

**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, April 7, 2014*

**5:30 p.m. Closed Session (Special Meeting)  
6:00 p.m. Regular Meeting**

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**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.

**REGULAR MEETING**

The City Council reconvened in open session and Mayor Rouse called the meeting to order at 6:00 p.m. Madolyn Agrimonti 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, Attorney Walter, Administrative Assistant Gipson, Planning Director Goodison, Public Works Director Takasugi, Finance Director Hilbrants, Police Chief Sackett, Sgt. Mancilla, and Planning Associate Atkins.

**REPORT ON CLOSED SESSION** – Mayor Rouse reported that no action had been taken and that the closed session had been adjourned to Monday April 14, 2014, 8:00 a.m. in the Conference Room, City Hall, 1 The Plaza, Sonoma CA.

**1. COMMENTS FROM THE PUBLIC**

Jack Wagner suggested that the City participate in Public Banking. He said the City would earn a larger return on its investments and could reduce property taxes.

Patty Defer stated her concern that the Design Review and Historic Preservation Commissioners had not been adequately trained regarding their duties and responsibilities.

**2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS**

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

Councilmembers spoke very favorably regarding the Sonoma International Film Festival held the previous weekend and expressed appreciation to the Film Society and all the volunteers who made it happen.

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

City Manager Giovanatto reported that the Library Subcommittee had finalized the restructuring of the Library Joint Powers Agreement, which would be on the next Council agenda for consideration.

#### **4. PRESENTATIONS**

**Item 4A: Introduction of New City Personnel**

City Manager Giovanatto introduced Finance Director DeAnna Hilbrants and Police Chief Sackett introduced Sergeant Adrian Mancilla.

**Item 4B: Presentation of the Cultural and Fine Arts Commission's 2014 Student Creative Arts Awards**

CFAC Chair Lisa Carlsson presented award certificates and checks to Maya Harris and Siena Guerrazzi. Jennifer Gray also presented certificates on behalf of Supervisor Gorin. Ms. Harris played a song on her cello.

**Item 4C: Children's Memorial Day Proclamation**

Mayor Rouse read aloud the proclamation and presented it to Mr. Stephen Berry who thanked the Council for the proclamation and for agreeing to fly the Children's Memorial Flag on April 25, 2014.

**Item 4D: National Crime Victims' Rights Week Proclamation**

Mayor Rouse read aloud the proclamation and presented it to Chief Deputy District Attorney Bud McMahon. Noting that he lived in Sonoma, Mr. McMahon stated the City was lucky to be protected by the likes of Chief Sackett and Sergeant Mancilla.

**Item 4E: Sexual Assault Awareness Month Proclamation**

Mayor Rouse read aloud the proclamation and presented it to Cecile Focha and Sarai Obermeyer, Verity Boardmembers.

**Item 4F: Presentation on the Sonoma Valley Springboard program**

Economic Development Program Manager Laurie Decker reported that Sonoma Valley Springboard was a new program aimed at providing technical assistance to low and moderate income microenterprise owners and prospective entrepreneurs in Sonoma Valley. The Program would also provide connections to other available resources, in order to provide a springboard to economic advancement. The program was being launched by the City of Sonoma, through its Sonoma Valley Economic Development Partnership, with funding from a federal CDBG grant. Other partners included the Napa and Sonoma Small Business Development Center, La Luz Center, the Sonoma Valley Chamber of Commerce, and the Sonoma County Community Development Commission.

#### **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 March 17, 2014 City Council meeting.**  
(Removed from Consent, see below)

**Item 5C: Approve the Notice of Completion for the Zone 1-2 Intertie Project No. 1302 Constructed by Terracon Pipelines Inc. and Direct the City Clerk to File the Document.**

**Item 5D: Approve the Notice of Completion for the Traffic Signal Modifications for Napa Road-Leveroni Road/Broadway (SR12) Project No. 0922, Federal Project No. HSIPL 5114(015) Constructed by Columbia Electric, Inc. and Direct the City Clerk to File the Document.** (Removed from Consent, see below)

**Item 5E: Adoption of Plans and Specifications and Award of Contract to Argonaut Constructors, lowest responsible bidder, for the Church Street and Curtin Lane Water Improvements and Street Rehabilitation Project No. 1311 in the amount of \$376,105.**

**Item 5F: Acceptance of three bids and Award of Bid for the City Hall Bell Tower Repair Project to Belz Construction, Inc. of Orangevale, CA in the amount of \$106,000.** Council Action was to: 1. Accept the bids from Belz Construction, Inc., S.W. Allen Construction, Inc. and Thomas Anderson & Co. 2. Reject the bid from Joseph Murphy Construction, Inc. as unresponsive for the following reasons: a. Failure to submit a List of Subcontractors as required by the bid

**5. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL, Continued**

documents; and b. Failure to submit a Non-collusion Affidavit as required by the bid documents; and c. Failure to submit a Statement of Review of Insurance Requirements as required by the bid documents. 3. Award the bid for Sonoma City Hall Bell Tower Repair Project, including Alternate #1, to the low-bidder, Belz Construction, Inc. of Orangevale, CA for the total contract amount of \$106,000.

**Item 5G: Approve Support For A Grant Proposal by Sonoma Ecology Center for Nathanson Creek Preserve.** Res. No. 16-2014, a resolution in support the grant proposal with the express limitation to providing in-kind services by the City including plan review and construction permit fee waiver, which is anticipated to be of a minimal cost.

**Item 5H: Adoption of a Resolution Approving a Budget Amendment to the 2013-14 Operating Budget To Reprogram Expired 2001 Water Bond Funds.** (Res. No. 19-2014)

**Item 5I: Adoption of a Resolution Approving an Application by Destination Races for temporary use of City streets for the Napa to Sonoma Wine Country Half Marathon on Sunday, July 20, 2014.** (Removed from Consent, see below) (Res. No. 20-2014)

**Item 5J: Adoption of an ordinance amending Section 10.74.010 of the Sonoma Municipal Code pertaining to the operation of bicycles and similar conveyances on public sidewalks. Repeal SMC 10.56.070 and adopt 10.74.011.** (Ord. No. 01-2014)

**Item 5K: Approval of application by On Your Mark Events for temporary use of City streets for the Hit The Road Jack event on Sunday, June 1, 2014.** Approved subject to conditions recommended by the Special Event Committee.

Clm. Barbose removed 5B and 5I for separate consideration. Clm. Cook removed 5D. The public comment period was opened and closed with none received. It was moved by Clm. Gallian, seconded by Clm. Barbose, to approve the Consent Calendar except for the items that had been removed for separate consideration. The motion carried unanimously except that Clm. Gallian recused on Item 5G.

**Item 5B: Approval of the Minutes of the March 17, 2014 City Council meeting.**

Clm. Barbose requested a minor modification to the minutes of March 17, 2014. By unanimous consensus Council approved the minutes as modified by Clm. Barbose.

**Item 5D: Approve the Notice of Completion for the Traffic Signal Modifications for Napa Road-Leveroni Road/Broadway (SR12) Project No. 0922, Federal Project No. HSIPL 5114(015) Constructed by Columbia Electric, Inc. and Direct the City Clerk to File the Document.**

Clm. Cook acknowledged the great work of the Public Works Department. By unanimous consensus Council approved the Notice of Completion.

**Item 5I: Adoption of a Resolution Approving an Application by Destination Races for temporary use of City streets for the Napa to Sonoma Wine Country Half Marathon on Sunday, July 20, 2014.**

Clm. Barbose inquired if the Plaza Use application was to be considered in conjunction with the street use application for the event. City Manager Giovanatto explained that, per Council's previous direction, the Street Use Application was to come to Council prior to the Event Application going to the Community Services and Environment Commission. Council adopted the resolution by unanimous consensus.

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

**Item 6A: Approval of the portions of the Minutes of the March 17, 2014 City Council / Successor Agency Meeting pertaining to the Successor Agency.**

**Item 6B: Adoption of a resolution approving the transfer of Governmental Purpose Property.** (SA Res. No. 02-2014)

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 presented. The motion carried unanimously.

## 7. PUBLIC HEARING

**Item 7A: Discussion, consideration and possible action on an appeal of the Planning Commission's determination to uphold staff interpretation associated with provisions of the Development Code pertaining to driveway cuts and non-conforming uses as applied to the property located at 639 Third Street West.**

Planning Director Goodison reported that the subject property was a residential parcel located on the southwest corner of Third Street West and Vigna Street. In 1978, the Planning Commission approved a use permit allowing the conversion of the residence to a medical office, a project that included the removal of a carport and the development of a parking lot and a second driveway cut on the Vigna Street frontage. The zoning rules allowing this use permit subsequently changed and the office use became legal nonconforming. In 2013, the property was converted back to use as a single-family residence. He noted that the conversion involved changes to the interior of the building, but did not entail any expansion of the floor area of the structure. Goodison stated the policy of the Public Works Department was to require the removal of secondary driveways on residential properties of less than two acres in conjunction with projects having a building permit valuation of \$40,000 or greater. The Third Street West driveway was considered to be the redundant one, because, as set forth in section 19.48.100 of the Development Code, driveway access is generally supposed to be located on the street having the lowest traffic volume. A neighboring property owner residing at 313 Vigna Street, Janet Wedekind, wrote to protest the staff interpretations that: 1) led to the removal of the driveway cut on the Third Street West frontage, and 2) did not require the provision of a covered parking space in conjunction with the property's return to residential use. Staff brought these concerns to the Planning Commission, which reviewed them at its meeting of February 13, 2014. After taking public testimony and discussing the matter, the Commission voted 6-0 to uphold staff's interpretations and it was staff's recommendation that Council uphold the decision of the Planning Commission, with direction to staff to prepare an implementing resolution for adoption at a subsequent meeting.

Mayor Rouse invited comments from the public. Janet Wedekind stated it was disturbing to see many Municipal and Development Code sections ignored and not enforced. She pointed out several codes that she felt had not been enforced on the subject property but her main emphasis was on SMC 19.82.030 which stated *"If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of one year, it shall be concluded that the use has been abandoned. Without further action by the city, further use of the site or structure shall comply with all the regulations of the applicable zoning district and all other applicable provisions of this development code."* Ms. Wedekind stated that the recently approved courtyard fence created a visibility and safety concern and the new parking area caused additional noise and an invasion of her privacy by having the driveway within eight feet of her bedrooms. She added these issues caused a devaluation of her home.

Diann Sorenson, owner of 639 Third Street West, stated that she had made an offer to cover the parking area along the shared property line that would address Ms. Wedekind's concerns about noise and privacy but had not received a response from Ms. Wedekind. She pointed out that the driveway had always been there, it was not something new and added that she had improved property values because of all the improvements she had made to her property.

Paul Gorci stated that the driveway installed for the medical office should have been removed when the property was converted back to a residence. He also stated that the continued disturbance of the ground for the driveway was harming the trees.

Rachel Huntley commented on the number of Municipal and Development Code sections that had been referenced in the appeal and questioned if the addition of the porch constituted an expansion of the use. Clm. Barbose inquired if the porch did constitute an expansion. Planner Goodison responded that because it did not include living space, staff did not consider it an expansion.

Clm. Barbose asked why SMC 19.82.030 had not been triggered. Planner Goodison responded that the provision would be triggered if, and when, there was an expansion of the use. He said staff was not ignoring the provisions of the City's codes.

Clm. Gallian commented that it would be safer to have the driveway on Vigna. It was moved by Clm. Cook, seconded by Clm. Gallian, to uphold the decision of the Planning Commission with direction to staff to prepare an implementing resolution for adoption at a subsequent meeting. Clm. Barbose stated he had concerns about the implementation of SMC 19.82.030; noting that it did not include a provision to be applied "only when safe". Mayor Rouse stated he felt the

**Item 7A: Appeal regarding 639 Third Street West, Continued**

residential use had lessened the impact of traffic and noise on surrounding properties. He pointed out that the Planning Commission had considered the matter and agreed with the interpretations and applications of codes made by staff. The motion carried four to one, Clm. Barbose dissented.

**8. REGULAR CALENDAR – CITY COUNCIL**

**Item 8A: Discussion, consideration, and possible action on staff proposal to re-establish a Business Improvement Matching Funds program using one-time funds from the dissolution of the Sonoma Community Development Agency.**

City Manager Giovanatto reported staff was proposing that one-time funds received from the dissolution of the redevelopment agency be used to re-establish a modified version of the City's business loan program previously funded by redevelopment funds. She stated that the loan program was intended to assist businesses in moving forward with improvement projects, including those where building code requirements increased costs prohibitively, and help to support business development that generated tax revenues and local jobs as well as improve the appearance of the downtown.

Economic Development Program Manager Decker stated that the proposed program would provide matching fund loans up to \$10,000 for businesses to make improvements in five categories: building façades, disabled accessibility, energy and water efficiency, building rehabilitation, and historic building improvements.

The public comment period opened and closed with none received. It was moved by Clm. Gallian, seconded by Clm. Brown, to approve the program with one-time funding of \$50,000. The motion carried unanimously.

**Item 8B: Discussion, consideration and possible action to adopt a resolution of support for the Sonoma County Healthy and Sustainable Food Action Plan.**

Phina Borgeson, Sonoma County Food System Alliance (SCFSA), stated they were a county-based coalition of diverse stakeholders working to address food system needs through collective action. Convened in partnership by Ag Innovations Network and the County of Sonoma in 2009, the SCFSA was working to bring the community together to deal with countywide issues and create quality ideas that lead to effective action. She stated that the Alliance was currently working with local governments, business and community organizations and individuals to advance the Food Action Plan in order to achieve their vision. The project received funding support from the Sonoma County Department of Health Service's Health Action Initiative, and Ag Innovations Network.

It was moved by Clm. Barbose, seconded by Clm. Brown, to adopt Res. No. 19–2014 entitled A Resolution of the City Council of the City of Sonoma in Support of the Sonoma County Healthy and Sustainable Food Action Plan. The motion carried unanimously.

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

There were no items.

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

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

Clm. Barbose reported on meetings of the Sonoma County Water Authority and Sonoma Clean Power.

Clm. Gallian reported on meetings of the ABAG Delegates and Ag and Open Space Advisory Committee.

Clm. Cook reported on meetings of the Library Advisory Committee and the Economic Development Steering Committee.

Clm. Brown reported on the Economic Development Steering Committee meeting.

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

CIm. Gallian stated she was grateful for Public Works Director Takasugi and his knowledge regarding the water issues.

**11. COMMENTS FROM THE PUBLIC - None**

**12. ADJOURNMENT**

The meeting was adjourned at 8:25 p.m. and it was noted that the 5:30 Closed Session Meeting was continued to Monday April 14, 8:00 a.m. in the Conference Room at City Hall.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma City Council on the 21<sup>st</sup> day of April 2014.

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Gay Johann  
Assistant City Manager / City Clerk