

**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, March 3, 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. 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, Planning Director Goodison and City Attorney Walter were also present.

2. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION, pursuant to (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: New Cingular Wireless PCS, LLC, etc. v. City of Sonoma. U.S.D.C. Nor. Cal. Case No. C-14-0692 EDL.

6:00 P.M. – REGULAR MEETING

The City Council reconvened in open session and Mayor Rouse called the meeting to order at 6:00 p.m. Former Mayor Joanne Sanders 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, Administrative Assistant Gipson, Planning Director Goodison, Associate Planner Atkins, Public Works Director Takasugi and Stormdrain Compliance Specialist Pegg.

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

1. COMMENTS FROM THE PUBLIC

David Eichar commented on remarks made by Chief Sackett during discussion of Wine Tasting Facilities regarding restrictions on Type 42 Liquor Licenses. He suggested the City consider implementing some restrictions on a local level.

Joanne Sanders asked Council to get behind San Jose Mayor Chuck Reed's push for a statewide initiative that would allow governments, agencies and voters to make changes in the future pension and benefits packages for their employees.

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers' Comments and Announcements

Cm. Barbose, referring to Ms. Sanders' statement, said he would like to have a follow up discussion on the proposed legislation.

Cm. Brown commended Assistant City Manager/City Clerk Johann for a wonderful job organizing the Alcaldessa reception. He reported that a Health Fair would be held at Wholefood's Market that coming Saturday.

Cm. Cook announced that beginning March 12 he would have weekly office hours on Wednesdays between eleven a.m. and noon.

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

City Manager Giovanatto reported that the total cost to the City for the Measure B Special Election held in November 2013 was \$59,742.34. That included \$31,872.64 for County election services, \$10,369.70 for legal services, and \$17,500 for the consultant's report.

4. PRESENTATIONS

Item 4A: Recognition of Donna Keegan's service on the Traffic Safety Committee.

Mayor Rouse presented a certificate of recognition to Donna Keegan for her service on the Traffic Safety Committee from January 16, 2008 to January 16, 2014.

Item 4B: Sonoma Tourism Improvement District Status Report

Bill Blum reported that the Sonoma Tourism Improvement District (TID), formed in 2012, collected a 2% assessment on all overnight stays in the City limits. The assessment generated approximately \$440,000 per year and was used to market and promote Sonoma as an overnight destination. He stated that this past year the TID had also granted funding assistance to the Sonoma International Film Festival \$7,500, Valley of the Moon Vintage Festival \$5,000, Sonoma Valley Museum of Art \$5,000 and the Valley of the Moon Certified Farmers Market \$2,500.

Wendy Peterson provided images and described in detail the marketing promos that had been developed and were in use.

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 February 24, 2014 City Council meeting.
Item 5C: Approval and Ratification of the Reappointment of Mark Heneveld to the Planning Commission for an Additional Two-Year Term.

Item 5D: Approval and Ratification of the Appointment of Christopher Woodcock to the Traffic Safety Committee for a Two-Year Term.

Mayor Rouse requested that Item 8B be heard prior to 8A. It was moved by Clm. Gallian, seconded by Clm. Barbose, to move agenda Item 8B up before Item 8A and to approve the Consent Calendar as presented. The motion carried unanimously. Clm. Barbose thanked Planning Commissioner Heneveld for accepting reappointment.

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

There were no Successor Agency Consent Calendar items.

7. PUBLIC HEARINGS

Item 7A: Discussion, consideration and possible action on an appeal of the Design Review and Historic Preservation Commission's decision to approve the application of Troy and Dawn Marmaduke for Design Review for exterior color modifications and an awning sign and the appeal of staff's decision to approve the application of Troy and Dawn Marmaduke for the re-facing of a wall sign and a projecting sign (408 First Street East).

Associate Planner Atkins reported that Johanna M. Patri and Mary Martinez had filed their appeal on the basis that approved aspects for this location did not protect and preserve the historic nature of the Plaza and that the Design Review and Historic Preservation Commission (DRHPC) was not adhering to its required compliance with the Certified Local Government (CLG) program.

Mayor Rouse stated that the applicants also felt that the required findings had not been made. Atkins responded that staff felt that all required findings had been made. In response to the question by Clm. Barbose, Atkins stated that findings three through eight related to the CLG

Item 7A: Appeal, 408 First Street East, Continued

program. Also in response to another question by Clm. Barbose, Planning Director Goodison stated that many of the guidelines required by the CLG program had been in place for years and that no new guidelines had been added since the City received its CLG status.

Mayor Rouse opened the public hearing and invited comments from the public beginning with the appellants followed by the applicants and then the general public. Johanna Patri stated that that the historic nature of the Plaza needed to be protected and preserved. She pointed out that the subject property was within one hundred feet of the historic Mission Solano and Barracks and the proposed color scheme and signage would negatively impact the historic character of the surrounding historic environment. She felt that a paint color should have been selected from the Benjamin Moore Historical Color Collection. Ms. Patri stated that the DRHPC did not take the historic and aesthetic values of the Plaza into consideration when making its decision.

Mary Martinez echoed much of what Ms. Patri had stated. She added that a bright blue awning that had been put up at the Coldwell Banker store front without DRHPC approval had been replaced with a neutral-color awning at the recommendation of the Commission. She said business branding should not be a consideration when it came to exterior façade design, materials, and color schemes. She asked the Council to uphold the appeal.

Troy Marmaduke stated they had spent a lot of time and money on the design of their storefront and had revised and scaled back at the request of the commission. Referencing a letter from DRHPC member Kelso Barnett, he commented that the DRHPC spent well over an hour in collaborative exchange with them. It was not something the commission took lightly. He asked the Council to uphold the decision of the DRHPC.

Karla Noyes shared a piece of stone similar to what was on the building. She stressed the importance of maintaining the historic look and feel of the City.

Joanne Sanders stated that the City should develop guidelines and train staff and commissioner on implementation of the CLG guidelines.

Patty Dufur, Fred Burger, Larry Barnett, David Eichar, Patricia Cullinan, Teresa Meeks and Loyce Haran spoke in support of the appellants.

Susan Gorman, Linda Abate-Johnson, Chante Gorman, Carly Marmaduke, Christine Gorman, Stan Pappas, Lynette Lyon, Leslie Toppel (DRHPC Chair), Rosemary Pedranzini, Carol Marcus, John Wainright, Tyler Marmaduke, and Katie Byrne spoke in opposition to the appeal and in support of the DRHPC decision.

Mayor Rouse closed the public hearing.

It was moved by Clm. Cook, seconded by Clm. Brown, to deny the appeal. Clm. Gallian stated she spent much time researching the issue and did not take it lightly. She stated that more education regarding the CLG designation was needed. Clm. Barbose stated the City needed to recognize the historic nature of the City and preserve it. He suggested that the City hire a consultant and come up with Sonoma's very own color palette. He also felt that additional guidelines needed to be developed along with training for commissioners and staff on dealing with the subject of historic preservation. Clm. Brown stated that the true character of the City went much deeper than the color of one door. Mayor Rouse stated that the Marmadukes had followed the process and done all that was required of them and he felt the DRHPC had considered all the issues prior to their decision. Mayor Rouse stated he would also support creation of some guidelines. The motion carried four to one; Clm. Barbose cast the dissenting vote.

RECESS: The meeting recessed from 8:10 to 8:20 p.m.

Item 7B: Discussion, consideration and possible action on an appeal of the Planning Commission's decision to approve an exception from the fence height standards to allow a seven-foot tall fence within required front and street-side setback areas. (639 Third Street West)

Planning Director Goodison reported that property owner Diann Sorenson had appealed the January 9, 2014 Planning Commission's decision to deny approval for a fence around the courtyard on the street side of her property. Goodison stated that In the course of implementing improvements to the building and property associated with its return to residential use, fencing was installed that did not comply with the normal fence height standards. When this issue was

Item 7B: Appeal 639 Third Street West, Continued

brought to the attention of the property owner, an application was filed to legalize the fencing through the fence height exception process. The Planning Commission had approved the application with exception of the fence surrounding the courtyard. He also reported that it had come to staff's attention that a portion of the new fence had been constructed two feet outside the permitted setback. Attorney Walter stated that was not part of this discussion.

Mayor Rouse opened the public hearing and invited comments beginning with the appellant.

Diann Sorenson stated that her property was surrounded by commercial uses with a lot of vehicles and deliver trucks coming and going at all times of the day. She stated that she was not aware, when the fence was constructed, of the need for approval of exceptions. Her concern was for the privacy and security of the two bedrooms on the street side of the property which is why she appealed denial of the exception for that portion of fence.

Paul Gorce stated the fence stuck out like a sore thumb and looked like a fortress. Cece Hugo, Sue Albano, and Tom Dehenes spoke in favor of the appeal stating the fence was necessary for privacy and protection. Mr. Dehenes added that the section of the fence misplaced would be relocated to comply with the setback. Janet Wedekind stated the municipal code should be enforced and the fence looked like a fortress and was a sight hazard for those backing out of the driveway.

Mayor Rouse closed the public hearing.

It was moved by Clm. Barbose, seconded by Clm. Brown, to uphold the appeal. Clm. Gallian stated she had concern about the fence height affecting those backing out of the driveway and asked if it could be reduced in that corner or set back a few more feet. Clm. Cook stated he would support the Planning Commission's decision. Clm. Brown and Mayor Rouse felt the issues of safety and privacy justified the fence as requested. The motion carried four to one; Clm. Cook cast the dissenting vote.

8. REGULAR CALENDAR – CITY COUNCIL

Item 8B: Discussion, consideration and possible action to direct staff to research options related to the restriction of smoking within the City. [Requested by Mayor Rouse]

Mayor Rouse stated that he had been approached by Elizabeth Emerson and placed the subject on the agenda to see if there was support for researching restrictions on smoking. Rouse stated that the American Lung Association had given the City an F on its report card and he would be interested in improving upon that grade.

Mayor Rouse invited comments from the public. Elizabeth Emerson stated that she rented a condo that had a shared wall with smokers and felt unsafe because of the fire hazard and the drifting smoke. She offered her assistance to the City to put smoking restrictions into place.

Laurie Bremner, American Cancer Society, Jill Whitim, Mindy Lubby, Corrinda Ramirez, Maryjo Williams, Michele McGarry, Jack Wagner, and Cameron Stuckey all spoke about health effects from second hand smoke and in support of smoking regulations for the City of Sonoma.

It was moved by Clm. Gallian, seconded by Clm. Barbose, to direct staff to research possible regulations pertaining to restrictions for youth, in public places and at family housing units. Clm. Gallian stated she was appalled that the City received an F on the American Lung Associations report card. Clm. Cook stated he did not support smoking but felt there were enforcement issues to be considered. The motion carried four to one with Clm. Cook casting the dissenting vote.

Item 8A: Consideration and Possible Action on the 2014 Integrated Pest Management (IPM) Policy for Stormwater Permit Compliance.

Stormwater Compliance Specialist Pegg reported that the City was updating its policies guiding the management of pests on City property to meet water quality standards and comply with new regulations promulgated by the San Francisco Bay Regional Water Quality Control Board. The Approved Pesticide List adopted in 2001 did not satisfy the requirements of the Regional Water Board. The proposed 2014 Integrated Pest Management Policy supplemented the 2001 Approved Pesticide List with a designation of responsible implementing parties, a set of

Item 8A: Integrated Pest Management Policy, Continued

Standard Operating Procedures, a record-keeping schedule, and a procedure for evaluating the use of restricted pesticides when special circumstances exist. Pegg reported that the Community Services and Environment Commission reviewed the policy and had recommended its adoption by the City Council.

In response to the question by Clm. Cook, Pegg stated that the City used about 570 ounces (about 25% of what was allowed) of Roundup annually. It was moved by Clm. Barbose, seconded by Clm. Brown, to adopt the Resolution Number 11-2014 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA ADOPTING THE 2014 INTEGRATED PEST MANAGEMENT POLICY. The motion carried unanimously.

Item 8C: Discussion and Consideration for Resolution of Support for the Postal Service Protection Act of 2013. [Requested by Councilmember Brown]

Mayor Brown stated that some local postal workers had brought this issue to his attention and he felt it was in the best interests of the City to adopt the resolution.

Mayor Rouse invited comments from the audience. Postal workers Jeff Barr and Paula Arguello and Jack Wagner spoke in support of the resolution. Clm. Gallian confirmed with the postal workers that this was regarding privatization of the post office. It was moved by Clm. Gallian, seconded by Clm. Brown, to adopt the resolution urging US Senator Barbara Boxer and US Senator Dianne Feinstein to pass the Postal Service Protection Act of 2013, Senate Bill 316, sponsored by Senator Bernard Sanders, that would ensure the modernization and preservation of the United States Postal Service. Councilmembers Cook, Barbose and Mayor Rouse stated they would not support the resolution. Clm. Barbose stated he needed to do additional research of the matter before voting on the resolution and Mayor Rouse stated he actually supported the prefunding of pension liabilities. The motion failed with two to three. Councilmembers Cook Barbose and Mayor Rouse dissented.

9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

There were no Successor Agency agenda items.

10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS

Item 10A: Reports Regarding Committee Activities.

Clm. Gallian reported attendance at the Sonoma Valley Citizens Advisory Commission meeting. Mayor Rouse reported attendance at the Facilities Committee meeting.

Item 10B: Final Councilmembers' Remarks. None.

11. COMMENTS FROM THE PUBLIC

There were no comments from the public.

12. ADJOURNMENT

The meeting adjourned at 10:15 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 17th day of March 2014.

Gay Johann
Assistant City Manager / City Clerk