

**CONCURRENT REGULAR MEETINGS OF THE
SONOMA CITY COUNCIL
&
SONOMA CITY COUNCIL AS THE SUCCESSOR AGENCY TO THE
DISSOLVED SONOMA COMMUNITY DEVELOPMENT AGENCY**

*Community Meeting Room, 177 First Street West
Sonoma CA 95476*



**Monday, May 19, 2014
6:00 p.m.

MINUTES**

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

OPENING

Mayor Rouse called the meeting to order at 6:00 p.m. Several Police Department Volunteers 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, Planning Director Goodison, Finance Director Hilbrants, and Police Chief Sackett.

1. COMMENTS FROM THE PUBLIC

Jack Wagner stated that he would like to propose that the City plant fruit trees along the bike paths. He added the trees could be planted with water boxes for irrigation purposes and a non-profit group could maintain them in exchange for the fruit collected from the trees.

Jennifer Hainstock announced the Sonoma Valley Education Foundation's Red and White Ball would be held September 6, 2014 in the Plaza.

Rachel Hundley stated that the Valley of the Moon Certified Farmers Market was a wonderful venue for Sonomans to enjoy and she commended their Board for doing a fine job of organizing all the market vendors.

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers' Comments and Announcements

Cm. Brown dedicated the meeting in the memory of Bob Sessions.

Cm. Barbose stated he had received word that former Councilmember and Mayor Gerald Tuller was very ill. He extended thoughts and best wishes to Mr. Tuller.

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

City Manager Giovanatto reported that one application for the vacancy on the Traffic Safety Committee and three applications for the Library Commission had been received. The deadline to submit applications was Wednesday May 21. She also reported that the consultant hired to monitor unregistered vacation rental properties had identified forty-six who had subsequently registered and remitted approximately \$47,000 in transient occupancy taxes. Giovanatto alerted property owners that if their tenant sublet the property out, that their property insurance could be canceled.

Cm. Barbose stated that he and Cm. Brown would like to have the topic of unregistered vacation rentals on a future agenda.

4. PRESENTATIONS

Item 4A: Presentation of the Police Department's 2013 Annual Report

Police Chief Bret Sackett presented the annual Police Department report and introduced members of the Volunteers in Police Service (VIPS). He said the VIPS assist with office work, parking enforcement, security checks, Plaza patrol, and traffic control for parades. Sackett also introduced Administrative Assistant Darcy Proctor and described her as invaluable to the department.

Chief Sackett stated that, for the first time in several years, the City experienced an increase in its overall crime rate and he stated that he felt the City was feeling the impact of AB 109, the State's Prison Realignment Program. He also reported that the department received a \$70,000 grant for the traffic enforcement program and the funds had been used to purchase a new motorcycle and send several officers to traffic related training.

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 May 5, 2014 City Council goal setting meeting and the May 5, 2014 regular meeting.

**Item 5C: Authorization for City Manager to Execute a Purchase Agreement to Purchase a New (Replacement) Public Works Department Flatbed Truck.
Removed from consent, see below.**

Item 5D: Acceptance of the City of Sonoma Annual Financial Audit for the fiscal year ending June 30, 2013 as prepared in accordance with GASB Statement 34.

Item 5E: Approve Indemnity Agreement between the City and the Sonoma County Waste Management Authority (SCWMA) indemnifying the City for Liabilities and Claims Arising out of the SCWMA's adoption of an ordinance banning the use of plastic bags in the City of Sonoma.

Clm. Cook removed Consent Item 5C. The public comment period opened and closed with none received. It was moved by Clm. Barbose, seconded by Clm. Gallian, to approve all the items on the Consent Calendar except for Item 5C. The motion carried unanimously.

Item 5C: Authorization for City Manager to Execute a Purchase Agreement to Purchase a New (Replacement) Public Works Department Flatbed Truck.

Clm. Cook stated that he wanted the public to know that the City did its due diligence in the purchase of the vehicle. City Manager Giovanatto explained that the vehicle was being purchased from a Sacramento dealer through a state bid contract and that Sonoma Chevrolet had declined to submit a proposal because they did not handle this type of specialty vehicles.

The public comment period was opened and closed with none received. It was moved by Clm. Cook, seconded by Clm. Brown, to approve Item 5C. 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 May 5, 2014 City Council goal setting meeting and the May 5, 2014 regular meeting pertaining to the Successor Agency.

The public comment period opened and closed with none received. It was moved by Clm. Gallian, seconded by Clm. Brown, to approve the consent calendar as presented. The motion carried unanimously.

7. PUBLIC HEARING – None Scheduled

8. REGULAR CALENDAR – CITY COUNCIL

Item 8A: Discussion, consideration and possible action to take a position regarding the Economic Development and State Historic Tax Credit Act, AB 1999, requested by Mayor Pro Tem Cook.

City Manager Giovanatto reported that Mayor Pro Tem Cook placed this item on the agenda for City Council consideration upon receiving a request by Patricia Cullinan at the May 5 Council meeting. She stated that AB 1999, the "Economic Development and State Historic Tax Credit Act" had been introduced during the 2014 legislative session by incoming Speaker of the Assembly, Toni Atkins of San Diego. If enacted it would provide a California Historic Rehabilitation Tax Credit said to benefit economic development of properties on or eligible for the State or Federal Register of Historic Places.

Mayor Rouse invited comments from the public. Patricia Cullinan, Karla Noyes, and Jack Wagner spoke in favor of supporting the bill. It was moved by Clm. Barbose, seconded by Clm. Brown, to authorize the City Manager to send a letter of support for AB 1999. The motion carried unanimously.

Item 8B: Discussion, consideration and possible action to amend Sonoma Municipal Code to Increase Current Regulations Related to Smoking, Smoking Locations and/or Smoking Products in the City of Sonoma.

City Manager Giovanatto reported that following a presentation by the American Lung Association at the March 3, 2014 meeting the City Council directed staff to research the potential options and impacts related to the regulation of smoking in Sonoma. Mayor Rouse and members of staff subsequently met with members of the public health community including the American Cancer Society, American Lung Association, Public Health Policy Services and the Sonoma County Health Department to discuss the issues. Giovanatto stated that the options to address the issue were very extensive and she explained the strategies and approaches the Council had available and then described the second hand smoke policy areas covering outdoors, multi-unit housing, retail, daycare and hotels.

Clm. Barbose asked the City Attorney if there were any preemption issues involved. City Attorney Walter stated that he would want to look into the issues related to restricting the sale of tobacco but he did not see any issues with the other areas of regulation.

Elizabeth Emerson, Public Health Policy Services, stated that communities typically divide the areas of control into two categories and deal with them that way. They do one ordinance addressing multi-unit housing and outdoors and another ordinance dealing with the sale of tobacco. She said that 80% of the effort involved in putting the ordinances and programs together would be provided by outside agencies. She also stated that Change Lab Solutions, consisting of attorneys specializing in public health, could provide legal interpretations. She added that they had determined that ordinances restricting the sale of tobacco did not preempt State law.

Jay Macedo, Sonoma County Health Services, described the services and resources they would provide. He said they would provide business notification kits, signs and decals. Their department would be the first in line to receive complaints. Macedo stated that of the one hundred and ten cities that had passed retail licensing ordinances, only two had been challenged in court and they had been upheld.

Jill Weido expressed support for tobacco controls stating there was no safe level of exposure to second hand smoke. The number of youth smokers also concerned her.

Lori Bremner, American Cancer Society, stated that an informal survey recently conducted in Sonoma concluded that 87% would support stricter controls. She stated that tobacco was the leading cause of preventable deaths and encouraged the Council to adopt comprehensive ordinances and deal with all the issues at the same time.

Madolyn Agrimonti, Jack Wagner, Jennifer Hainstock, and Armando Zimmerman expressed support for adoption of tobacco regulations. Rachel Hundley stated her support for a gradual approach beginning with regulation of the Plaza, multi-unit residential and childcare facilities.

Mayor Rouse stated that he brought the issue to Council after meeting with Ms. Emerson and learning that the City had been given an F on the American Lung Association's report card. He said the issue was about public health and not about a grade on a report card. Mayor Rouse stated that some had said that Sonoma did not have a problem and that enforcement would be

Item 8B: Smoking Regulations, Continued

difficult; but he felt that if there was no problem then there was no issue and no enforcement problems. He said he would like to tackle all the areas of control if there was support from the Council to do so.

Clm. Barbose stated he would support an ordinance regulating outdoor and multi-unit housing but wanted to take a deeper look at the areas of retail control and he would like input from the City Attorney on that.

Clm. Cook stated that moving ahead with regulations would take a lot of staff's time. He did not support moving ahead because he did not feel that existing regulations were being enforced and all that would be accomplished was to raise the City's grade.

Clms. Gallian and Brown agreed with Clm. Barbose. The Council went through the smoke-free living checklist that had been included in the agenda packet. It was moved by Clm. Barbose, seconded by Clm. Brown, to direct staff to draft an ordinance regulating smoking as follows: 1) Smoke-Free Outdoors: Dining areas, entryways, public events, recreation areas, service areas, sidewalks, and worksites; 2) Smoke-Free Multi-unit Housing (2+ units): Indoor common areas, outdoor common areas, 100% new and existing units, declare second hand smoke a nuisance, and require a phase in period; 3) Retail Considerations: Prohibit sampling of tobacco products and require a conditional use permit for new retail tobacco outlets under; and 4) Other: 25 foot minimum distance from anywhere smoking prohibited; restricting smoking in residences used for child care at all times; requiring appropriate signs and no ash cans in protected areas; declare violations based on illegal smoking to be infractions with a fixed fine amount. The motion carried four to one, Clm. Cook dissented.

RECESS: The meeting recessed from 7:50 to 8:00 p.m.

Item 8C: Discussion, consideration, and possible action on a draft amendment to the Management Plan for the Montini Preserve to allow leashed dogs on trails and related matters, including direction to circulate a draft initial study/mitigated negative declaration for review and comment.

Planning Director Goodison reported that, pursuant to Council's prior direction, staff prepared a draft amendment to the Management Plan for the Montini Preserve that would allow leashed dogs on trails. He further explained that the City and the Sonoma County Agricultural Preservation and Open Space District (District) entered into an agreement that would result in the City taking ownership of the Preserve later this year. The Transfer Agreement implemented a number of restrictions that the City would be required to abide by, as set forth in a Conservation Easement and a Recreation Covenant. The restrictions provided that the City administer the Preserve in conformance with a Management Plan previously adopted by the District. That plan prohibited pets within the Montini Preserve; however, section 6.1.1 of the Conservation Easement provided for amending the Management Plan, subject to the review and approval of the District.

Goodison stated that an environmental review was required and staff had prepared a draft initial study, which would need to be circulated for comment before it could be adopted. The initial study suggested that the potential environmental effects of the amendment could be reduced to less-than-significant levels though identified mitigation measures. He explained that following the close of the 30-day comment period, the City Council would hold a public hearing on the initial study/mitigated negative declaration and decide whether to approve it. Assuming that a negative declaration was adopted, the amendment would then be forwarded to the District for their review. He stated that the amendment process was separate from the ultimate action that the Council would need to take to authorize dogs on trails within the preserve. The amendment of the Management Plan would give the Council the option, but would not in itself institute that change, which could only occur through an amendment to the Municipal Code. Goodison added that the issue of western access could become a complicating factor, since a portion of the trail crosses the Vallejo Home State Park, as allowed by a revocable license. Under State law, dogs were prohibited on trails within State Parks and the District Superintendent had expressed concern about this issue. The amendment to the Management Plan proposed to address this problem by prohibiting dogs on the trail segment south of vista point some distance from the State Parks property. The Recreation Covenant between the Open Space District and the City required that, in the event the connection through the State Parks property was lost, the City was required to design and implement an alternative western access route within 5 years.

Item 8C: Montini Preserve, Continued

Clm. Barbose questioned the provision in the amendment requiring the City to submit annual reports to the District. Goodison responded that Council could modify that provision to limit the reporting to the three-year period that the District is funding the project.

Mayor Rouse invited comments from the public. Bill Wilson recited the following excerpt from the biological evaluation prepared by Prunuske Chatham, Inc. *“Overall, introduction of dogs to the Preserve would be likely to have widespread and long-lasting effects on natural resources, although it is possible that such effects could be reduced if effective controls are implemented that minimize off-leash/off-trail use, the incidence of dog waste, and other undesirable behaviors.”* He stated that enforcement of the on-leash rule would be an issue because big dogs need exercise and need to run.

Katie Byrn stated that not allowing dogs would set a negative tone for the City. She maintained that signage could address any issues and maintain the area.

Jennifer Hainstock suggested modifying the reporting period to three years and to include an exclusion for service dogs on State park land. She added that the District should reimburse the City for all expenses incurred as a result of this process and that she felt the biological report was extremely biased.

Armando Zimmerman said it was a preserve, not a dog park and he did not support allowing dogs on the trails.

Joanna Kemper relayed the following message from Sonoma Ecology Center’s Executive Director Richard Dale: Council should proceed with caution. The biological report was pretty clear about the impacts of allowing dogs; however if the City moved ahead with allowing dogs he requested a three month trial period and that dogs be limited seasonally. Ms. Kemper stated that the Overlook Trail Stewards’ position was that they supported preservation of biodiversity but they were not sure the proposed mitigation measures would allow the existing wildlife to remain on the property.

Bob Edwards commended staff for their efforts and stated his disagreement with the biological report. He stated that dogs were allowed on Taylor Mountain and at the Healdsburg park with no ill effects and added that the Dog Association agreed that dogs should not be allowed on the Overlook Trail.

Lynn Clary stated that they had experienced a lot more dogs on the Overlook Trail since the Montini trails opened. He said that laws would not work without enforcement.

Rachel Hundley stated that Council needed take into consideration that the preserve needed to be protected while at the same time encouraging people to be active. Council should take the mitigation measures seriously.

Patricia Cullinan pointed out that the regional parks allow dogs off leash and said that the City needed to encourage better dog stewardship.

Clm. Cook stated he would support this because of his belief of local control. This was not about dogs but maintaining control of the Montini Preserve and the Council may want to consider making the issue of dogs a ballot measure.

Clm. Barbose reiterated the fact that tonight’s issue was not about dogs on Montini but about moving in a direction that would allow the City Council to make that decision. He stated that dogs had always been on the property and he did not agree with the biological report. It was moved by Clm. Barbose, seconded by Clm. Cook, to direct staff to circulate the draft initial study and change the draft amendment section listing restrictions and requirements, item j) to restrict the reporting period to three years.

Clm. Brown stated his support for moving forward and said people need to be given a chance. Clm. Gallian stated she always felt this was a missing element and wanted to move ahead. Mayor Rouse stated he had never supported this and had not changed his mind. The motion carried four to one, Mayor Rouse dissented.

10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS

Item 10A: Reports Regarding Committee Activities.

CIm. Gallian reported on the Sonoma County Transportation Authority meeting.

Mayor Rouse reported on the Facilities and Audit Committee meetings.

Item 10B: Final Councilmembers' Remarks.

CIm. Brown and Cook announced their office hours.

CIm. Gallian wished all a Happy Memorial Day and congratulated all the graduates.

11. COMMENTS FROM THE PUBLIC

Pat Cullinan reported that the Blue Wing Adobe Trust had submitted application for historical designation of the Blue Wing Inn.

Jack Wagner suggested that the Council take a position regarding AB 2145. He stated that Napa County was joining Marin Clean Power. CIm. Gallian stated that the Regional Climate Protection Authority had issued a letter in opposition on behalf of all its member cities. CIm. Barbose requested it be placed on the June 23 Council agenda.

12. ADJOURNMENT

The meeting was adjourned at 8:37 p.m. in the memory of Bob Sessions.

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 June 2014.

Gay Johann
Assistant City Manager / City Clerk