

**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, November 4, 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 AGENDA

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 the closed session item. The Council recessed into closed session with all members present. City Manager Giovanatto, Public Works Director Takasugi, Planning Director Goodison and City Attorney Walter were also present.

2. CLOSED SESSION

Item 2A: CONFERENCE WITH REAL PROPERTY NEGOTIATORS, pursuant to Government Code §54956.8. Property: Field of Dreams, located behind the Sonoma Police Department and Community Meeting Room at 177 First Street West. Agency Negotiators: Dan Takasugi, David Goodison and Carol E. Giovanatto. Negotiating Parties: Richard Goertzen. Under Negotiation: Price and terms of payment.

6:00 P.M. – REGULAR MEETING AGENDA

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

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

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

REPORT ON CLOSED SESSION – City Manager Giovanatto reported that City Council had provided direction to staff.

1. COMMENTS FROM THE PUBLIC

Cecelia Ponicsan commented on the recent Council actions related to a leaf blower ban and stated her belief that Mayor Brown should have recused himself from the vote.

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers' Comments and Announcements

Clm. Gallian announced that the Sonoma County Water Agency would be conducting tours of their facilities and additional information could be found on their website.

Mayor Brown announced that he was totally at peace with himself and the decision that he made at the last Council meeting regarding leaf blowers.

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

City Manager Giovanatto announced that the Oversight Board subcommittee met to consider proposals received from real estate agents interested in listing the 32 Patten Street property. She also announced that the November Oversight Meeting was cancelled.

4. PRESENTATIONS

Item 4A: Proclamation recognizing the opening of the new Emergency Department and Surgery Center at Sonoma Valley Hospital.

Mayor Brown read aloud the proclamation acknowledging the opening of the new Emergency Department and Surgery Center. Hospital representatives Kelly Mather, Bill Boerum, Sharon Nevins and Kevin Carruth received the proclamation and thanked the City for its support.

Item 4B: Proclamation recognizing November as Pancreatic Cancer Awareness Month.

Mayor Brown read aloud the proclamation and presented it to a large group associated with the Pancreatic Cancer Action Network. Sarah Carroll thanked the City Council for bringing the issue to the public's attention.

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 October 7 and October 21, 2013 Council meetings.

Item 5C: Approval and ratification of the reappointment of Nellie Cravens to the Cultural and Fine Arts Commission for a term ending November 7, 2017.

Item 5D: Approval and ratification of the reappointment of Linda Ransom to the Cultural and Fine Arts Commission for a term ending November 3, 2015.

Item 5E: Approval and ratification of the reappointment of Christopher Woodcock to the Traffic Safety Committee for a term ending November 7, 2017.

Item 5F: Approval of a Resolution authorizing the City Manager to execute a Professional Services Agreement with Spilman & Associates for a Water Rate and Connection Charge Study. (Res. No. 44-2013)

Item 5G: Approval of the Purchase of Two Rosenbauer Type 1 Fire Engines and the Lease of One Engine to Valley of the Moon Fire District. (Res. No. 45-2013)

Item 5H: Second reading and adoption of an ordinance amending Chapter 12.12 of the Sonoma Municipal Code pertaining to sidewalk maintenance and dangerous conditions including a finding of categorical exemption under the California Environmental Quality Act. (Ord. No. 04-2013)

Item 5I: Second reading and adoption of an ordinance amending Section 1.24.010 of the Sonoma Municipal Code pertaining to appeals. (Ord. No. 05-2013)

Item 5J: Second reading and adoption of an ordinance amending the Municipal Code with respect to historic preservation, including a finding of categorical exemption under the California Environmental Quality Act. (Ord. No. 06-2013)

Item 5K: Adoption of a resolution re-authorizing a process to track water demand and verify capacity to serve new development, including a finding of categorical exemption under the California Environmental Quality Act. (Res. No. 46-2013)

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 October 7 and October 21, 2013 City Council / Successor Agency Meetings 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

Item 7A: Discussion, consideration and possible action on an appeal of the Planning Commission's decision to approve the application of Steve Ledson for a Planned Development Permit, Use Permit, and Tentative Map allowing construction of an 18-unit planned development at 821-845 West Spain Street.

Mayor Brown opened the public hearing and requested the staff report. Senior Planner Gjestland provided a description of the proposed project and the process that had been conducted by the Planning Commission. He stated that the project site was zoned Medium Density Residential and was comprised of two adjoining parcels of approximately two acres located on the south side of West Spain Street, opposite its intersection with Juniper Serra Drive.

Georgette Darcy submitted an appeal of the Planning Commission's approval on behalf of the Sonoma Gardens and Sonoma Park Homeowners Associations.

Cfm. Rouse asked what types of development, besides single-family homes, were allowed on the property. Gjestland stated that the zoning would allow multifamily and clustered buildings however, the same height limit and setbacks would apply. In all instances, the Planning Commission would take compatibility into consideration.

Cfm. Barbose asked about the size of the development to the west. Gjestland stated he would look that up.

Mayor Brown invited comments from the public and explained that the Appellant and the Project Developer would each be allowed ten minutes to speak; all others would be subject to the three-minute rule.

Georgette Darcy explained the basis of the appeal including: The proposed development included two-story, close together buildings, which would take away the privacy and block the light to adjacent homes. There was insufficient variety of housing types. Was not well integrated into its setting and did not relate appropriately to adjacent uses. Modifications that had been made did little to make the development compatible with its surroundings.

Doug Hilberman, Axia Architects, stated that this was one of the last infill properties near the center of town. They decided on single-family homes, including four designated as low income, although they could have gone with multifamily apartments or condominiums. The goal was to provide market rate affordable homes for families within walking distance to the downtown. He described the many revisions that had been made in response to the Planning Commission review and public concerns including reducing the number of dwellings from nineteen to eighteen, increasing the setback on the west and south sides.

Kathleen Lawdon, Sonoma Garden resident, expressed concern about the planned removal of three old redwood trees. She said they provided a view and shade and were beautiful.

Robin McCartney supported the appeal and stated that the proposed development would look like a solid wall and those in Sonoma Gardens would lose light and privacy.

Nick Dolata supported the appeal stated that another project was in the works and a new traffic study needed to be done to include any new development proposals in that area.

Veda Lewis stated her concern was with traffic and pedestrian safety in the area.

Steve Ledson stated he was present to answer questions. He stated that the arborist had reported the redwoods needed to be removed. He pointed out that it would have been cheaper to build apartments on the property and stated that none of his projects had ever decreased anyone's property value.

Cfm. Rouse asked about the replacement trees. Mr. Ledson stated that the Tree Committee was requiring him to plant at least forty-eight replacement trees; 60" box size trees on the west and south edges and 24" box size street trees.

Mia Craig stated the number of units did not equal the number of buildings. She also stated that a new traffic study was needed.

Item 7A: Nicora Place Appeal (Ledson), Continued

Mary Jane Stolte, Kathleen Mugele, and Ellen Williams spoke in support of the appeal. When there were no additional persons wishing to speak, Mayor Brown closed the public hearing.

CIm. Rouse asked staff to address the comments made about the traffic study. Gjestland stated that the traffic study had included the other proposed development and the twenty year General Plan build out. He suggested that the issue of needing an additional crosswalk would be best addressed by the Traffic Safety Committee.

CIm. Barbose confirmed that there would be ten feet of red curbing on either side of the driveways.

CIm. Gallian reported that a constituent had asked about installation of a speed bump in that area. Planner Goodison stated that West Spain was a collector street but that issue would be one to be considered by the Traffic Safety Committee.

In response to CIm. Barbose's earlier question, Gjestland reported that Sonoma Gardens was a one-acre development with twelve units and Sonoma Park was a two-acre development with twenty-four units.

CIm. Rouse commented that the Planning Commission had done its due diligence on this project and you have to put your trust in them. Compromises would never satisfy everyone. CIm. Cook agreed.

CIm. Barbose stated that he and Mayor Brown met with neighbors and he understands why they were upset about the project. He said it would be hard to justify denial of a project that was no denser than the surrounding properties. He stated he would like to see the skyline of Building D1 lowered to soften the impact on neighboring properties.

CIm. Gallian stated that she too met with the neighboring residents but pointed out that there had been two-story development behind her neighborhood and it worked out even though it was not always what people wanted. She added that when you purchase a home you do not get to control those properties around you and said she would support the decision of the Planning Commission. CIm. Barbose confirmed that D1 was one of the affordable units and acknowledged that it could be downsized. CIm. Cook stated he was more concerned about a crosswalk than lowering a roof and would not support Barbose's suggestion about D1.

It was moved by CIm. Barbose, seconded by CIm. Gallian, to deny the appeal and uphold the decision of the Planning Commission in all respects except that the dwelling on Lot 3 would be modified in such a manner to allow for a one-story garage. The motion carried three to two, Rouse and Cook dissented. Planner Goodison stated that staff would prepare and bring back a resolution formalizing the Council's decision. Architect Hilberman confirmed that it was just the garage to be reduced to one story.

RECESS: The meeting recessed from 7:48 to 8:00 p.m.

8. REGULAR CALENDAR – CITY COUNCIL

Item 8A: Discussion, consideration and possible action on a proposal for the upgrade and re-use of the Maysonave Cottage through a long-term lease.

Planning Director Goodison reported that the City Council, at its meeting of May 20, 2013, directed staff to circulate a request for proposals for the re-use of the Maysonave Cottage. As originally circulated, the RFP had a response deadline of June 21, 2013, but staff extended the deadline twice in order to accommodate potential respondents. Ultimately, only one proposal was submitted, from Benchmark/Hoover. He provided additional information relating to the proposal and stated that the Facilities Committee had reviewed it and it was staff's recommendation that Council authorize staff to prepare a lease agreement that would implement the proposal.

CIm. Gallian inquired if the property would, at some point, be turned over for public use. Goodison stated that although it is publicly owned property the vacation rental would not be a public use and that was a significant detail.

Mayor Brown invited comments from the public. John Diederich stated that the North of the Mission Neighborhood Association supported the proposal and thanked the City Council and staff for efforts to preserve this historic part of the town.

Item 8A: Maysonnave Cottage, Continued

Patricia Cullinan suggested that the lease include a requirement that any exterior modifications were subject to the Secretary of the Interior standards and were reviewed by an architect historian and that the property be inspected annually to ensure compliance with the lease.

Joe Costello stated that the proposal was consistent with the General Plan, honored the historic significance of the cottage, and provided a source of funding to renovate and bring the cottage up to code.

John Fannuchi, Bocce Sonoma, asked that two seventy-foot Bocce Ball courts be added on the property.

Barbara Wimmer, Sonoma League for Historic Preservation (SLHP), said they supported the proposal.

Robert Demler, SLHP, said it was a win-win for the League and the City to have the building preserved.

Louis Kiotti and Jan Mandrell spoke in favor of adding two Bocce Ball courts.

Clm. Rouse stated that Jim Gade and Sidney Hoover (Benchmark/Hoover) deserved credit for bringing forth this proposal because they believed it was important to preserve this piece of property. He said he would support discussion of adding the bocce ball courts if they would fit but his first priority was the proposed development into a vacation rental. Mr. Hoover stated that they would be happy to discuss the idea with the bocce ball association.

It was moved by Clm. Rouse, seconded by Clm. Gallian, to authorize staff to prepare a lease agreement that would implement the proposal submitted by Benchmark/Hoover for subsequent consideration by the City Council. The motion carried unanimously.

Item 8B: Discussion, Consideration and Possible Action to Adopt a Resolution Approving the Second Amendment to Joint Powers Agreement Between the City of Sonoma and Sonoma County Waste Management Agency to Deal with Waste Management Issues.

The public comment period was opened and closed with none received. City Manager Giovanatto stated that the proposed amendment would clarify that the agency could adopt ordinances but individual agency members were not required to follow suit. Clm. Barbose added that it clarifies that members could opt out of non-core programs. It was moved by Clm. Gallian, seconded by Clm. Barbose, to adopt the resolution approving the second amendment to the SCWMA JPA. The motion carried unanimously. (Res. No. 47-2013)

Item 8C: Discussion, Consideration and Possible Action Supporting a Resolution to Modify the Method of Reassessing Commercial Property Under Proposition 13 [Councilmember Barbose].

Clm. Gallian stated that because she was a public school employee she would recuse herself. She stepped down from the dais and left the room.

Clm. Barbose stated that he had requested consideration of this item. He said that when the citizens passed Proposition 13 they were not fully aware of its effect on commercial property. The proposed legislation would modify how the value of commercial properties were reassessed and that tax revenues generated as a result would benefit local schools.

Clm. Cook stated he would not support this because it was out of the Council's realm of responsibility and there could be more issues involved. Clm. Rouse stated he, also, would not support it. It was moved by Clm. Barbose, seconded by Mayor Brown, to adopt the resolution. The motion died with a two-to-two vote. Ayes: Barbose and Brown. Noes: Cook and Rouse.

Item 8D: Discussion, Consideration and Possible Action to Direct Mayor to Open Negotiations with City Manager for a Successor Employment Contract.

City Manager Giovanatto reported that pursuant to her employment contract the Council was to indicate if it desired to extend or renew the contract thirty days prior to its expiration. It was moved by Clm. Barbose, seconded by Clm. Rouse, to direct the Mayor to enter into negotiations for a successor contract. The motion carried unanimously. Clm. Cook asked if the contract term could be changed to coincide with the City's financial fiscal year.

9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS

Item 10A: Reports Regarding Committee Activities.

Clm. Rouse and Clm. Cook reported on the Facilities Committee meeting.

Clm. Gallian reported on the Water Advisory Committee and the Ag and Open Space Advisory Committee meetings.

Clm. Barbose reported on the Watershed Association meeting.

Mayor Brown reported on the SVCAC and Economic Development Steering Committee meetings.

Item 10B: Final Councilmembers' Remarks.

Clm. Rouse announced that he and Clm. Cook attended a VIP preview of the Graton Resort and Casino.

Clm. Gallian announced attendance at the annual Marine Corp Birthday Ball.

Mayor Brown announced the Veterans Day events, that Alcalde nominations were being sought and that he was dropping the issue of adjusting the three-minute speaker time because he had not received any input from the public on the issue.

11. COMMENTS FROM THE PUBLIC

Fred Allebach encouraged Mayor Brown to change the three-minute speaker time allotment.

12. ADJOURNMENT

The meeting adjourned at 9:00 p.m.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma City Council on the 18th day of November 2013.

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