

**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, Sonoma CA



**Monday, November 16, 2015
5:00 p.m. Closed Session (Special Meeting)
6:00 p.m. Regular Meeting**

MINUTES

City Council
David Cook, Mayor
Laurie Gallian, Mayor Pro Tem
Madolyn Agrimonti
Gary Edwards
Rachel Hundley

5:00 P.M. – SPECIAL MEETING - CLOSED SESSION

Mayor Cook called the meeting to order at 5:00 p.m. No one from the public was present to provide public testimony on the closed session items. The Council recessed into closed session with all members present. City Manager Giovanatto, Building Official Wirick and City Attorney Walter were also present.

CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9 of the Cal. Gov't Code. Number of potential cases: One.

REPORT ON CLOSED SESSION - Mayor Cook reported that direction had been given to staff.

6:00 P.M. – REGULAR MEETING OPENING

Mayor Cook called the meeting to order at 6:00 p.m. Genevieve Cacciatore led the Pledge of Allegiance.

CITY COUNCILMEMBERS PRESENT: Edwards, Gallian, Hundley, Agrimonti and Mayor Cook
ABSENT: None

OTHERS PRESENT: City Manager Giovanatto, City Attorney Walter, Planning Director Goodison, Public Works Director Takasugi, Finance Director Hilbrants.

Mayor Cook announced that the Council would receive public comments after Agenda Item 3B.

1. COMMENTS FROM THE PUBLIC

Sarah Ford, Georgia Kelly, Josette Eichar, Josette Eichar, Lisa ?, Mara Lee Ebert, Bob Edwards, and Lynn Clary commented about the decision by the Sonoma Valley Unified School District to ban the use of gas powered leaf blowers and to further regulate the use of electric blowers. They urged the Council to adopt a compromise ordinance rather than place the leaf blower issue on the November 2016 ballot.

Christine Mismar and Michelle Richey spoke about the need for affordable housing and requested a moratorium on rent increase and evictions.

2. MEETING DEDICATIONS

Clm. Agrimonti dedicated the meeting in the memory of Sonoma Valley Fire & Rescue Authority Firefighter Lino Michael Sottile.

Mayor Cook announced that he would be getting married on January 9 and introduced his finance Kiersten Wallace and future step daughter Genevieve Cacciatore.

3. PRESENTATIONS

Item 3A: Proclamation declaring the weekend after Thanksgiving, November 27 – 30, 2015, as “Shop Sonoma Days”

Mayor Cook read aloud the proclamation and presented it to Laurie Decker and Patricia Schultz who described the activities and promotions planned for the holiday season.

Item 3B: Presentation of Report on Options for Ending Homelessness in Sonoma County by 2025

Jim Leddy and John Haig of the Sonoma County Community Development Commission made a presentation regarding a report entitled "Building HOMES: A Policy Maker's Toolbox for Ending Homelessness". Mr. Leddy stated that the 2015 homeless count identified 3,107 homeless on a single night with 2,070 unsheltered. There were thirteen unsheltered and fourteen sheltered in the City of Sonoma. His report included information on the housing market, possible interim measures, financing, policy and land use options, and the cost to develop housing. He said the solution to homelessness was permanent housing. Leddy stated that collaborative action could achieve the following goals and end homelessness by 2025: Create 2,200 homeless-dedicated housing units, increase incomes from employment & benefits, and increase health care coverage rates. Leddy stated that a work plan would be presented to the Board of Supervisors on December 8 and he looked forward to engaging with the Council in the future.

Clm. Gallian asked what action Leddy was expecting from the Board when on December 8. Leddy responded that the policy had been approved and they would be seeking funding and staffing to implement the efforts outlined in the report.

Clm. Edwards asked how many affordable units were in the pipeline currently. Leddy responded that the countywide total was about three hundred and two.

Clm. Agrimonti stated that the Health Action Committee discussed the need to include provisions for transportation and food in the plan. She stated this was a great start to begin addressing the housing crisis.

Mayor Cook invited comments from the public. David Eichar stated that San Francisco was considering an increase to the number of affordable units required for new housing developments. He stated that the previous direction by Council to staff to prepare an RFP for a consultant to analyze a proposed increase to the minimum wage had not been complied with or completed.

Bob Edwards stated he realized State law prevented the City from enacting rent control and he encouraged the Council to work towards changing those laws to include single family homes. He also suggested the following to assist in addressing the housing needs: 1) Adoption of an eviction fee; 2) Employers, through the Chamber, to provide housing assistance to their employees; 3) Require a set aside of land for affordable housing for new vineyard development; 4) Take advantage of the winter hotel vacancies by placing homeless in them on an emergency basis.

4. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL

Item 4A: Waive Further reading and Authorize Introduction and/or Adoption of Ordinances by Title Only.

Item 4B: Approval of the Minutes of the November 2, 2015 City Council Meeting.

Item 4C: Approve Letter of Support for Russian River Water Association's Concept to Establish a Manufacturer-Funded Collection and Disposal Program for Unwanted Drugs.

Item 4D: Approval and ratification of the reappointment of Lisa Carlsson to the Cultural and Fine Arts Commission.

Item 4E: Approve the Notice of Completion for the 2015 Citywide Slurry Seal Project No. 1501 constructed by Sierra Nevada Construction, Inc. and Direct the City Clerk to File the Document. (Removed from consent, see below)

Item 4F: Adopt a Complete Streets Policy Resolution.

Clm. Agrimonti removed Item 4E. The public comment period opened and closed with none received.

It was moved by Clm. Gallian, seconded by Clm. Hundley, to approve the items remaining on the Consent Calendar. The motion carried unanimously.

Item 4E: Approve the Notice of Completion for the 2015 Citywide Slurry Seal Project No. 1501 constructed by Sierra Nevada Construction, Inc. and Direct the City Clerk to File the Document.

Clm. Agrimonti stated her appreciation for this important program. It was moved by Clm. Agrimonti, seconded by Clm. Hundley, to approve Item 4E. The motion carried unanimously.

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

Item 5A: Approval of the Portions of the Minutes of the November 2, 2015 City Council 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. Agrimonti, to approve the Consent Calendar. The motion carried unanimously.

RECESS: The meeting recessed for five minutes.

6. PUBLIC HEARING

Item 6A: Discussion, consideration and possible action to update City Fee Schedule based on FY 2015-2016 Operating Budget.

Finance Director Hilbrants presented the proposed fee schedule update. She stated that with the exception to fees established or limited by State law, all other fees were determined through a cost accounting analysis of actual costs the City incurs to provide the service. Department Managers reviewed staff hours necessary to provide the service factored by the allowable overhead costs. The direct-charge of fees in this manner, freed up general- purpose tax funds to be used for services, maintenance and facility costs which benefit the entire community. Hilbrants stated that after a number of fee reductions the overall impact of the annual recalculations reflect that most fees have increased approximately 10 – 15%. Larger increases or decreases resulted from review of overhead allocations especially between general fund and enterprise funds or from reevaluation of staff hours expended for some services. Fees and charges comprise approximately 2.75% of General Fund Revenue.

Hilbrants reported the following 1) Certain fees, such as Building-related fees and solar installation fees, were set by State Code and were not based on the cost of providing the service. In many instances, these fees were not cost-covering and the City was unable to recover costs over the allowable levels. 2) Public Safety Services were provided to the City under contract. Fees charged by the County of Sonoma [Police-related fees] and Valley of the Moon Fire District [Fire-related fees] on behalf of services provided to City residents were incorporated by reference. Additional fees proposed for addition to water utility fees included: 1) Water Service Turn Off / Turn On Fee to recover costs of staff time associated with turning on a new water account or turning off an account such as when a current occupant has moved out and a new occupant has moved in. 2) A Water Deposit will be charged for all new accounts where previously it was only charge to renters.

Clm. Gallian stated it was excellent that the City was keeping up with updating the fee schedule on a regular basis.

Mayor Cook invited comments from the public. David Eichar stated that if the appeal fee was too high it would discourage public participation in government. He encouraged the Council to subsidize the fee and only charge about \$250.

Fred Allebach questioned if staff was already being paid why the City needed to charge a fee for them to do their job. He suggested the appeal fee be \$100 and the fee should be refunded if the appeal was upheld. He questioned the City's overhead rate.

It was moved by Clm. Gallian, seconded by Clm. Edwards, to adopt the resolution entitled RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA AMENDING THE PREVIOUSLY ADOPTED SCHEDULE OF USER FEES, LICENSES AND PERMIT CHARGES FOR FISCAL YEAR 2015-2016. Clm. Gallian stated there was some Council discretion regarding the appeal fee. City Manager Giovanatto stated that the Council could reduce a fee based on a particular circumstance.

Clm. Hundley stated that the appeal fee should be discussed during the next budget cycle. She added that she felt 10-15% seemed a bit high given the inflation rate and she hoped next time it would not be 10-15%.

Mayor Cook confirmed that Council could reduce the appeal fee prior to adoption of the fee schedule. City Manager Giovanatto stated that staff's recommendation was based on actual cost; however, Council could establish a subsidized rate. Mayor Cook stated that not all would have the means to pay the appeal fee and would like it addressed. Clm. Edwards stated his support for Hundley's suggestion to discuss it at budget time. Being put to a roll call vote, the motion made by Clm. Hundley carried unanimously.

7. REGULAR CALENDAR – CITY COUNCIL

Item 7A: Discussion, consideration and possible action on a proposed amendment to the Management Plan for the Montini Preserve to allow the option of leashed dogs on trails within the Preserve, including consideration of a resolution making findings as required under the California Environmental Quality Act and direction to staff to submit a revised amendment to the Open Space District.

Planning Director Goodison reported that Councilmembers previously expressed interest in allowing leashed dogs on trails within the Montini Preserve, an activity prohibited in the adopted Management Plan for the Preserve. In May 2014, the City Council reviewed a draft amendment to the Management Plan allowing leashed dogs on trails within the Preserve, along with a draft initial study evaluating potential environmental effects of the amendment. The initial study found that the potentially significant impacts associated with the proposed amendment could be reduced to less-than-significant levels with the implementation of identified mitigation measures. On a vote of 4-1, the Council directed staff to circulate the initial study for comment. On July 21, 2014, following the close of the comment period, the Council held a public hearing, at the conclusion of which it voted to 4-1 to adopt findings for a mitigated negative declaration and direct staff to forward the amendment to the Open Space District. On February 2, 2015, the Open Space District informed the City that the amendment application had been denied, citing four issues: 1) the District was concerned that the proposed enforcement measures lacked specificity; 2) the District requested a determination by a qualified biological consultant that the values of the Preserve (including habitat resources and public enjoyment) would be adequately protected; 3) the District stated that an amendment would only be approved on the condition that alternative western access be secured and in place prior to implementing any allowance for leashed dogs; and 4) the District requested a commitment to restoring the trail segment on State Parks property and north to the vista point to a natural condition in the event that the license allowing that segment was revoked.

Goodison added that staff prepared a draft revised amendment addressing the issues raised by the Open Space District that the City Council reviewed on May 4, 2015. At that time, the Council gave direction to staff to revise the amendment. Those revisions had been made and staff is bringing it to City Council for review and direction. Staff estimated the additional costs associated with implementing and managing an allowance for leashed dogs to be between \$37,000-\$127,000 relating mainly to the resolution of the western trail access. This included 1) Preparation of Baseline Report: \$7,000; 2) Installation of fencing to protect sensitive areas: \$5,000; 3) Securing western access: \$25,000 - \$115,000 (lot-line adjustment \$25,000, Fifth Street connection \$65,000 for trail construction plus \$25,000 for the creation of handicapped parking and intersection improvements to Fifth Street West/Verano Avenue, plus \$10,000 for the removal/restoration of the existing Fourth Street trail connection, plus \$15,000 for plantings and fence installation required for wetland mitigation).

Goodison stated that because the revised amendment did not introduce new activities and included all of the mitigation measures previously identified in the Initial Study, as well as additional restrictions intended to provide an even higher level of protection sensitive resources within the Preserve, the previously-adopted negative declaration remained applicable.

City Attorney Walter stated it was important for Council to understand that what was not before the Council was whether or not to allow dogs on Montini because the Council does not have that authority. When the City accepted the title to the property it was already burdened by the Management Plan that had been in place for a number of years adopted by another agency. It also accepted a conservation easement and a recreation covenant all of which significantly constrained the ability of the City to use the property. The City was more or less a custodian of the property to hold it and manage it pursuant to the plans already in place one of which was the Management Plan which prohibits dogs. The only thing before Council was whether or not Council wanted to propose a change to the Management Plan to the Open Space District Board with can either accept, reject or return it with additional conditions. Staff drafted a proposed amendment to the plan and Council needs to decide if wants to submit the request to amend and if so, what should it look like.

Clm. Hundley asked if Council was being asked to decide if the limitation on no dogs would be two days a week. Goodison stated that the draft included the provision that dogs would be prohibited within the preserve two days a week but Council may want to change that.

Mayor Cook invited comments from the public. The following spoke in support of the amendment allowing leashed dogs on Montini: Bob Edwards, Michelle Richey, Ellen Branley, Rich Lee, and Leslie Murphy.

Item 7A: Amendment to the Management Plan for the Montini Preserve, Continued

The following spoke in opposition to the amendment allowing leashed dogs on Montini: David Segal, David Brown, James Nelson, Fred Allebach, Carol Marcus, Claudia Robins, Andrew Sawicki, Lynn Clary, Lisa ?, and Tierra Wells.

CIm. Hundley thanked the public for taking the time to come out and speak on this matter. She said there were a lot of great points on each side. When she came on the Council there was already a momentum on this issue and she felt the feedback from the Open Space District was enough to give staff one more shot to put together a thoughtful and realistic proposal for what we actually could do. CIm. Hundley stated she felt it was worth giving it one more shot and if the District was happy with the proposal there would still be a very long road ahead and weighing of different issues, she noted she was not convinced the trail was wide enough to have dogs. She supported submittal of the proposal.

CIm. Edwards said he was looking forward to the issue going away and to the decision by the Open Space District. He noted that one of the issues of allowing or not allowing dogs was that of enforcement and then coming in to the meeting this evening, out in front of Police Department, was a big pile of dog manure. He supported moving it forward so the Council could move on with more important things. He compared the projected cost of opening up the trail for dogs to the cost of providing 4,096 nights of lodging for the homeless.

CIm. Agrimonti said she was done with the issue.

CIm. Gallian stated that she believed after sitting on the advisory committee for the Ag and Open Space District she has seen so many projects and kept waiting for Montini. This western access was the biggest hurdle for the property to come forward and people who were in Congress in Washington DC had weighed in on the issue to make sure the western access happened. She believed totally in the natural resources of the preserve, it was incredibly beautiful. She added that she loved dogs but she wanted to preserve the particular prize that the City had and she would not be supporting the proposal because someone had to be a guardian for nature, conservation and stewardship.

Mayor Cook stated this had been a big issue since before he was on the Council. He said it was time to say “uncle – we lost” and apply our energy towards finding a place for the dogs to go. The City needed tourism based on something other than wine; look to nature and a place to go with dogs. Mayor Cook stated he was done with this issue and noted there were only thirty-two staff members employed by the City and he did not want to spend more staff time on the issue. The City’s hands were tied just like they were about the homeless. Every time there is a State or Federal Election people don’t vote but when they vote for councilmembers it is over 90%. He followed this through because he felt the City had local control. He wanted to see the dog friendly and community come together with a plan on what to do.

CIm. Hundley stated that Council had directed staff to prepare this proposal six months ago and if Council was going to stop the process it should have happened before all the additional work effort took place. It was moved by CIm. Hundley, seconded by CIm. Edwards, to submit the proposed amendment to the Open Space District. CIm. Gallian stated that it was not that there had been no value in the exercise of putting the amendment before the Council, studying it had made it really clear to her. Her reason for not wanting to put it forward was because of the western access and she wanted to preserve the Montini property. CIm. Edwards stated he supported moving forward and let the process work out. Mayor Cook felt enforcement would be a tough issue. CIm. Edwards stated that the District would see that. The motion failed with the following roll call vote: AYES: Hundley, Edwards. NOES: Agrimonti, Gallian, Cook.

8. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

9. COUNCILMEMBERS’ REPORTS AND COMMENTS

CIm. Agrimonti reported attendance at the SCTA meeting and announced her office hour.

Mayor Cook invited all to attend the Plaza lighting on Saturday.

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

City Manager Giovanatto reported that Sonoma County Housing Authority received and were reviewing seven responses for the affordable housing project on Broadway.

11. COMMENTS FROM THE PUBLIC

Fred Allebach congratulated Mayor Cook upon completion of his term as Mayor.

12. ADJOURNMENT

The meeting was adjourned at 9:05 p.m. in the memory of Sonoma Valley Fire & Rescue Authority Firefighter Lino Michael Sottile.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma City Council on the 7th day of December 2015.

Gay Johann
Assistant City Manager / City Clerk