

**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*

**Wednesday, January 8, 2014**

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

**6:00 p.m. Regular Meeting**

\*\*\*\*

**MINUTES**



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

**SPECIAL MEETING - CLOSED SESSION**

**1. CALL TO ORDER**

At 5:30 p.m. Mayor Rouse called the meeting to order and invited comments from the public. Joanne Sanders stated her opposition to the cell tower being proposed by AT&T for health & safety reasons. She added that it did not make sense to consider coverage issues as a basis for approval. At 5:32 p.m. Council recessed into closed session with all members present. City Manager Giovanatto, Planning Director Goodison, and City Attorney Walter were also present.

**2. CLOSED SESSION**

**Item 2A: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION –**  
Significant exposure to litigation pursuant to paragraph 2 of subdivision (d) of Section 54956.9: (one potential case).

**REGULAR MEETING**

The City Council reconvened in open session and Mayor Rouse called the meeting to order at 6:00 p.m. Former Mayor Jeanne Markson led the Pledge of Allegiance.

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

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

**REPORT ON CLOSED SESSION** – Mayor Rouse reported that no action had been taken.

**1. COMMENTS FROM THE PUBLIC**

Nellie Cravens, Artistic Director of Silver Moon Theater, announced upcoming classes and events at the Sonoma Community Center.

Deirdre Sheerin announced that Sweetwater Spectrum just celebrated their one-year anniversary and were happy to have fourteen residents.

**2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS**

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

Clm. Brown dedicated the meeting in the memory of Gale Hunter, founder of Uncle Bill's Corn Dogs, and former Treasure Artist Lynn Lipitz.

Clm. Barbose announced that due to the serious drought situation all the North Bay counties and cities would be banding together to adopt conservation measures.

Clm. Gallian announced that the Water Advisory Committee was also very concerned about the lack of rain and the need for the public to implement conservation measures.

Clm. Cook reminded everyone of his office hours at City Hall every other Wednesday.

Mayor Rouse reported that a new law would require a roll call vote on each and every action and/or motion made by the City Council.

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

City Manager Giovanatto reported that due to a lack of business items, she and the Mayor had concurred to cancel the regularly scheduled January 22, 2014 meeting. As part of the City's water use reduction program, Public Works would be reducing the irrigation of all City parks and would be launching a public education campaign. Staff was working on plans for the Alcaldessa reception.

**4. PRESENTATIONS – None Scheduled**

**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 December 2 and December 16, 2013, Council meetings.
- Item 5C:** Adoption of a resolution approving the application by Project Sport LLC/ Echelon Gran Fondo Sonoma for temporary use of City streets for the Echelon Gran Fondo Sonoma Bike Ride on Saturday, April 26, 2014. (Res. 01-2014)
- Item 5D:** Approval and ratification of the appointment of Cameron Stuckey as the Alternate on the Community Services and Environment Commission for a two-year term ending January 8, 2016.

Cm. Barbose removed the December 16, 2013 minutes. Mayor Rose requested that Item 8F be moved up on the agenda to be considered right after Item 8C.

The public comment period was opened and closed with none received. It was moved by Cm. Barbose, seconded by Cm. Brown, to approve the Consent Calendar except for the December 16, 2013 minutes. The motion carried unanimously. It was moved by Cm. Barbose, seconded by Cm. Cook, to move Item 8F up to be considered following Item 8C. The motion carried unanimously. Cm. Barbose and other Councilmembers congratulated Cameron Stuckey and thanked him for his willingness to serve on the Community Services and Environment Committee.

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

- Item 6A:** Approval of the portions of the Minutes of the December 2 and December 16, 2013 City Council / Successor Agency Meetings pertaining to the Successor Agency.

The public comment period was opened and closed with none received. Cm. Barbose requested that the December 16, 2013 minutes be removed. It was moved by Cm. Gallian, seconded by Cm. Brown, to approve the Consent Calendar except for the December 16, 2013 minutes. The motion carried unanimously.

**7. PUBLIC HEARING**

- Item 7A:** Resolution upholding the decision of 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, with possible modifications to the conditions of approval).

Planning Director Goodison reported that after considering the appeal of this matter at its meeting of November 4, 2013, the City Council voted 3-2 to uphold the decision of the Planning Commission, subject to the condition that the D1 unit on Lot 3 be modified so that it did not have a second floor element over the garage. On November 18, 2013, the City Council considered a draft resolution to implement that decision; however, Councilmember Rouse removed the item from the consent calendar to allow for consideration of an alternative design approach developed by the applicant for the D1 unit on Lot 3. As a result, the item was renoted and was back before the Council for consideration with respect to the alternative design proposal for the D1 unit on Lot 3. The alternative design included a full second floor element; including living area over the garage and the overall height of the structure had been substantially reduced in

**Item 7A: Resolution upholding the decision of the Planning Commission, 821-845 West Spain Street, Continued**

comparison to the previously approved plan. Goodison stated that staff prepared a draft resolution to implement the City Council's decision, along with revised conditions of project approval, which included optional language regarding the design of the D1 unit on Lot 3.

Clm. Barbose confirmed that the height of the peak of the new design was twenty-one feet ten inches. Mayor Rouse invited comments from the public. Doug Hilberman, Axia Architects, stated that he and Steve Ledson were present to answer questions. He stated they appreciate Council's willingness to consider this modification and they felt it would satisfy the concerns of neighbors and Councilmembers.

Skip Ollinger questioned the purpose of the space above the garage. Mr. Hilberman stated it would provide an outdoor space and noted that it faced the driveway, not the backyard.

Mary Jane Stolte, Sonoma Park Condominiums, stated she supported a single-story design and any other changes that would maximize the light.

Sara Hartnett stated her support for the proposed modifications.

Mike Burns inquired why the rooflines of all the units had not been lowered. Planning Director Goodison noted there were three D-1 units; however Council direction on the appeal was very specific for the unit on this particular lot and the modification would only apply to that parcel. Clm. Barbose further explained that this unit had been the most problematic due to other site factors and he felt what was being proposed by Mr. Ledson was superior to what Council had proposed.

It was moved by Clm. Barbose, seconded by Clm. Gallian, to adopt Resolution Number 03-2014 entitled A Resolution of the City of Sonoma Upholding the Decision of 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, Subject to an Amendment to the Conditions of Project Approval. The motion carried unanimously.

**Item 7B: Discussion, consideration and possible action to provide further amendments to the FY 2013-14 City Fee Schedule.**

City Manager Giovanatto reported that subsequent to Council's adoption of the Fee Schedule Update on November 18, 2013 staff determined that further amendments to fees in the Fire and Planning Departments were necessary. She stated the Fire Department was adding a refund policy and the proposed updates were minimal with and some actually resulting in a lower fee.

Mayor Rouse opened and closed the public hearing with no comments received.

It was moved by Clm. Gallian, seconded by Clm. Cook, to adopt Resolution Number 02-2014 entitled Resolution of the City Council of the City of Sonoma Amending the Previously Adopted Schedule of User Fees, Licenses and Permits Charges for Fiscal Year 2013-14. The motion carried unanimously.

**8. REGULAR CALENDAR – CITY COUNCIL**

**Item 8A: Discussion, consideration and possible action related to requests from the Sonoma International Film Festival including 1) an exception to the Special Events Policy and approval of use of the Plaza for five consecutive days; 2) an exception to the Special Event Policy and approval of the display of the SONOMAWOOD sign on the Plaza Horseshoe lawn; and 3) a request for City sponsorship of the Film Festival and waiver of all fees related to the use of the Plaza during the 2014 Film Festival.**

City Manager Giovanatto reported that Sonoma International Film Festival (SIFF) had submitted its 2014 event application for consideration by the Community Services and Environment Commission (CSEC); however, it included requests for exceptions to the Special Event Policy which were beyond the authority of the CSEC and were therefore being submitted to the City Council for consideration along with a request for a waiver of Plaza Use fees. Giovanatto stated that staff's recommended Council's discretion regarding the exception requests. She noted that if the exception allowing the event to run five consecutive days was approved staff suggested that the approval include a condition that SIFF would stage somebody in front of City Hall to ensure that public access to City Hall was not blocked during the weekdays.

**Item 8A:      Sonoma International Film Festival, Continued**

Giovanatto stated that staff recommended that Council deny the request for sponsorship and fee waiver. She stated that in the past, the City had been very generous in its support of the Festival utilizing funds from the former redevelopment agency. Staff recognized the benefits of having such a renowned event in Sonoma; however due to the specialized service costs related to this event, staff did not recommend a General Fund subsidy. The fees for the 2014 Film Festival were calculated to be \$4,193, plus a refundable \$2,000 damage deposit. Clm. Gallian confirmed that the fee for Fire Permit Inspection was related to an inspection by the Fire Department of all tents and equipment required by the Fire Code. Mayor Rouse questioned how the Plaza Rental Fees of \$2500 were calculated and if their waiver could be considered as a method of helping out SIFF. City Manager Giovanatto stated the fees were calculated by Public Works on a square footage basis. Clm. Brown noted that the Sonoma Tourism Improvement District had granted SIFF \$7,500.

Mayor Rouse invited comments from the public. Deirdre Sheerin confirmed that Sonoma Valley High School students were still involved in the SONOMAWOOD sign. Kevin McNeely stated that this was SIFF's seventeenth year and that the City Council had been extremely supportive of their efforts, which bring a branding and international recognition of Sonoma. He said they recently donated \$25,000 to the High School Media Arts Program. Skip Ollinger, SIFF volunteer, spoke in favor of granting the exception that would allow the tent on the Plaza from the beginning to the end of the event providing continuity. A contribution by the City would contribute to the TOT and restaurant sales.

Clm. Cook stated that he would support the two requests for exceptions but would not support the City taking on SIFF's financial obligations. He said it was the taxpayers who provide funding for the upkeep of the Plaza and the rental fees help offset the interruption of use of the Plaza to the taxpayers. Clm. Barbose confirmed that a fee for use of the horseshoe for placement of the the sign had not been charged in the past. He said the film festival was a great thing for the town bringing people who would not have otherwise visited here. He said the City needed to be proud of the festival and partner with them; he suggested waiving any fees that had not been charged in the past. Mayor Rouse clarified that the total rental fees were \$2,500, which included \$1,000 for use of the horseshoe and \$1,500 for use of the rear parking lot.

Clm. Brown stated that he agreed with Clm. Cook and that the City ran on a very tight budget. He said the City contributed to the festival by providing the back stage front lot scenic beauty of the town that was maintained through the staff, through the historic societies and through the valued merchants on the Plaza and throughout the City. For those reasons, he would not support the fee waiver. Clm. Gallian stated her agreement with Clm. Barbose and would support waiver of the \$2,500 rental fees on the basis that it was a seventeen-year phenomenal international event. Mayor Rouse expressed his support of the festival and stated it provided a TOT and revenue stream. He understood the need for the festival to begin and end at the Plaza. It was moved by Clm. Barbose, seconded by Clm. Gallian, to grant the two exceptions to the Special Event Policy as requested and to waive \$2,500 in fees for the 2014 festival. It was moved by Clm. Cook, seconded by Clm. Brown, to amend the motion to only address the two exceptions and not the request for the wee waiver. Clm. Barbose and Clm. Gallian agreed to modify the motion to only address the two exception requests. Clm. Brown stated he felt waiving the fee set a dangerous precedent and noted the Vintage Festival and Mexican Independence Day as totally worthwhile events and he knew how impactful events were on the Plaza and how much energy went into maintaining the Plaza and returning it back to its glory following events. He said he was very much opposed to waiving any Plaza Use fees. The motion carried unanimously. It was moved by Clm. Barbose, seconded by Clm. Gallian, to waive \$2,500 in Plaza Use fees for 2014. Clm. Gallian urged staff to move forward a full review of the Special Event Policy. The motion carried three to two, Councilmembers Brown and Cook dissented.

**Item 8B:      Discussion, consideration, and possible action regarding a request for an exception to the Special Events Policy by allowing the display of two inflated arch/banners on the Plaza Horseshoe lawn on April 26, 2014, in conjunction with the Echelon Gran Fondo Sonoma Bike Ride.**

Planning Director Goodison reported Section 7 of Appendix A of the Special Events Policy provided that banners meeting specific criteria may 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. Council was being requested to approve exceptions to the policy that would allow the display of two branded, inflatable arches as the start/finish markers at the Plaza entrance and as guideposts for the Echelon Gran Fondo bike ride leaving and returning to the Plaza. Goodison noted that the City Council approved the event banner/arches for the 2012

**Item 8B: Echelon Gran Fondo Sonoma Bike Ride, Continued**

and 2013 events and stated that should Council approve the exceptions and authorize placement of the banner/arches, the approval should be subject to staff approval of the specific location and means of securing the arches. Mayor Rouse inquired if the event had caused any problems in the past. Goodison stated that the event had been managed well but they struggled to meet the 40% requirement and that had been discussed at length by CSEC when they approved the event. They were proposing a new method of meeting that requirement so that they complied with City policy in that regard.

Mayor Rouse invited comments from the public. Operations Manager Fletcher Banks stated that they were happy to be back in Sonoma this year. Clm. Cook stated that Council was looking at the Plaza, as the sacred ground, and would be reviewing policies in the future. He said he would support this request because the event had occurred in the past but he felt the Council needed to take a hard look at what was allowed on the horseshoe. It was moved by Clm. Cook, seconded by Clm. Gallian, to approve the exception request subject to staff approval of the specific location and means of securing the arches. Clm. Barbose stated that events like this help the City appreciate how much fun it was to ride bicycles. The motion carried unanimously.

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

City Manager Giovanatto described the proposed changes to the Library JPA agreement and stated that the two main issues at question were allowing the County to have two seats on the Board and whether or not to allow additional community-funded hours. She suggested the Council not vote in favor of community-funded hours, as it had become a sticking point with other cities and the County. Mayor Rouse invited comments from the public. Library Commissioner Mary Evelyn Arnold stated that disparity of service was not good and urged the Council to not to support it. Bob Pincus and Robin Makaruk spoke in agreement with Ms. Arnold. Clm. Barbose stated he had no problem with the County having two votes but he was concerned about the need for extended hours for school children and others who did not have access to a computer and the internet. He would like to see some flexibility for communities to provide the opportunity to help educate the children. It was moved by Clm. Gallian, seconded by Clm. Cook, to follow the recommendations of staff, to not support community-funded hours and to support the voting structure with one voter per agency with the exception of County and the City of Santa Rosa having up to two seats on the new commission. The motion carried four to one, Clm. Barbose dissented. Clm. Barbose explained he supported the two votes but wanted to keep an open door on the community funded extended hours.

**Item 8F: Discussion, consideration and possible action of a request for reconsideration of the City Council's decision to uphold the appeal of the Planning Commission's decision to approve the application of AT&T for a Use permit to install a wireless telecommunication facility on the Sebastiani Winery site (389 Fourth Street East), including an 80-foot tall redwood monopine tower and fenced equipment shelter.**

Planning Director Goodison reported that on December 16, 2013, the City Council considered the appeal of this matter and voted four to one to uphold the appeal and directed staff to prepare a resolution implementing its decision. On January 2, 2014, Counsel for AT&T submitted a letter requesting that the City Council reconsider its decision. Goodison explained that pursuant to Rosenberg's Rules of Order the reconsideration of a City Council decision may only occur at the Council meeting at which the decision was made or the immediately following meeting and the motion to reconsider may only be made by a Councilmember on the prevailing side of the decision that has been requested for reconsideration, although once such a motion has been made any Councilmember may second the motion and all Councilmembers are eligible to vote on the motion. Because a formal request for reconsideration had been made, staff has agendized the item for discussion. If the City Council agrees to reconsider its decision, the reconsideration would be scheduled for a public hearing at a subsequent Council meeting. Clm. Barbose confirmed that the only matter before the Council was whether or not to reconsider its December 16, 2013 decision. Goodison added that should Council agree to reconsider; said reconsideration would occur at a future duly noticed public hearing.

Mayor Rouse invited comments from the public. Carol Lockwood asked Council to reconsider their decision to uphold the appeal stating her support for the proposed cell tower. Rhuenette Alums, AT&T, stated that they conducted an exhaustive search for a location of the cell tower. All information and data they had indicated that the proposed site met the criteria for the

**Item 8F: AT&T wireless telecommunication facility, Continued**

coverage area needs. She stated they were constantly getting requests for increased broadband and AT&T's obligation was to provide the best service and network possible.

Cm. Barbose asked the City Attorney if the information provided by AT&T tonight would be part of any record upon which the Council was supposed to act. Attorney Walter stated that the only record before the Council was the record established on December 16, 2013. It was up to AT&T to show that record compels a reconsideration.

Jason Osborne, AT&T, stated that when the original proposal was presented in April 2013 they worked extensively to bring their best design and presented all viable alternative locations. At the request of the Planning Commission, they provided additional information regarding the alternative locations. After the City Council hearing they developed twenty alternatives broken into three geographical areas. After comprehensive analysis of the twenty alternatives, AT&T still felt the proposed site was the least intrusive under the values expressed in the Sonoma Municipal Code and they respectfully requested Council reconsideration.

Rajat Mathur, Hammet & Edison, Inc. Consulting Engineers, stated that the proposed site complied with all the FCC radio frequency exposure standards.

Valerie Baumer, legal counsel for AT&T, stated they believed they could provide additional evidence this evening. They felt they met a legal standard of showing that there was a significant gap in coverage and that their proposal was the least intrusive means to meet that gap and that approval of their permit was compelled by law. If the Council chooses to deny the application, it would have its own legal hurdles to get over and a legal standard to meet. The council would have to show substantial evidence of potentially available and technologically feasible alternatives. They felt this was not done in December and they look forward to the opportunity for a rehearing for discussion of these legal matters.

Elizabeth Stuckey, Jennifer Palladini, Alice Micklewright, Mike Palladini, Jeanne Markson, Erin McTaggart, Alice May, Regina Baker, Linda McGarr and Cameron Stuckey supported Council's decision to uphold the appeal and asked the Council to deny the request for reconsideration.

Cm. Barbose stated that at the December 16, 2013 hearing, AT&T had the burden to prove there was a significant gap in wireless coverage and that the proposed site was least intrusive way of filling that gap. The City Council decided they did neither and turned them down and they were now asking Council to give them another shot at it. He said there was no real explanation as to why they could not have put on whatever evidence they would want to put on at another hearing that they could not have put on at the last hearing. Barbose said he came from a place when you have a hearing date you know you have to have your evidence and have to come prepared to present your case and if you present your case and you lose you do not ask the Judge for another trial. He said they did not come with any justification as to why Council should reopen the hearing so they can put in evidence that they chose to not put in the last time. Cm. Barbose stated he was not in favor of reopening the matter. All other Councilmembers stated their agreement with Cm. Barbose and Mayor Rouse stated there would be no reconsideration of the matter. Cm. Barbose stated to the AT&T representatives that he hoped they appreciate the special nature of this community and that they were welcome here and he urged them to use all their resources to find another place for the cell tower rather than threatening the City and its citizens with a lawsuit.

**Item 8D: Discussion, consideration and possible action regarding adding a Council Committee to address issues related to Mobilehome Rent Control.**

Attorney Walter stated that his office had been contacted by an attorney representing some of the homeowners in the parks requesting extensive revisions to the City's Mobilehome Rent Control Ordinance. He felt it would be helpful to have at least two Councilmembers serve on a committee to help him go through the proposed revisions and get a sense of policy and priorities and what seemed most important to bring back to the Council for consideration. Cm. Brown confirmed that there would not be citizen representatives on the committee just two Councilmembers to meet with the City Attorney.

David Artson and Nancy Parmalee, members of the Mobilehome Park Rent Review Board, supported the creation of the committee. By unanimous consensus, Councilmembers approved creation of the committee. It was moved by Cm. Cook, seconded by Mayor Rouse, to appoint Councilmembers Brown and Gallian to serve on the committee. The motion carried unanimously.

**Item 8E: Discussion, consideration and possible action approving the Annual City Council Meeting Calendar for 2014 and adopting a resolution establishing the regular meeting dates.**

City Manager Giovanatto reported that staff prepared the annual schedule of City meetings which included all regularly scheduled meetings of the City Council and of all City Boards and Commissions; all official City Holidays; dates of major Jewish holidays; and meetings of the Mayors and Councilmembers Association of Sonoma County. She stated that in the past the City Council canceled the first meeting in August to facilitate scheduling summer vacations. She would like Council input on that, setting a date for Council goal setting and any study sessions Council would like to schedule.

The public comment period was opened and closed with none received. Clm. Gallian supported cancelation of the August 4, 2014 meeting; Clm. Brown did not think it was a good idea. It was moved by Clm. Gallian, seconded by Clm. Cook, to cancel the August 4 meeting and adopt the resolution entitled A Resolution of the City Council of the City of Sonoma and the City Council As Successor Agency establishing the Regular Meeting Dates of the City Council for the 2014 Calendar Year. The motion carried unanimously.

**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 meeting.

Clm. Brown reported attendance at a workshop at the Sonoma County Waste Management Agency.

**Item 10B: Final Councilmembers’ Remarks.**

Clm. Brown stated there would be a retirement ceremony for Gary Magnani tomorrow at the Veterans’ Building.

**11. COMMENTS FROM THE PUBLIC**

Ted Sexauer said that, in general, this was a great meeting and he appreciated the decisions that had been made.

**12. ADJOURNMENT**

The meeting adjourned at 8:45 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 3rd day of February 2014.

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Robin Evans  
Deputy City Clerk