

**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 18, 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.

2. CLOSED SESSION

Item 2A: PUBLIC EMPLOYMENT, pursuant to Government Code §54957. Title: City Manager.

6:00 P.M. – REGULAR MEETING AGENDA

The City Council reconvened in open session and Mayor Brown called the meeting to order at 6:05 p.m. Ron Willis led the Pledge of Allegiance.

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

ALSO PRESENT: City Manager Giovanatto, Assistant City Manager/City Clerk Johann, City Attorney Walter, Planning Director Goodison, Development Services Director Wirick, Police Chief Sackett, Fire Captain Jones and Public Works Director Takasugi.

REPORT ON CLOSED SESSION – Mayor Pro Tem Rouse reported that City Council gave direction to their negotiators.

1. COMMENTS FROM THE PUBLIC

Ron Willis announced that the Family Justice Center Sonoma County (FJCSC) was seeking support from the City Council for the opening of a satellite program in Sonoma. Mr. Willis and Wes Winter spoke about the history of FJCSC and described the services they provide. They said they would like to come back after the first of next year to seek formal Council support of the proposed satellite program.

Dolce Silvi announced that her family was organizing a relief effort in support of the victims of Super-Tphoon Haiyan that devastated the Philippines on Friday, November 8, 2013. The storm, which was said to be one of the most powerful recorded, with winds of 195 miles an hour and gusts as strong as 235 miles an hour, killed an estimated 10,000 people.

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers' Comments and Announcements

Clm. Rouse encouraged all to get out to vote in the Special Municipal Election for Measure B tomorrow.

Clm. Gallian reported attendance at a lecture at the Depot Museum.

Mayor Brown announced attendance at the Sonoma Valley Hospital grand opening of the new emergency and surgical wings.

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

City Manager Giovanatto stated that it was with great pleasure to announce that she had appointed Gay Johann as the new Assistant City Manager. She said Ms. Johann was appointed following an internal recruitment process. Johann had been with the City for twelve years in the capacity of City Clerk/Assistant to the City Manager and would continue to handle the duties of City Clerk with her title change being Assistant City Manager/City Clerk. Giovanatto added that she was personally proud of the internal candidates that she interviewed as she saw the depth of dedication and allegiance to the City of Sonoma. She added that she was gratified to make the promotion to an internal candidate who possessed the skills necessary and the drive to work to elevate her career. Giovanatto stated that it had always been her position to recognize the excellent staff members of this City and to help them grow their knowledge and experience.

Assistant City Manager/City Clerk Johann announced the locations of the November 18 special election polling places and explained how people could obtain the election results.

4. PRESENTATIONS

Item 4A: Proclamation declaring the weekend after Thanksgiving, November 29 – December 2, 2013, as “Shop Sonoma Days”.

Mayor Brown read aloud the proclamation and presented it to Laurie Decker the Economic Development Program Manager. Ms. Decker presented a brief video that had been created for the promotion of shopping locally.

4. PRESENTATIONS, Continued

Item 4B: Proclamation in Recognition of the Valley of the Moon Natural History Association for Successful Operation of the Jack London State Historic Park.

Mayor Brown read aloud the proclamation and presented it to Tjiska Van Wyk. Ms. Van Wyk explained the process they went through to obtain the operating agreement. She described how they were raising funds, the programs that had been created and their plans for future programs.

Item 4C: Presentation regarding the Redwood Empire Municipal Insurance Fund

Mark Ferguson, Executive Director of the Redwood Empire Municipal Insurance Fund (REMIF), explained the history of REMIF, the services and benefits it provides to its member cities.

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 November 4, 2013 Council meeting.

Item 5C: Approve the Notice of Completion for the 2013 Citywide Slurry Seal Project No. 1308 Constructed by Central Valley Engineering & Asphalt, Inc. and Direct the City Clerk to File the Document.

**Item 5D: Adoption of a resolution upholding the decision the Planning Commission to approve a Planned Development Permit, Use Permit, and Tentative Map allowing construction of an 18-unit planned development at 821-845 West Spain Street (implementing the City Council action of November 4, 2013).
Removed from Consent, see below.**

Item 5E: Adopt a resolution adopting the City Standard Plans, as amended, to be effective January 1, 2014. (Res. No. 48-2013)

Cm. Rouse removed item 5D. City Manager Giovanatto explained that 5D was being tabled until the next meeting. The public comment period was opened and closed with none received. It was moved by Cm. Rouse, seconded by Cm. Gallian, to approve the Consent Calendar except for Item 5D. 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 November 4, 2013 City Council / Successor Agency Meeting pertaining to the Successor Agency.

Item 6B: Selection of a real estate professional to assist in the marketing and sale of the property located at 32 Patten Street. Authorized the City Manager to negotiate and execute a listing agreement with Ryan Snow and Jeff Negri of Cassidy-Turley.

The public comment period was opened and closed with none received. It was moved by Clm. Gallian, seconded by Clm. Cook, to approve the Consent Calendar as submitted. The motion carried unanimously.

7. PUBLIC HEARING

Item 7A: Public Hearing and Adoption of an Ordinance Repealing Chapter 14.10 of the Sonoma Municipal Code, Reenacting a New Chapter 14.10 Adopting and Amending New Construction Codes, and Adoption of Findings Determining the Ordinance to be Exempt Under the California Environmental Quality Act.

Mayor Brown opened the public hearing. Development Services Director Wirick reported that the City Council discussed and introduced the proposed ordinance at the October 21, 2013 meeting. He explained that the California Building Standards Code consisted of 12 parts containing various construction codes (i.e. building, residential, electrical, plumbing, mechanical, energy, green building, fire, historical structures, etc.) which were adopted in whole or in part and then amended by some 14 different State agencies. The California codes were generally amended and published every three years by the State Building Standards Commission following the update of selected model codes. The construction codes previously adopted by cities and counties and currently in effect throughout the State, including those provisions contained in Section 14.10 (Construction Codes) of the Sonoma Municipal Code, would become null and void effective January 1, 2014.

Wirick continued by saying that the California Health and Safety Code allowed local governments to amend building standards contained in the California Building Standards Code when the modifications were at least as stringent as what was required by the codes and provided that amendments were made with express findings of need based on local climatic, geological or topographical conditions. The California Building Standards Code does not provide fully adequate provisions for unsafe building abatement, signs, alternate plumbing systems, fire sprinkler systems, fire safety, administrative requirements, green building provisions and other provisions recommended for Sonoma, which is why the City Council has regularly amended the codes adopted by the State to address these issues. The new 2013 technical codes adopted by the State generally clarify existing construction requirements and add more restrictive and complex requirements than the technical codes currently in effect, particularly as it pertains to the California Energy Code. Wirick stated that the suggested local amendments proposed by staff and included in the ordinance were generally consistent with the existing policies and construction requirements previously adopted by the City Council with a few notable exceptions related to green building and fire sprinkler requirements.

Clm. Barbose inquired if the proposed amendments were consistent within Sonoma County. Wirick responded that he could not guarantee that all were the same noting that the County has taken a different path regarding what would trigger the requirement to install fire sprinklers.

The public comment period was opened and closed with none received. Mayor Brown closed the public hearing.

Stating that it would have been nice if some of the local architects and builders were present; he moved to adopt 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. The motion was seconded by Clm. Cook and carried unanimously. Clm. Gallian inquired how the public would be informed about all the code changes. Wirick stated that he would be sending out a press release, creating brochures and placing information on the City website.

Item 7B: Discussion, consideration and possible action to update City Fee Schedule based on FY 2013-14 Operating Budget.

Mayor Brown opened the public hearing. City Manager Giovanatto reported that the City had established fees and charges for those services that benefit only the specific users and do not benefit the general public as a whole. In prior years, the Council conducted an annual review of the user fee schedule to assure that fees were calculated based on the cost of providing the services. This process had been delayed since the 2010 user fee review at which time, the Council chose not to take action on the fee schedule. For this reason, the fees were currently being charged at 2008 cost calculations. She said an update was necessary to bring fees into line with current costs and added that it was one of the City Council goals to update all fees to assure specialized service costs were borne by the requester and not City taxpayers. She went on to explain that with exception to fees established or limited by State law the fees were determined through a cost accounting analysis of actual costs the City incurs.

Giovanatto stated that in the past, Council had chosen to provide a reduced fee for Appeals at \$100 without consideration of actual costs borne by the City. Beginning with the FY 2013-14 Fee Schedule, staff was recommending that the Appeal Fees be established at 50% of actual cost. She added that the overall impact of the recalculations was that some fees increased, some decreased and some stayed the same. General fees could be implemented immediately; however, some of the Planning fees could not go into effect until thirty days after adoption and for that reason staff was recommending an effective date of January 1, 2014 for all fees, if adopted.

Clm. Barbose commended staff for conducting a very thorough evaluation and calculation process. Clm. Cook inquired if the Plaza use fees included funds to have a staff member available during events. Giovanatto responded that the City would be evaluating the entire special events policy and that would be discussed at that time. Clm. Gallian stated that the backup information explaining how the fees had been calculated was a valuable resource.

Clm. Rouse asked if the Fire Department had a false alarm fee. Fire Captain Jones stated they did not but they did have a nuisance alarm fee. The public comment period was opened and closed with none received. Mayor Brown closed the public hearing. It was moved by Clm. Gallian, seconded by Clm. Rouse, to adopt the resolution entitled Resolution of the City Council of the City of Sonoma Adopting User Fees, Licenses, and Permit Charges for Fiscal Year 2013/14 (Res. No. 49-2013). The motion carried unanimously.

8. REGULAR CALENDAR – CITY COUNCIL

Item 8A: Council discussion and possible action on the revision and renewal of the lease with the Valley of the Moon Nursery School for 136 Mission Terrace (Youth Center Building).

Development Services Director Wirick reported that the five-year lease with the Valley of the Moon Nursery School (VOMNS) for the Youth Center Building expired on August 30, 2011 and the school had requested that the lease be renewed. Since that time, a number of steps had been initiated by City staff and the City Council to evaluate issues related to the lease and develop appropriate provisions within the lease to address the issues. The latest iteration of the draft lease proposed an increase in the rental rate, continuance of previous maintenance responsibilities and code related upgrades on the part of the VOMNS and the City. The draft lease has an initial term of for 2 years beginning January 1, 2014 and would automatically be extended by 3 years to December 31, 2018 if all “Tenant Responsibility” corrective work as established in the 2012 Building Survey Report was completed by VOMNS and approved by the City by December 31, 2015.

Clm. Rouse inquired what portion of the required ADA improvements had to be done in the next two years. Wirick responded that staff had planned to expend approximately \$75,000.

Discussion ensued regarding the total cost of improvements, rent revenue collected, the balance of long-term maintenance funding available, and the net cost of the proposed lease agreement to the City. Clm. Cook asked if the lot could be split with the City retaining the well site and selling the other portion. Clm. Rouse stated that on paper it did not look like a good idea for the City to continue to lease the property to the school. Clm. Cook agreed, saying that the City should not be in the landlord business.

Mayor Brown invited comments from the public. Robin Lely, VOMNS Treasurer, stated that the City had gone from a position of “what can we do for the children” to “how much can we make off this?” He said the Council had a choice to make.

Item 8A: Valley of the Moon Nursery School lease, continued

Rosemary Lely, VOMNS Director, said she could not believe they were at this point. They ran the business for the good of the children and had never asked for anything from the City. She added that they needed a decision, that they could not operate the school in a state of flux about the lease.

Council continued further discussion on the matter weighing the pros and cons. It was moved by Clm. Barbose, seconded by Clm. Cook, to direct staff to bring back a lease under the terms proposed with a stipulation that none of the code improvements would be required to be made by either party and with a June 30 2015 termination. This would provide time to conduct additional analysis and to determine if it was feasible to split the property. The motion carried unanimously.

Item 8B: Discussion, consideration, and possible approval of an exception to the Special Events Policy by allowing the display of a banner on the Plaza Horseshoe lawn on November 29 and 30, 2013 in conjunction with the Shop Sonoma campaign.

Assistant City Manager/City Clerk Johann reported that Section 7 of Appendix A of the Special Events Policy provided that banners meeting specific criteria could be placed in the Plaza upon approval by the City Council. The policy restricted the size of banners to six square feet and did not allow them on the Plaza Horseshoe lawn. She said that Council was being requested to approve an exception to the policy to allow the display of a 6' x 2.5' banner on the Plaza Horseshoe lawn on November 29 and 30, 2013 in conjunction with the City/Chamber sponsored "Shop Sonoma Days" as has been done the past four years. Johann stated that at the August 19, 2013 meeting when a similar request had been submitted for Council consideration, the City Council approved the request and, because of the frequency of exception requests, directed that the CSEC revisit the Banner Display section of the Special Events Policy and consider its modification. The Commission planed to revisit this section as part of a comprehensive review of the Special Events Policy in the near future but it has not yet taken place. Because the adopted policy had not yet been modified, staff felt it appropriate to agendize this exemption request pursuant to the policy.

Mayor Brown was excused from the meeting at 8:15 p.m. and turned the gavel over to Mayor Pro Tem Rouse. The public comment period was opened and closed with none received.

Clm. Barbose agreed with the need to reevaluate the banner policy and because Shop Sonoma Days was an important event he would move to approve the exception and allow the banner to be displayed as requested. The motion was seconded by Clm. Gallian and carried unanimously, Brown absent.

Mayor Brown returned to the meeting at 8:18 p.m.

9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS

Item 10A: Reports Regarding Committee Activities.

Clm. Barbose reported on the Sonoma Clean Power Board meeting.

Item 10B: Final Councilmembers' Remarks.

Clm. Cook thanked City staff for attending the meeting and stated his appreciation of Clm. Barbose's representation on the Clean Power board.

Clm. Barbose stated that although he was not in attendance at the Grand Opening Ceremony for the new wing at the hospital it had been relayed to him that Mayor Brown had introduced Clm. Rouse as the next Mayor and Clm. Cook as the next Mayor Pro Tem. Clm. Barbose stated that since the Council had not yet voted on who would be the next Mayor and Mayor Pro Tem, the statements were highly inappropriate and suggested a Brown Act Violation on Brown's part. In addition, the comment was highly disrespectful of the other members of the City Council and he felt that Mayor Brown should recuse himself from voting on the Council reorganization at the next meeting. Barbose added that he would be speaking to the Fair Political Practices Commission about this matter.

Item 10B: Final Councilmembers' Remarks, Continued

Mayor Brown stated he could assure Barbose that neither he or Councilmembers Cook and Rouse had not violated the Brown Act and felt he was within his purview to make those comments.

Clm. Gallian encouraged all to remember we were in a season of thanksgiving.

Clm. Cook stated he did not Brown Act with anyone about the Mayor and Mayor Pro Tem issue. He added that it was embarrassing last year when Councilmembers had invited family and friends to the reorganization ceremony only for them to have to sit through a similar accusation and unpleasant discussion by City Council. He was disheartened to hear that it may happen again this year.

Clm. Barbose responded that he did not create the situation and questioned what impression comments like the one made by the Mayor gave to the public.

11. COMMENTS FROM THE PUBLIC

12. ADJOURNMENT

The meeting adjourned at 8:31 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 2nd day of December 2013.

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