

**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, April 18, 2016
5:30 p.m. Closed Session (Special Meeting)
6:00 p.m. Regular Meeting**

MINUTES

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

SPECIAL MEETING - CLOSED SESSION

Mayor Gallian called the meeting to order at 5:30 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 Attorney Walter was also present.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION, Pursuant to Cal. Gov't Code sec. 54956.9(d)(1). Name of case: DMV, LLC v. City of Sonoma.

CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION, Pursuant to Cal. Gov't Code sec. 54956.9(d)(2). Number of potential cases: One

REGULAR MEETING

Mayor Gallian called the meeting to order at 6:00 p.m. Michael Israel led the Pledge of Allegiance.

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

OTHERS PRESENT: Assistant City Manager Johann, City Attorney Walter, Planning Director Goodison, Public Works Director Takasugi, and Administrative Assistant Gipson

REPORT ON CLOSED SESSION

Mayor Gallian reported that Council gave direction to staff.

1. COMMENTS FROM THE PUBLIC

Ken Brown announced the upcoming Arbor Day celebration.

Georgia Kelly stated that she felt the leafblower ordinance adopted by Council had not been titled correctly and that it gave the referendum petitioners the upper hand in collecting signatures because it was misleading.

Lisa Summers stated that leafblowers had never been legal because they violate the decibel levels in the City's noise ordinance. She stated that as a member of the Regional Climate Protection Authority the City would be required to electrify all landscape equipment.

David Eichar stated that regardless of the outcome of the referendum the City should switch to electric leaf blowers to set a good example.

Debra Dado spoke of her concerns about parking, noise, and traffic related to the proposed affordable housing project on Broadway.

2. MEETING DEDICATIONS

Clm. Edwards dedicated the meeting in the memory of Barbara Cullen. Clm. Agrimonti dedicated the meeting in the memory of John Earl Slack.

3. PRESENTATIONS

Item 3A: Presentation of the Cultural and Fine Arts Commission's 2016 Student Creative Arts Award

Cultural and Fine Arts Commission Chair Schertz presented a certificate and \$2,000 check to the 2016 Student Artist of the Year Kaylin Riebli. Ms. Riebli brought in companions modeling three costumes that she had designed and created. Mayor Gallian congratulated Riebli and wished her well as she pursues a career in costume design.

Item 3B: Recognition of Kimberly Blattner's service on the Community Services & Environment Commission

Mayor Gallian presented Kimberly Blattner a certificate recognizing her service on the Community Services and Environment Commission 2009-2016. Mr. Blattner thanked the Council for the opportunity to serve on the commission.

Item 3C: Children's Memorial Flag Day Proclamation

Mayor Gallian read aloud the proclamation and presented it to Rob Sanville of MOVES (Minimize Occurrences of Violence in Everyday Society).

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 March 21 and April 4, 2016 City Council Meetings.

Item 4C: Adopt Resolution to Approve the Final Parcel Map for the 7-lot Parcel Map at 405 Fifth Street West known as Fifth Street West Homes Subdivision Parcel Map No. 443, Accept all offers of dedication, and Authorize the City Manager to execute a Subdivision Improvement Agreement. (Res. No. 08-2016)

Item 4D: Authorize the Mayor to send letter of support for SCTA Federal FASTLANE grant application for a portion of the Highway 101 Marin/Sonoma Narrows project.

Item 4E: Authorize the City Manager to Execute a 10-Year Lease Agreement between the City of Sonoma and the Sonoma Home Winemakers for Tex Juen Park.

Item 4F: Approval and ratification of the appointment of Mary Sek to the Planning Commission.

Item 4G: Adoption of an ordinance amending Chapter 9.80 of the Sonoma Municipal Code regarding the rent control of mobilehome park spaces.

Mayor Gallian invited comments from the public. Referencing Item 4G, Lin Marie deVincent thanked the City Council for its continued support of the mobilehome park community. It was moved by Clm. Cook, seconded by Clm. Edwards, to approve the consent calendar as presented. 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 March 21 and April 4, 2016 City Council meetings pertaining to the Successor Agency.

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

6. PUBLIC HEARINGS

Item 6A: Discussion, Consideration and possible action relating to a Refuse Rate Adjustment with City Franchisee Sonoma Garbage Company, Inc. to be effective for the billing period beginning April 1, 2016.

Assistant City Manager Johann reported that the City's franchise refuse hauler, Sonoma Garbage Company, Inc. submitted a request for a rate increase. The proposal was based on the calculation of the Refuse Rate Index and was in accordance with the Franchise Agreement

Item 6A: Refuse Rate Adjustment, Continued

to maintain a fair rate of return. Johann stated that the proposed rate adjustment with an effective date of April 1, 2016 for residential, commercial and debris box rates was 1.51% equating to a \$.20 per month increase for a residential 32 gallon container.

Mayor Gallian invited comments from the public. Rosemarie Pedranzini stated her support for the rate increase.

Councilmembers Agrimonti and Edwards expressed their appreciation for the Currotos and for the fact that Sonoma has a local refuse company. It was moved by Clm. Cook, seconded by Clm. Edwards to adopt resolution No. 09-2016 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA APPROVING REFUSE RATE ADJUSTMENTS. The motion carried unanimously.

Item 6B: Discussion, consideration and possible action on the introduction of an ordinance amending the Development Code by implementing Housing Element measures and clarifying provisions related to the Mixed Use zone and Planned Development permits and the finding that the action is categorically exempt from environmental review.

Planning Director Goodison reported that the Planning Commission had reviewed a set of draft amendments to the Development Code addressing several issues under discussion pertaining to the Housing Element implementation measures, the Mixed Use Zone, and Planned Development Permits. The proposed ordinance would amend those documents by: 1. Establishing prohibitions on the use of Second Units as Vacation Rentals, consistent with Implementation Measures #4 and #6 of the Housing Element. 2. Amending the description of the Mixed Use zone to make it clear that 100% residential development is an allowable use. 3. Clarifying the Planned Development Permit provisions by affirming that the planned development permit was an allowed option in the Mixed Use zone. 4. Increasing the required term of affordability for inclusionary, density bonus, and City-funded affordable units to 55 years.

Clm. Hundley confirmed that the findings of CEQA exemption applied only to adoption of the ordinance and not to any future development.

Clm. Edwards confirmed that the proposed changes would not have an effect on any previously approved projects.

The public comment period was opened and closed with none received. It was moved by Clm. Edwards, seconded by Clm. Agrimonti, 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 AND CLARIFYING PROVISIONS RELATED TO THE MIXED USE ZONE AND PLANNED DEVELOPMENT PERMITS and to make the finding that the action was categorically exempt from environmental review. The motion carried unanimously.

7. REGULAR CALENDAR – CITY COUNCIL

Item 7A: Discussion, consideration and possible action to Approve Construction of a Monument to Sonoma's Founder, General Vallejo, in the Sonoma Plaza and Authorizing the City Manager to execute a Maintenance Agreement with the General Vallejo Monument Committee.

Public Works Director Takasugi reported a local group of citizens formed the General Vallejo Monument Committee to construct a monument in honor of Sonoma's founder, General Mariano Vallejo. The committee received conceptual approval from the City Council on September 9, 2015. Subsequently they met with and received approval from the Community Services and Environment Commission, the Cultural and Fine Arts Commission, and the Facilities Committee regarding the monument placement, materials proposed for utilization, and the long-term maintenance responsibilities. The committee was now seeking final approval for the project. Takasugi stated that the committee would be required to enter into a long-term maintenance agreement and meet all permitting and insurance requirements of the City.

Robert Demler stated that the committee, since its inception, had lost two dear members. They were Sheila Cole (whose idea this project was) and Bette Allen. He provided details and displayed a maquette of the proposed monument.

Item 7A: General Vallejo Monument, Continued

Tom Hauser stated that prior to approval of the monument the City should have a plan for the Plaza including criteria and an approval process.

Clm. Cook stated his support for the project and that a master plan for the Plaza was a good idea.

Clm. Hundley stated that requests like this one were few and far between. She added her support for the project noting that it fit with the Council goal of highlighting the City's rich history.

Clm. Edwards pointed out that General Vallejo granted the Plaza to the City and he could not think of a more fitting monument for the park. Clm. Agrimonti agreed.

It was moved by Clm. Agrimonti, seconded by Clm. Hundley, to approve construction of a monument to General Vallejo in the Sonoma Plaza and Authorize the City Manager to execute a maintenance agreement with the General Vallejo Monument Committee. The motion carried unanimously.

Item 7B: Discussion, consideration and possible action regarding an appeal of the Community Services and Environment Commission decision related to the Plaza Use fees for the 2016 Tuesday Night Farmers Market.

Assistant City Manager Johann reported that in 2010, for the second time in as many years, the City issued a Request for Proposals for operation of the Tuesday Night Farmers Market. Two proposals were received and on December 15, 2010 Council awarded the permit to operate the market to Valley of the Moon Certified Farmers Market (VOMCFM). Their permit had been extended by Council twice for additional two-year periods culminating after the 2016 season.

Johann stated that fees for special events were established and adopted by the City Council; however, at some time in the past an exception was made for the Farmers Market in the City's Special Event Policy allowing the Community Services and Environment Commission (CSEC) to "annually establish an appropriate rental fee for the Farmers' Market, as part of its annual review of the Farmers' Market Plaza use application." Johann stated that the Farmers Market season ran from the beginning of May through the end of October and was held every Tuesday equating to twenty-six weekly events. At their March 9, 2016 meeting CSEC voted to charge VOMCFM a total of \$1,964 for the 2016 market season subject to certain conditions. That amount included: \$958 application fee, \$256 alcohol permit fee, and \$750 for rent. No maintenance fees or security deposit were required. The conditions included that VOMCFM would provide \$2,500 towards the Electronic Benefit Transfer (EBT) program, and would waive rental fees for farmers selling produce. Councilmember Edwards appealed that decision.

Clm. Edwards stated his concerns about Farmers Market included: The overuse and wear and tear on the Plaza Park; The resulting loss of revenue for Plaza businesses; An exception being made when other nonprofits such as Nuestra Voz had been denied fee reductions; and that it was more an event than a Farmers Market.

CSEC Chair Chris Petlock stated that by reducing the fees and putting that money towards the EBT program and space rent waivers for the farmers that they would be encouraging the sales of produce and helping the farmers.

Chris Welch, Market Manager, said they consider themselves a partner with the City that had been responsive to the City's Request for Proposals. Welch stated that CSEC had requested they take action to align with the County's Food Action Plan and they agreed feeling that it was a good idea.

Maria Toimil, Vintage Festival Director, stated they paid over \$12,000 in Plaza use fees and she was seeking equality. She pointed out that in contrast to VOMCFM, they had no paid staff and relied 100% on volunteers.

Bill Montini, representing Native Sons of the Golden West, stated that Plaza Use fees had been steadily rising and eventually would run all the original home town events out of business. He did not agree with the fee subsidy for the Farmers Market and stated there should be a fair playing field for all the City's nonprofit organizations.

John Toulze, Executive Chef of Girl and The Fig restaurant, stated that by waiving fees for Farmer Market the City was subsidizing people who take money out of the Plaza business owner's pockets. He said Tuesdays were their worst days at the restaurant and stated that it

Item 7B: Appeal Regarding Farmer’s Market Fees, Continued

was not a market it was a party. Toulze stated that they had applied to be a vendor at the market but were turned down and the market instead brought in a vendor from Cotati.

Sondra Bernstein, owner of Girl and The Fig Restaurant, disagreed with the City subsidy for the market. She also pointed out that she applied to be a vendor in an effort to help out her employees since it was a slow night at the restaurant – only to be denied. Bernstein stated that her business was one of the top sales tax producing businesses in the City and she was very dissatisfied with how the market was managed.

CIm. Cook said he wanted to be fair to the nonprofits and pointed out their ability to apply to the Community Fund. He said he would not support the appeal.

CIm. Hundley stated that she heard all the concerns being expressed and noted that the City Party and Farmers Market were victims of their success but that she felt the market should be able to sustain itself. Hundley stated she looked forward to looking at the market with a new set of eyes when it came time to do another request for proposals (RFP).

CIm. Agrimonti stated that the City supported the Food Action Plan in spirit only. She suggested there were other venues for reduced price produce. She agreed with Hundley that it would be a good opportunity to consider all the issues brought up with a new RFP.

CIm. Edwards stated that Napa asked their Chef’s Market to cease operating because the local businesses were losing too much money. He stated the City was bearing the cost to maintain the Plaza and he felt it was overused. He said he would like to see the market utilize Grinstead Amphitheater instead of the horseshoe lawn and perhaps use Depot Park from time to time.

It was moved by CIm. Hundley, seconded by CIm. Agrimonti, to uphold the appeal, to charge the market the same fees as last year and eliminate the conditions of approval by CSEC related to the EBT program and waiver of rents for farmers. The motion carried four to one, CIm. Cook dissented.

RECESS: The meeting recessed from 8:45 to 8:55 p.m.

Item 7C: Discussion, consideration and possible action on the selection of a consultant for the preparation of a housing impact fee nexus study, as called for in the City of Sonoma Housing Element.

Planning Director Goodison reported Sonoma’s 2015–2023 Housing Element adopted in March 2015 included several implementation measures aimed at compensating for the loss of redevelopment money which had been the City’s primary source of funding for its affordable housing programs. Implementation measures #1 and #8 suggested establishing a housing impact fee that could be levied upon various types of commercial and residential development. Under State law any such fee would need to be validated through a nexus study demonstrating that proposed fees were reasonably related to development impacts.

Goodison stated that preparation of the nexus study was a highly technical task that required specialized technical expertise. The City Council set aside funds in the budget for preparation of the study and a request for proposals was circulated. A selection panel interviewed the top proposers and were recommending that the City contract with Keyser-Marston/KWA with a proposed total cost estimated at \$86,600. The selection panel also recommended that the study include 1) an “Overlap Analysis”, which provides legal protection by verifying that residential housing impact fees and commercial housing impact fees do not result in double-counting; and 2) a residential financial feasibility analysis to ensure that the residential housing impact fee is sustainable in light of other housing production costs.

CIm. Edwards inquired what projects were in the pipeline that would be subject to the proposed impact fee. Goodison stated the Napa Street hotel and the Broadway developments.

Mayor Gallian confirmed that the public would be engaged in the process.

The public comment period was opened and closed with none received. It was moved by CIm. Agrimonti, seconded by CIm. Cook, to authorize staff to execute a contract with Keyser-Marston/KWA for the preparation of a nexus study in conjunction with an evaluation of the City’s inclusionary housing program, including optional tasks “C” and “F” as set forth in the proposal. The motion carried unanimously.

Item 7D: Discussion, consideration and possible action providing direction to the Mayor regarding the City's vote on an appointment by the City Selection Committee to the Remote Access Network (RAN) Board at their May 12, 2016 meeting.

Assistant City Manager Johann reported the Sonoma County Mayors' and Councilmembers' Association would hold its second regular meeting of 2016 on May 12, 2016 in the City of Sonoma. The evening would include a meeting of the City Selection Committee which would have on its agenda an appointment to the Remote Access Network (RAN) Board. The position must be filled by a Mayor and Gina Belforte, Mayor of Rohnert Park was the only person who submitted a letter of interest by the advertised deadline.

The public comment period was opened and closed with none received. It was moved by Clm. Edwards, seconded by Clm. Hundley that the Mayor should vote in favor of Ms. Belforte. The motion carried unanimously.

8. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

9. COUNCILMEMBERS' REPORTS AND COMMENTS

Clm. Agrimonti reported that she, Clm. Cook and members of staff recently discussed issues related to the Cemetery operations and she would like a discussion of the issues to be on a future Council agenda.

Clm. Cook announced the birth of Elizabeth Lila Cook on April 18, 2016.

Clm. Hundley said she loved hearing from people.

Mayor Gallian encouraged the public to send comments and ideas ahead of the Council goal setting session.

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

Assistant City Manager Johann announced that PG&E would close 4th Street East between Napa and Spain Street the following day while doing a gas main replacement. She also announced that a referendum petition regarding the leafblower ordinance had been filed with her office the previous Thursday and had been delivered to the Registrar of Voters office for signature verification. She stated that if the required number of signatures had been achieved the ordinance would be suspended and the matter will be placed on the City Council agenda. Unless the City Council repealed the entire ordinance the matter had to be submitted to the voters at the next regular election.

11. COMMENTS FROM THE PUBLIC

Joe Costello stated that he and twenty-seven of his neighbors on First Street East and Mission Terrace had signed a petition asking the City Council to reconsider its decision to allow special events at the Maysonave House. He stated that there had not been proper noticing and they had been denied the opportunity to speak on the matter. Costello requested that the matter be placed on a future Council agenda.

12. ADJOURNMENT

The meeting was adjourned at 9:15 p.m. in the memory of Barbara Cullen and John Earl Slack.

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 May 2016.

Gay Johann
Assistant City Manager/City Clerk