

**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, February 3, 2014**  
**5:00 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 5:00 p.m., Mayor Rouse 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, City Attorney Walter, and Public Works Director Takasugi were also present.

**2. CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION** - Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Cal. Gov't Code section 54956.9: One potential case.

**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.

**REGULAR MEETING**

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

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

ALSO PRESENT: City Manager Giovanatto, Assistant City Manager/City Clerk Johann, City Attorney Walter, Assistant City Attorney Nebb, Administrative Assistant Gipson, Planning Director Goodison, Senior Planner Gjestland, and Public Works Director Takasugi.

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

**1. COMMENTS FROM THE PUBLIC**

Robert Demler thanked Clm. Brown for explaining to the public the reasoning behind his change of vote on a past issue.

Gina Cuclis announced a community meeting featuring Sheriff Freitas February 11 at the Grange Hall.

**2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS**

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

Clm. Brown dedicated the meeting in the memory of Bob Nobles. He reported attendance at the State of the Valley and the Sonoma Valley Community Health Center groundbreaking ceremony at 19270 Sonoma Highway.

Clm. Barbose reported attendance at the State of the Valley and dedicated the meeting in the memory of former City Councilman Peter Duffy.

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

Clm. Cook also reported attendance at the State of the Valley and invited the public to his office hour held every other Wednesday.

Clm. Gallian stated that Mayor Rouse did an excellent job reading and presenting a proclamation at the memorial service for Herb Golenpaul.

Mayor Rouse announced that Sonoma Valley Rotary was once again seeking the participation of local businesses to provide goods and services free of charge to veterans and military personnel on Freedom Day, observed on September 11 each year.

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

City Manager Giovanatto reported a joint City Council and Planning Commission meeting would be held Monday February 24 at the Community Center for discussion of proposed regulations regarding wine tasting facilities. The reception honoring Alcaldessa Brangham would be held Thursday February 27 at Vintage House.

**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 16, 2013 and the January 8, 2014 Council meetings.**
- Item 5C: Adoption of a resolution approving an amendment to the Memorandum of Understanding for the City of Sonoma Employees' Association/SEIU 1021 adding the classification of Storm Water Compliance Specialist to the list of represented classifications. (Res. No. 05-2014)**
- Item 5D: Adoption of a resolution implementing 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. Removed from Consent, see below.**

Mayor Rouse invited comments from the public. Jim Price removed Item 5D. Clm. Barbose noted that an amendment to the December 16, 2013 minutes had been distributed on the dais and requested the minutes be approved as amended. It was moved by Clm. Barbose, seconded by Clm. Gallian, to approve the amendment to the December 16, 2013 minutes and the Consent Calendar except for Item 5D. The motion carried unanimously.

- Item 5D: Adoption of a resolution implementing 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.**

Mayor Rouse invited comments from the public. Jim Price pointed out that any agreement with AT&T would include an indemnification clause. He added that existing cell tower laws and regulations were inadequate to protect the citizens of Sonoma. It was moved by Clm. Barbose, Seconded by Clm. Brown, to adopt Resolution No. 06-2014 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA UPHOLDING THE APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF AT&T'S APPLICATION FOR A USE PERMIT AND DENYING AT&T'S APPLICATION FOR A USE PERMIT TO CONSTRUCT A FAUX REDWOOD MONOTREE CELL TOWER ON THE SEBASTIANI WINERY PROPERTY. The motion carried four to one, Mayor Rouse dissented.

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

**Item 6A: Approval of the portions of the Minutes of the December 16, 2013 and the January 8, 2014 City Council / Successor Agency Meetings pertaining to the Successor Agency.**

**Item 6B: Adoption of the FY 14-15A Recognized Obligation Payment Schedule [ROPS] for the period July 1, 2014 through December 31, 2014.**

It was moved by Clm. Gallian, seconded by Clm. Cook, to approve the Consent Calendar with the December 16, 2013 minutes as amended. The motion carried unanimously.

6:20 p.m. - Attorney Walter was excused and Assistant City Attorney Nebb was seated.

**7. PUBLIC HEARING**

**Item 7A: Discussion, consideration and possible action on an appeal of the Planning Commission's decision to approve a Use Permit, Site Design and Architectural Review, and Parking Exception for the Mission Square project, a mixed-use development proposed at 165 East Spain Street that includes 3,514 sq. ft. of office space, 14 apartments, and associated parking and improvements. An Environmental Impact Report for the proposed project was certified on July 18, 2013, by the adoption of a Resolution. The City Council will consider the previously certified environmental impact report as part of the Council action on this project, however, the environmental impact report is not a subject of the appeal.**

Senior Planner Gjestland provided the historic background of the Mission Square project explaining that it had first been considered by the Planning Commission in 2005. He stated that the Planning Commission approved the Environmental Impact Report (EIR) on July 18, 2013 and on November 14, 2013 with a vote of four to two approved the Use Permit, Site Design and Architectural Review, and Parking Exception with a number of amendments to the conditions of approval, including a requirement that the architectural concept, elevation details, exterior colors and materials of Building 1 be subject to review and approval by the DRC to address concerns raised by the public and the Planning Commission.

Gjestland reported that Simon and Kimberly Blattner filed an appeal of the Planning Commission's decision on November 21, 2013 on the basis that the design of the project was not appropriate for the site. Clm. Barbose confirmed that the Council could modify the conditions of approval, that the Design Review and Historic Preservation Commission (DRHPC) could modify the exterior of Building 1, and any decision of the DRHPC could be appealed to the City Council.

Mayor Rouse opened the public hearing. Kimberly Blattner stated that although the project had been under review for nine years and had undergone numerous variations, she did not feel it was good enough for that particular site in the historic quadrant in the City. She did not oppose the owners right to develop their property but wanted to see more respect for the historical significance of the lot and its location. She said the EIR concluded the project was adequately compatible with on-site and off-site historic resources; however, she objected to that conclusion stating the project needed to be more than adequate.

Ned Forrest stated that the block where the site was located was the original Indian village upon which the very first home was built and it deserved more than just an ordinary development. He displayed photos of a development in another community illustrating passageways through the grounds and utilizing various building components and stated that type of development would be more attractive and fitting.

Laurie Bremner stated that what was in front of the Council was the result of a process during which the development had gone through many changes as a result of the EIR, neighborhood meetings, public comments and Commissioner's concerns. She said the development team was proud to offer a mixed-use development to the neighborhood.

Property owner David Detert stated he and his brother spent summers in Sonoma growing up and they loved the community and felt this was a good project. He asked Council to uphold the Planning Commission's vote and allow the project to get started.

**Item 7A: Mission Square Appeal, Continued**

Project Architect Carol Marcus stated she and her husband had lived here many years and were very familiar the pedestrian experience. Their goal was to make this project the best they could for the community. She said they had listened to input from the Planning Commission, the public and experts, had modified the project many times and provided every study that had been requested. The current scaled back project was 21% of what would be allowed to be built under the Development Code. A vibration analysis indicated that construction at the site would not diversely impact any of the adobe buildings in the area. She pointed out that the General Plan and the Development Code required 50% of a development to be devoted to housing and noted that their project complied with all the City's goals and ordinances.

Project Engineer Tim Schramm described the existing and proposed drainage plan.

Johanna Patri stated her concern was the apparent lack of understanding by the owners of the need for stewardship and historic preservation of the site. She said the conditions of approval should require the owners to also maintain and preserve the little yellow house across the street which they own.

Patricia Cullinan suggested an evaluation of the need for story poles which would provide a true picture of the proposed project. She stated that independent evaluators should be hired to evaluate the mitigating measures contained in the EIR which would make the project more transparent and would result in a higher quality project.

Linda McGarr stated the project should only be one story and that a driveway onto East Spain should not be allowed. She added that due to the current water shortage the project should be denied.

Robert Demler, Vice President of the Sonoma League for Historic Preservation, reported they had discussed the project several times but had not formalized an opinion; however, a majority of the board was concerned with the historical landscape aspect. He said this was the most historic block and street in the State and pointed out that neither California State Parks or Native Americans had not stated any problems or issues with the project.

Joseph Aaron stated the reason the project took fourteen years was because the zoning was all wrong. He stated the irresponsible landlords would not take any better care of this project than they did of the house across the street. He felt that Mr. Willers had an undue influence since he sat on the Planning Commission.

Attorney Cristina Lawson stated that the purpose of the hearing was not to disparage the property owners. She disputed the statement that Mr. Willers influenced the outcome of the Planning Commission's deliberation and offered that the facts were to the contrary. She said they had spent four years addressing the all the same concerns that had been expressed at this meeting and urged the Council to uphold the decision of the Planning Commission.

Mrs. Blattner read an email from Suzanne Brangham expressing her support of the appeal.

Sue Simon and Cece Hugo, co-owners of property next to the site, stated that they had concerns initially; however, after getting involved, attending meetings and hearing from the developers their concerns had been adequately addressed. They expressed support for the project and urged the Council to deny the appeal.

The following persons also spoke in support of the appeal: Cathy Speering, Jim Bohart, Gene Speering, Chad Oway. Teresa Parks and John Kelly spoke in favor of the project. Bob Edwards suggested a mediation session. Seeing there were no additional comments, Mayor Rouse closed the public comment period of the hearing.

**RECESS:** The meeting recessed from 7:45 to 7:50 p.m.

CIm. Barbose stated that he felt there was something missing from the project considering that it was on the most significant street in the City of Sonoma. He liked the idea of a mediation meeting with both sides focused on a compromise.

CIm. Cook stated that he liked the project and did not think the two sides were going to come together now after fourteen years of disagreement. He pointed out that there would always be issues with infill projects. It was moved by CIm. Cook, seconded by CIm. Gallian, to deny the appeal and uphold the decision of the Planning Commission. CIm. Gallian stated that she felt the proposal was respectful of the natural elements of the setting and represented a merger of

**Item 7A: Mission Square Appeal, Continued**

past and future architecture. She said she had some issues with Building 1 but trusted the DRHPC to address those issues.

Cm. Brown stated he felt Building 1 was an attractive home. There had been innumerable opportunities for public input and a formal decision by the historical societies but there had been none.

Mayor Rouse said it was a very attractive project and he felt the developers had worked very hard to provide a project that was in the best interests of the City. He pointed out that some of those living right next to the project were also impressed with it.

Cm. Barbose stated his principal problem was with Building 1 but he would like to see the DRHPC be able to make architectural changes to the other buildings as well and then have the project come back to the Council to see if the changes reflect the desires of those who filed the appeal. He requested the motion be amended to include that the DRHPC authority be expanded to allow them to review and make recommendations on the whole project. Cm. Cook declined to amend his motion which carried four to one, Cm. Barbose dissented.

<b>8. REGULAR CALENDAR – CITY COUNCIL</b>
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**Item 8A: Approval of a Resolution declaring a Stage 1 Water Shortage Alert, requesting a voluntary 15 percent reduction in water use from all City water customers.**

Public Works Director Takasugi reported on the current water levels and rain predictions. He stated that unprecedented dry weather conditions in 2013 caused significant declines in water storage at Lake Mendocino and Lake Sonoma currently at 36.4 and 65.8 percent of capacity respectively. Calendar year 2013 had been the driest year in 120 years of record keeping. On January 17th Governor Brown declared a drought state of emergency and was requesting a 20% reduction in water use. Takasugi stated there was adequate water in Lake Sonoma to meet most Sonoma County Water Agency (SCWA) water contractor demands through approximately November 2014, at which time a 30% mandatory curtailment would be triggered.

Mayor Rouse invited comments from the public. Robert Taylor stated his concern that the current conditions would be permanent due to global warming and he urged a more restrictive mandate.

It was moved by Cm. Gallian, seconded by Cm. Brown, to adopt Resolution No. 07 – 2014 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA DECLARING A STAGE 1 WATER SHORTAGE ALERT AND REQUESTING A 15 PERCENT VOLUNTARY REDUCTION IN SYSTEM-WIDE WATER USE. The motion carried unanimously.

**Item 8B: Discussion and Consideration to Send Letter to Assemblymember Member Marc Levine to Request Easement to Allow Dogs on State Property [Requested by Mayor Pro Tem Cook]**

Cm. Cook stated there had been a lot of debate about allowing dogs on the trails on the Montini Preserve. Noting that the State would not allow dogs on the portion of the trail passing through State-owned property; he suggested sending a letter to Assemblymember Levine asking his assistance in obtaining an easement or authorization for dogs to be on that portion of State property. Cm. Barbose clarified that the requested easement would only be necessary should the City decide to allow dogs on the trail. Mayor Rouse invited comments from the public. Fred Allebach stated that it was premature to send the letter as the dog issue had not yet been decided. Laurie Wilson, State Parks, stated that District Director Rodriguez felt that because the State did not allow dogs on its property; the best route for the City would be to reroute the trail off State property. Bob Edwards expressed support for sending the letter. Cm. Gallian suggested the letter also be sent to Senator Lois Wolk. It was moved by Cm. Cook, seconded by Cm. Brown, to send the letter to Assemblymember Levine and Senator Wolk. Councilmembers Cook and Brown volunteered to hand deliver the letter to Mr. Levine at his Sonoma Office Hour on February 8. The motion carried four to one, Mayor Rouse dissented.

**Item 8C: Discussion, consideration and possible action providing direction to the Mayor regarding the City's vote on appointments by the City Selection Committee and the Sonoma County Mayors' and Councilmembers' Association at their February 13, 2014 meetings.**

Assistant City Manager/City Clerk Johann presented information regarding appointments scheduled to be made at the February 13, 2014 Mayors' and Councilmembers' meeting. By unanimous consensus the City Council expressed support for the appointment of Santa Rosa Councilmember Julie Combs to the Local Agency Formation Commission and authorized the Mayor to use his own discretion on the other appointments.

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

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

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

Clm. Brown reported that he and Clm. Cook attended the Economic Development Steering Committee meeting.

Clm. Barbose reported on meetings of the Sonoma County Waste Management Agency and Sonoma Clean Power.

Clm. Cook reported on the Legislative Committee meeting.

Clm. Gallian reported on the Sonoma County Transportation Authority, Ag and Open Space District, and the Water Advisory Committee meetings.

Mayor Rouse reported on the Sanitation District meeting.

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

Clm. Brown announced his office hour was every Tuesday at 1:00 p.m.

Clm. Barbose announced Sonoma Clean Power would conduct a town hall meeting at the Veterans Building on February 13.

Clm. Gallian announced that the Water Agency website contained many water conservation tips.

**11. COMMENTS FROM THE PUBLIC**

Pat Pulvirenti thanked the City for its support in becoming a Certified Local Government and requested support in seeing that the commissioners obtain the training they need.

**12. ADJOURNMENT**

The meeting adjourned at 9: 00 p.m. in memory of Peter Duffy and Bob Nobles.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma City Council on the 19<sup>th</sup> day of February 2014.

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Gay Johann  
Assistant City Manager / City Clerk