public. The following people spoke in opposition to the proposed ordinance: Stan Pappas, Jose Sedona, Alex Barragan, Jenny Irving, Thomas Cannard, Sergio Cornel, Jerry Marino, Roy Guerrero, Rick Lessler, Craig Martin, Daniel Motes.

The following spoke in support of the proposed ordinance: Karen Barto, Barbara Heiman, Regina Baker, Cecelia Ponicsan, Darryl Ponicsan, Bob Edwards, Fran Larsen, Marty Greenman.

Clm. Gallian stated that the issue had been a thorough vetting of the subject and moved to adopt the ordinance entitled AN ORDINANCE OF THE CITY OF SONOMA AMENDING CHAPTER 9.56 OF THE MUNICIPAL CODE BY ESTABLISHING ADDITIONAL REGULATIONS ON THE USE AND OPERATION OF LEAFBLOWERS. Clm. Barbose seconded the motion and stated that the ordinance dealt with health and quality of life issues and that peoples' rights to peace and quiet should be paramount over the landscapers whose rates may go up.

Clm. Cook stated that the ban would cause hardships, that it was not the Council's place to ban leaf blowers and that neighbors should work out their issues amongst themselves.

Mayor Brown stated that he had additional time to obtain input and to look into his own life. He stated that he grew up in a blue-collar world and was still a pay check to pay check kind of guy with a family to support. Mayor Brown also pointed out the Amistad Award he just received was a recognition of his support and ongoing friendship with the Latino community. For that and other reasons, he would not support the ordinance.

The motion to adopt the ordinance failed with the following vote: AYES: Barbose, Gallian. NOES: Rouse, Cook, Brown. ABSENT: None.

**RECESS:** The meeting recessed from 7:10 to 7:20

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

## **7. PUBLIC HEARING**

**Item 7A: Discussion, consideration, and possible action on the introduction of an ordinance amending the Municipal Code with respect to historic preservation.**

Planning Director Goodison explained the modifications to the Municipal Code necessary for the City of Sonoma to be designated as a Certified Local Government with respect to historic preservation.

Mayor Brown invited comments from the public. Pat Pulvirenti thanked staff, the Planning Commission and the City Council for their continued support of moving towards the Certified Local Government distinction. Barbara Wimmer, George McKale, and Robert Demler also spoke in favor of adoption of the ordinance. Mr. Demler suggested that the title of the Design Review Commission be amended to include Historic Preservation and that real estate agents be required to disclose properties that are within an historic zone.

It was moved by Clm. Rouse, seconded by Clm. Gallian, to introduce the ordinance entitled AN ORDINANCE AMENDING THE SONOMA MUNICIPAL CODE BY CLARIFYING THE RESPONSIBILITIES OF THE DESIGN REVIEW COMMISSION AND MODIFYING REGULATIONS PERTAINING TO THE HISTORIC RESOURCES IN ORDER TO ACHIEVE COMPLIANCE WITH THE REQUIREMENTS OF THE CERTIFIED LOCAL GOVERNMENT PROGRAM FOR HISTORIC PRESERVATION. At the suggestion of Clm. Barbose, Councilmembers Rouse and Gallian amended the motion to include an amendment to the ordinance to change the name of the Design Review commission to the Design Review and Historic Preservation Commission. The motion carried unanimously.

## **8. REGULAR CALENDAR – CITY COUNCIL**

**Item 8A: Discussion, consideration and possible action on the Sonoma County Library Proposed Amended JPA Agreement.**

City Manager Giovanatto reported that in 2012 the Sonoma County Mayors and Council members initiated a review of the Sonoma County Library Joint Powers Agreement in light of challenges at the library and changes in demographics, technology, and finances since the 1975 agreement was first approved. All of the cities in the County agreed to participate in the review, along with the Library Commission, and formed the Sonoma County Library JPA Review Advisory Committee.

The Committee began meeting in October, 2012, and completed its review and recommended distributing the Draft Amended JPA for review by the Board, City Councils, and Library Commission on September 16, 2013. Key Features of Current JPA: 1. Continuing to have one County-wide system, which provides economies of scale that would be unattainable otherwise. 2. Continuing to dedicate a current portion of property taxes to the Library. 3. Retaining the Library as an independent government organization focused on a regional system. 4. Continuing to have Library Advisory Boards in each community to provide a local voice for library patrons. 5. Continuing to operate in a spirit of collaboration among the Members; and 6. Continuing a commitment to equitable services throughout the County.

Mayor Brown invited comments from the public. Mary Evelyn Arnold, Sonoma County Library Commission member, stated her disagreement with a majority of the changes being proposed and added that most of the library commissioners agreed with her. She strongly disagreed with allowing local communities to fund additional services.

City Manager Giovanatto led Councilmembers through a series of topics relating to the JPA agreement and obtained their comments to be forwarded to the Library JPA Review Committee. Clm. Cook requested that it be made clear that local employees would have first priority to work during any locally funded additional hours.

**Item 8B: Discussion, consideration, and possible action on the request of Selma Blanusa to remove or modify an easement pertaining to 19725 Seventh Street East.**

Planning Director Goodison provided a detailed description of the easement in question and explained that property owner Selma Blanusa had submitted a request that the easement be either modified or removed. Blanusa felt the circumstances that led to the easement were no longer relevant and that it unfairly restricted her use of the property.

**Item 8B: Discussion, consideration, and possible action on the request of Selma Blanusa to remove or modify an easement pertaining to 19725 Seventh Street East, Continued**

Cm. Rouse inquired why the easement was put in place. Director Goodison stated that it was his opinion that the easement was implemented to prevent further expansion of the residential component of the property.

Mayor Brown invited comments from the public. Selma Blanusa requested that council eliminate or clarify the easement. She would like to convert an old barn into a second dwelling unit on her property that would provide an increased sense of security for her family.

Mike and Linda Anderson stated that the open space was a reason they purchased their home and had been told that the easement would be there in perpetuity. They were not opposed to conversion of the old barn.

Additional neighboring property owners Laurie Maggioncalda and Vince Parisi also did not agree with abandonment of the easement. Neither were opposed to development of the old barn.

Cm. Barbose stated he felt the easement served a public purpose and did not feel it should be abandoned. He said he was willing to modify the easement to allow conversion of the historic barn as a second unit. All the other Councilmembers agreed.

City Attorney Walter recommended that the easement be clarified to the benefit of all involved. It was moved by Cm. Barbose, seconded by Cm. Gallian, to direct staff to come back with a recommendation for modification of the easement for better clarity and to allow conversion of the historic barn. The motion carried unanimously.

**RECESS:** The meeting recessed from 8:45 to 8:55 p.m.

**Item 8C: Introduction of Ordinance repealing Chapter 14.10 of the Sonoma Municipal Code and reenacting a new Chapter 14.10 adopting and amending new construction codes.**

Development Services Director Wirick explained that the California Building Standards Code, made up of twelve parts, were amended and published every three years by the State Building Standards Commission and the construction codes currently in place would expire January 1, 2014. He stated the local amendments suggested by staff were consistent with the existing policies and construction requirements previously adopted by the Council. Wirick provided a detailed description and explanation of the proposed codes and local amendments and stated that construction and permit costs would increase as a result of these codes.

The public comment period opened and closed with none received.

It was moved by Cm. Barbose, seconded by Cm. Gallian, to introduce the ordinance entitled AN ORDINANCE OF THE CITY OF SONOMA REPEALING CHAPTER 14.10 OF THE SONOMA MUNICIPAL CODE IN ITS ENTIRETY AND REENACTING A NEW CHAPTER 14.10, ADOPTING NEW ADMINISTRATIVE PROVISIONS AND ADOPTING BY REFERENCE PARTS 2, 2.5, 3, 4, 5, 6, 8, 9, 10, 11 AND 12 OF THE 2013 CALIFORNIA BUILDING STANDARDS CODE AND AMENDMENTS THERETO and to schedule a public hearing on November 18, 2013 for the second reading and adoption of the ordinance. Cm. Cook requested that the Fire Chief be present at the November 18 meeting. The motion carried unanimously.

**Item 8D: Consideration and possible action on the introduction of an ordinance amending Section 1.24.010 of the Sonoma Municipal Code pertaining to appeals.**

Development Services Director Wirick reported Section 1.24.010 of the Sonoma Municipal Code (SMC) stated that "Any person dissatisfied with any final decision of any city commission, board or official may appeal such final decision to the city council. Only final decisions may be appealed to the city council". The proposed ordinance amending SMC 1.24.010 was recommended by City Attorney Walter and clarified what constituted a "final decision".

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

**Item 8D: Consideration and possible action on the introduction of an ordinance amending Section 1.24.010 of the Sonoma Municipal Code pertaining to appeals, Continued**

It was moved by Clm. Barbose, seconded by Clm. Cook, to introduce the ordinance entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA AMENDING SECTION 1.24.010 OF THE MUNICIPAL CODE PERTAINING TO APPEALS. The motion carried unanimously.

**Item 8E: Discussion, consideration and possible action to approve a Resolution of the City Council of the City of Sonoma authorizing the Amendment to MuniServices LLC Agreement to conduct a vacation rental review program.**

City Manager Giovanatto reported that the City maintained a contract with MuniServices for examination of Sales and Use Tax records for the purpose of verifying accurate collection of sales tax revenue. Additional services available through MuniServices include Hotel/Lodging Properties reviews and Audits. With the increasing evidence of the conversion of residences to Vacation Rentals and the new opportunity for "Air Bed and Breakfasts" it has become a priority to find a method to bring illegal vacation rentals into compliance and to make all unregistered lodging properties comply with the City's Transient Occupancy Tax ordinance and the Tourism Improvement District ordinance. This level of review has been on staff's list of future projects to undertake for some time, but the available staff hours and resources are limited. Staff is proposing an amendment to the contract with MuniServices to provide a specific focused program for the City to identify and bring into compliance these undocumented properties. For this service, MuniServices would be compensated on a revenue-split basis with 45% of any new revenues being retained by MuniServices and the remaining 55% will be unanticipated revenue to the City and the Tourism Improvement District. Once lodging properties are brought into compliance, they will come under the jurisdiction of the City regulations which could include obtaining Planning Use Permit approval and obtaining a valid City Business License. The Tourism Improvement District Board has approved their participation in this program.

Clm. Barbose inquired if MuniServices would address the issue if a particular business was legal. Giovanatto stated that those would be turned over to the planning department to deal with.

Mayor Brown invited comments from the public. Regina Baker asked if there would be late penalties. Giovanatto responded in the positive.

It was moved by Clm. Gallian, seconded by Clm. Rouse, to adopt Res. No. 42-2013 entitled A Resolution of the City Council of the City of Sonoma Authorizing Amendment No. 1 to the Agreement with MuniServices, LLC to Add Additional Services to Perform a Vacation Rental Review Program on Behalf of the City of Sonoma. The motion carried unanimously.

**Item 8F: Discussion, consideration and possible action on a Sidewalk Trip-Hazard Repair Policy.**

Public Works Director Takasugi reported the California Street and Highways Code, under Section 5600-5618, and the City Municipal Code Sections 12.12.110 through 12.12.130 place responsibility on the abutting property owner for maintaining in safe condition the sidewalk fronting or adjacent to their property. Historically, the City of Sonoma has enforced the sidewalk repair ordinance by complaint only. The City has not actively inspected sidewalks for trip hazards. Sidewalk trip hazards may vary from small cracks to abrupt edges. Repair costs vary considerably from one type of trip hazard to another. Once a complaint is received by the City, a code enforcement letter is sent to the abutting property owner, directing a timely repair in accordance with State and City codes. The enforcement action is typically not well received and enforcement may require significant staff time and attention.

Takasugi stated that staff proposed to issue a \$25,000 contract to perform inspection and saw cutting repair of trip hazards in the first of eleven City sectors. The remaining \$25,000 of available budget would be used to fund 50/50 cost-shares with property owners for larger trip hazards, fund City-owned sidewalk repairs, and fund the cost to effect repairs of large trip hazards at non-compliant properties

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

It was moved by Clm. Rouse, seconded by Clm. Gallian, to Adopt Res. No. 43-2013 entitled Resolution of the City Council of the City of Sonoma Adopting a Sidewalk Trip Hazard Repair Policy. The motion carried unanimously.

**Item 8G: Discussion, consideration and possible action on the introduction of an ordinance amending Chapter 12.12 of the Sonoma Municipal Code pertaining to sidewalk maintenance and dangerous conditions.**

Public Works Director Takasugi reported the Sonoma Municipal Code Section was silent as to the maintenance responsibility of sidewalk damage caused by street trees located in the park or parking strip. However, the California Streets and Highway Code Section 5600-5610 had long since provided such clarity, placing that responsibility on the abutting property owner. The proposed amendment of the Municipal Code seeks to provide consistency and alignment between the City's Code and the State Streets and Highway Code. Takasugi added that Staff was recommending deletion of Municipal Code Section 12.12 which defined dirt sidewalks, curbs and gutters, or the lack thereof, as a "dangerous" condition inadvertently placing liability on property owners and the City.

CIm. Rouse questioned why a property owner should be responsible to repair sidewalk damage caused by trees planted in the parkway.

Mayor Brown invited comments from the public. Jeannie Allen stated that the City needed to make sidewalk improvements now. She provided pictures and information regarding streets where there are patchwork and/or non-existing sidewalks and explained that they were unsafe for those in wheel chairs, on scooters or for mothers pushing strollers.

CIm. Rouse agreed that the City should look at some of the areas pointed out by Ms. Allen. Mayor Brown reminded all that in the past, the City Council had waived the requirement for sidewalk installation to preserve the rural nature of an area. CIm. Barbose stated the Council could adopt the ordinance and bring back for further discussion the need for sidewalks where they are lacking.

It was moved by CIm. Barbose, seconded by CIm. Gallian, to introduce the ordinance entitled An Ordinance of the City Council of the City of Sonoma Amending Chapter 12.12 of the Sonoma Municipal Code Pertaining to Sidewalk Maintenance and Dangerous Conditions. The motion carried four to one, Rouse dissented.

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

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

**Item 10A: Reports Regarding Committee Activities.**

CIm. Barbose reported on the Waste Management and Sonoma Clean Power meetings.

CIm. Cook reported on the Library Advisory Committee meeting.

CIm. Gallian reported on the Mayors and Councilmembers and the Board of Supervisor's meetings.

**Item 10B: Final Councilmembers' Remarks. None.**

**11. COMMENTS FROM THE PUBLIC**

Regina Baker asked the Council to create a map indicating all development proposed for the next two years.

Jeannie Allen pointed out that some sidewalks did not have curb cuts.

**12. ADJOURNMENT**

The meeting was adjourned at 9:57 p.m. in the memory of Michael Hinton, Mark Toole and former City Attorney Tom Curry.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma City Council on the 4<sup>th</sup> day of November 2013.

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