

**SPECIAL AND REGULAR MEETINGS OF THE
SONOMA CITY COUNCIL
&
CONCURRENT REGULAR MEETING OF THE 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, June 2, 2014
5:45 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 5:45 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 except Clm. Barbose 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 Cal. Gov't. Code 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. Cameron Stuckey led the Pledge of Allegiance.

PRESENT: Mayor Rouse and Councilmembers Brown, Cook and Gallian
ABSENT: Barbose

ALSO PRESENT: City Manager Giovanatto, Assistant City Manager/City Clerk Johann, City Attorney Walter, Planning Director Goodison, Public Works Director Takasugi.

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

1. COMMENTS FROM THE PUBLIC

Madolyn Agrimonti, member of the Sonoma Valley Health and Recreation Association, announced that a location had been identified for a community swimming pool and the Association needed to raise \$1.5 million by the end of July for its purchase.

Wendy Peterson, Sonoma Valley Visitors Bureau, announced that shuttle service between the Plaza and the raceway would be offered again this year during Nascar weekend.

Jack Wagner reminded everyone to vote in the Primary Election.

Regina Baker questioned why the Council would ban smoking when they had not banned leaf blowers; which, in her opinion were more hazardous to a person's health.

Donna Warsaw asked the Council to consider supporting a ban on fracking.

Gail Miller expressed concern that tall grass at 20269 Broadway created a fire hazard. City Manager Giovanatto responded that due to a mix-up, notification by the Fire Department had not gone to the owner (Sonoma County Housing Authority) but that had since been corrected and the County would be taking care of the matter.

Carol Lockwood expressed concern regarding bicyclists not obeying traffic laws and thus creating traffic hazards.

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers' Comments and Announcements

Clm. Gallian announced that the Memorial Day celebration was wonderful and that she would be attending the graduation ceremony. Clm. Gallian stated that she was the coordinator of Safe Routes to Schools program at the Charter School, which provided bicycle safety education.

Clm. Brown announced that he, too, attended the Memorial Day service, the Marine's Covenant signing event and the memorial for former Police Officer Don Bettencourt. He announced his office hour at the Farmer's Market on Tuesdays.

Clm. Cook announced his office hours and that he had participated in Hit The Road Jack.

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

City Manager Giovanatto announced that the regularly scheduled Council meeting on June 16 had been canceled and the Council would meet on June 23 at 1:00 for a budget workshop and at 6:00 for a regular meeting. She also announced that the City Party would be July 29 and that Bike Skills 101, sponsored by the City and Community Center would be held that coming Saturday.

4. PRESENTATIONS

Item 4A: Recognition of Lynn Clary's service on the Community Services and Environment Commission

Mayor Rouse stated that the City depended on faithful volunteers such as Lynn Clary. He presented a certificate of recognition to Mr. Clary who had served on the Community Services and Environment Commission since November 2012.

Item 4B: Bear Flag Day Proclamation

Mayor Rouse read aloud the proclamation and presented it to a group of Native Son of the Golden West members. The proclamation acknowledged the 100th anniversary of the unveiling of the Bear Flag Monument in the Plaza and expressed appreciation to the Native Sons and Daughters of the Golden West for their hard work and efforts to keep the history of the Bear Flag alive. Dean Zellers thanked the City for its support.

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 19, 2014 City Council meeting.

Item 5C: Approval and ratification of the appointment of Cameron Stuckey to the Community Services and Environment Commission for a two-year term.

Item 5D: Approve the use of City streets by the Sonoma Community Center for the City Party on Tuesday, July 29, 2014. Approved subject to conditions recommended by staff.

Item 5E: Adoption of Plans and Specifications and Authorize the City Manager to Approve a Contract to the lowest responsible bidder, for the 2014 City-wide Slurry Seal Project, if the low bid and a 10% contingency are within the Construction Budget of \$200,000.

The public comment period was 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.

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

Item 6A: Approval of the portions of the Minutes of the May 19, 2014 City Council meeting pertaining to the Successor Agency.

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 HEARINGS

Item 7A: Discussion, consideration and possible action on: (1) Settlement Agreement between AT&T and the City of Sonoma pertaining to the lawsuit filed by AT&T against the City of Sonoma for the Council's denial of a Use Permit to install a wireless telecommunications facility on the Sebastiani Winery site, (2) rescinding the City Council's previous decision to deny the application of AT&T for a Use Permit to install a wireless telecommunications facility on the Sebastiani Winery site, (3) AT&T's Use Permit to install a wireless telecommunications facility on the Sebastiani Winery site, featuring an 80-foot tall redwood monopine tower and fenced equipment shelter, including an updated coverage analysis and enhanced landscaping, and (4) findings under the California Environmental Quality Act (CEQA) that the project is exempt under CEQA Guidelines section 15303 (New construction or conversion of small structures).

Mayor Rouse opened the public hearing. Planning Director Goodison reported that in October 2013, the Planning Commission voted unanimously to approve a revised application made by AT&T for the placement of a monopine-style cell tower and related facilities on the Foley/Sebastiani Winery property, subject to conditions. Several neighboring property owners subsequently appealed that decision. The City Council heard the appeal at its meeting of December 16, 2013. Following a lengthy public hearing, the Council voted 4-1 (Mayor Rouse dissented) to uphold the appeal, thereby denying the application. The Council later declined to reconsider its decision and on February 13, 2014, AT&T filed a federal lawsuit against the City seeking an order compelling the City to grant AT&T its use permit.

Goodison stated that the City Attorney had advised that Federal law substantially limited the authority of local jurisdictions to deny applications for cellular facilities when the applicant was able to demonstrate that the facility was necessary to address a significant gap in coverage and that the proposed location was the least intrusive means to close that gap. Courts had previously determined that poor interior reception (whether in a residence or commercial building) could constitute a substantial gap in coverage. Federal law also held that when it was demonstrated that a proposed facility complied with federally established thresholds, nonionizing electromagnetic radiation (NEIR) exposure may not be used a basis for denying an application for a cellular facility. In light of the City Attorney's advice that defending the denial of the application could cost between \$50,000 and \$75,000 and that the chance of a successful outcome was remote, the City had proposed to AT&T that it revise its project by, at minimum, providing improved visual screening of the facility. AT&T responded by revising its project to include the planting of six Italian Cypress trees adjoining the tower, three on the east and three on the west. Goodison noted that these locations were chosen because views of the tower from the south would be limited and views from the north would be partially screened by a large berm that was already planted with trees.

Mayor Rouse asked the City Attorney what the City's chances were with the lawsuit. Attorney Walter stated they were gloomy. He stated that the Federal Telecommunications Act of 1996 (TCA) restricted the exercise of local zoning authority when it came to a wireless communications facility. As stated in a report to Congress the intent of the TCA when enacted was to "provide for a pro-competitive, de-regulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes". Attorney Walter explained the issues associated with denial of the application based on aesthetics and stated it would be hard to uphold. He stated that based on the record evidence currently available there was no relevant expert evidence that rebuts AT&T's findings that it was experiencing a significant gap in service and that erecting the WCF at the Sebastiani winery site was the least intrusive means to close that gap. For those reasons, staff recommended settling and not spending \$50,000 - \$70,000 on a case the City would most likely lose.

Mayor Rouse invited comments from the public. Paula Loca urged Council to listen to its legal counsel and not to waste money on the lawsuit. She stated that many AT&T customers like her welcomed improvement to their wireless service.

Item 7A: AT&T Settlement, continued

Carol Blackwood stated that AT&T did a good job blending their towers in with the surroundings. She added that because many people were discontinuing their landline phones it was more important than ever to have reliable wireless service.

[name inaudible] stated that he moved to Sonoma for its beauty and the towers were ugly. He suggested AT&T find another site.

Rachel Hundley stated that she had come to the same conclusion as City staff, that the City had no choice but to settle.

Erin McTaggart stated she was saddened that big business and Congress had undermined the democratic process. She said this was not the right sight and that it was going to reduce property values.

Alice May stated that if the tower went in she would have to sell her house and move to prevent her daughter from being exposed to radiation.

Linda McGarr stated that despite what AT&T alleged there were many other possible sites for the tower. She added that a site on 8th Street East would be the best.

John Dunning stated that cellular phone use was only going to grow; it was the way of the future. He said that people were in an uproar when a tower went in at Sonoma State University but after a while, nobody even noticed it.

AT&T Attorney John Di Bene displayed propagation maps and explained the coverage area weaknesses now and how they would be improved by addition of the cell tower. He stated they looked at and analyzed nineteen other sites and this site provided the coverage gap for the downtown area.

Cameron Stuckey questioned where would it all stop, at what point would the Council say no?

Seeing there being no additional speakers, Mayor Rouse closed the public hearing.

Mayor Rouse stated that there was a need for improvement to AT&T's wireless service in Sonoma. He said that the decision on this project had already been made by Congress and the City's hands were tied. He understood the aesthetic concerns and stated he would gladly trade the proposed cell tower for the unsightly telephone pole sitting near his home.

Clm. Gallian stated that she had wrestled with this issue. On one hand, the City could spend \$50,000 to \$70,000 of taxpayer money, lose the lawsuit, and end up with the cell tower being installed. On the other hand, she understood the concerns of the neighbors and realized she was elected to serve them. In the end, she concluded it made sense to settle with AT&T.

Clm. Brown echoed Clm. Gillian's sentiments and said although it was not an easy decision he would support settlement.

Clm. Cook stated that Sonoma was small and with little resources but he wondered if the City had done enough. Because of his belief in local control, he would vote against settlement of the case.

It was moved by Clm. Gallian, seconded by Clm. Brown, to adopt Res. No. 26-2014 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA APPROVING A SETTLEMENT AGREEMENT BETWEEN AT&T AND THE CITY OF SONOMA PERTAINING TO THE LAWSUIT FILED BY AT&T AGAINST THE CITY OF SONOMA FOR THE COUNCIL'S DENIAL OF A USE PERMIT TO INSTALL A WIRELESS TELECOMMUNICATIONS FACILITY ON THE SEBASTIANI WINERY SITE. The motion carried with the following vote: AYES: Brown, Gallian, Rouse. NOES: Cook. ABSENT: Barbose.

It was moved by Clm. Gallian, seconded by Clm. Brown to adopt Res. No. 27-2014 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA RESCINDING THE CITY COUNCIL'S PREVIOUS DECISION TO DENY THE APPLICATION OF AT&T FOR A USE PERMIT TO INSTALL A WIRELESS TELECOMMUNICATIONS FACILITY ON THE SEBASTIANI WINERY SITE; AND APPROVING A USE PERMIT ALLOWING AT&T TO INSTALL A WIRELESS TELECOMMUNICATIONS FACILITY ON THE SEBASTIANI WINERY SITE. The motion carried with the following vote: AYES: Brown, Gallian, Rouse. NOES: Cook. ABSENT: Barbose.

Item 7B: Discussion, consideration and possible action on the introduction of an ordinance establishing additional zoning regulations on wine tasting facilities and wine bars/taprooms.

Mayor Rouse opened the public hearing. Planning Director Goodison reported that the City Council and Planning Commission had been considering options for possible increased regulation of wine tasting facilities for the past year. These discussions occurred in meetings before the Planning Commission and the City Council and at a joint study session held on February 24, 2014. At its meeting of March 17, 2014 the Council directed staff to proceed with amendments to the Development Code that would provide the following: 1. Definitions for wine tasting facilities and wine bars/taprooms. 2. Operating standards that would apply equally to all wine tasting facilities including existing businesses. 3. Identification of wine tasting facilities as a permitted use in Commercial zoning districts. 4. Identification of wine bars/taprooms as a conditionally-permitted use in Commercial zoning districts.

Goodison stated that the draft amendments were reviewed by the Planning Commission on April 10, 2014 and although members of the Commission continued to express a preference for a two-tiered system based on a premises' proposed location and number of hours of operation the Commission respected the Council's decision to take a more uniform approach and suggested only minor changes having to do with outdoor seating. The ordinance before the Council for consideration also included the following provisions: 1. Hours for visits by appointment and by invitation only wine functions (e.g., wine club events, marketing lunches, and wine-maker dinners) shall not exceed 8:00 a.m. to 10:00 p.m. 2. Hours of operation for general public access shall not exceed 11 a.m. to 10 p.m. 3. Invitation-only functions shall be limited to indoor areas and shall occur no more frequently than 26 times per year and no more than two times per week. 4. Outdoor seating proposed on a site that adjoins a property having a residential zoning designation would be subject to use permit review. 5. Wine tasting facilities, operating under a Type 2 permit, would continue to be a permitted use in the Commercial zoning districts and a conditionally permitted use in the Mixed Use zone. Wine Bars/Taprooms, which operate under a Type 42 permit, would be subject to use permit review.

Mayor Rouse invited comments from the public. Madolyn Agrimonti stated that she had enjoyed watching the Planning Commission and City Council study and deal with this matter. She said it had been good government in action.

Danny Faye stated he appreciated all the time the City had put into this issue and although he did not feel there was a problem he felt the proposed ordinance represented a fair compromise on the matter.

Seeing there were no additional comments from the public, Mayor Rouse closed the public hearing.

It was moved by Clm. Gallian, seconded by Clm. Brown, to introduce the ordinance entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA AMENDING TITLE 19 OF THE SONOMA MUNICIPAL CODE BY ESTABLISHING DEFINITIONS AND STANDARDS FOR WINE TASTING FACILITIES AND WINE BARS/TAP ROOMS. The motion carried unanimously, Clm. Barbose absent.

Item 7C: Discussion, consideration and possible action on the introduction of an ordinance amending the Development Code to implement Housing Element programs and comply with State law.

Mayor Rouse opened the public hearing. Planning Director Goodison reported that implementation of Programs #21 and #22 of the Housing Element called upon the City to make adjustments to various provisions of the Development Code in order to facilitate the provision of affordable housing and comply with changes in State law. The Planning Commission held an initial review of the proposed amendments in November of 2013. Following the selection of the M-Group as the Housing Element consultant, staff referred the amendments to them for review and comment as well. The draft Code amendments being presented to the City Council reflect their suggestions, as well as the input from the Planning Commission, which reviewed a revised draft ordinance at its meeting of April 10, 2014. The proposed amendments encompass the following: 1) Clarification of provisions regarding inclusionary affordable units and the calculation of density bonuses. 2) Modifications to use permit requirements for emergency shelters. 3) Establishing a definition for Agricultural Employee Housing. 4) Establishing definitions for Supportive Housing and Transitional Housing. 5) Establishing a definition for Single Room Occupancy Housing. 6) Allowance for Residential Care facilities in the Mixed Use Zone.

Item 7C: Development Code Amendment, continued

The public comment period was opened and closed with none received. Mayor Rouse closed the public hearing.

It was moved by Clm. Gallian, seconded by Clm. Cook, to introduce the ordinance entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA AMENDING TITLE 19 OF THE SONOMA MUNICIPAL CODE BY MAKING REVISIONS IN ACCORDANCE WITH IMPLEMENTATION MEASURES OF THE CITY'S HOUSING ELEMENT. The motion carried unanimously, Clm. Barbose absent.

8. REGULAR CALENDAR – CITY COUNCIL

Item 8A: Discussion, Consideration and Possible Action to Approve the 2014-15 City Council Goals.

City Manager Giovanatto reported that the City Council came up with a set of goals for the coming year at their May 5 workshop. She presented the goals and key elements that fell into the following categories: Balancing City Character, Fiscal Management, Infrastructure, Policy and Leadership, Public Service, Recreation and Community Resources, and Water.

Mayor Rouse invited comments from the public. Rachel Hundley commended the Council and stated that their goals encapsulated all the issues that she had been hearing about.

Madolyn Agrimonti stated her appreciation for the process and end result. One thing that she was interested in hearing more about was the City's policies and regulations for taxicabs.

Jack Wagner said he appreciated Council's desire to balance the town's character.

Councilmembers individually thanked City Manager Giovanatto for a fine job in facilitating the goal setting process. It was moved by Clm. Cook, seconded by Clm. Brown, to accept the goals as presented. The motion carried unanimously, Clm. Barbose absent.

9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS

Item 10A: Reports Regarding Committee Activities.

Clm. Brown reported on the SVCAC meeting.

Clm. Gallian reported on the SCWA and Open Space District meetings.

Item 10B: Final Councilmembers' Remarks.

Clm. Brown reminded everyone about his office hour at the Tuesday night farmers market.

Clm. Cook announced the June 14 Flag Day event and invited everyone to his office hour.

Clm. Gallian congratulated all the graduates.

11. COMMENTS FROM THE PUBLIC - None

12. ADJOURNMENT

The meeting was adjourned at 8:35 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 23rd day of June 2014.

Gay Johann
Assistant City Manager / City Clerk