

City Hall, January 9, 2006

The City Council met in regular session.

Present: Councilmembers: Liles, Mitchell, Plass, Schaffner and Mayor McGuire

Absent: Councilmembers: None

Mayor McGuire called the meeting to order at approximately 7:00 P.M.

APPROVAL OF AGENDA

City Manager Wysteppek suggested the Presentations by Supervisor Paul Kelley and Andrea Mackenzie, Open Space District Representative, by moved under New Business and considered after the Police Department Employee of the Year Awards.

Councilmember Liles, seconded by Councilmember Schaffner, motioned to approve the agenda as revised. The motion carried on a voice vote. (Ayes 5, Noes 0, Absent – None)

APPROVAL OF MINUTES

Councilmember Schaffner, seconded by Councilmember Mitchell, motioned to approve the December 19, 2005 special meeting and the December 19, 2005 regular meeting minutes as submitted. The motion carried on a voice vote with Councilmember Plass abstaining. (Ayes 4, Noes 0, Absent – None, Abstaining - Plass)

PRESENTATION TO OUTGOING MAYOR LILES

Council thanked Councilmember Liles for his outstanding service as Mayor and presented him with a plaque of appreciation.

Councilmember Liles stated being Mayor was an honor and thanked Council for the recognition.

POLICE DEPARTMENT EMPLOYEE OF THE YEAR AWARDS

Chief of Police Jones presented the second Annual Employee of the Year Awards to Police Officer Darryl Erkel and Dispatcher Larry Farnady.

Councilmember Plass acknowledged Dispatcher Farnady's dedication and hard work.

PUBLIC COMMENTS

There were no public comments.

CONSENT CALENDAR

Councilmember Liles, seconded by Councilmember Schaffner, motioned to approve the Consent Calendar as follows:

A. INCLUSIONARY HOUSING REGULATIONS

Adopted, upon second reading, Ordinance No. 1029, entitled “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG APPROVING AMENDMENT NO. 17 TO CITY OF HEALDSBURG ZONING ORDINANCE NO. 950 (REVISIONS TO INCLUSIONARY HOUSING REGULATIONS)”, by title only and waiving further reading of the text. (Ayes 5, Noes 0, Absent – None)

B. REVISED MOBILE HOME RENT STABILIZATION ORDINANCE

Adopted, upon second reading, Ordinance No. 1030, entitled “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG REPEALING ORDINANCE NO. 1024 AND ADOPTING AN ORDINANCE CREATING A NEW CHAPTER 2A TO THE HEALDSBURG MUNICIPAL CODE ESTABLISHING A MOBILE HOME PARK RENT STABILIZATION PROGRAM WITH VACANCY CONTROL PROVISIONS”, by title only and waiving further reading of the text. (Ayes 5, Noes 0, Absent – None)

C. RATIFICATION – COUNCIL MEMBERS APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

By motion, ratified Councilmembers appointments to various Board and Commissions as follows:

<u>Board/Commission/Committee</u>	<u>Representative</u>
Healdsburg Library Advisory Board	Councilmember McGuire
Senior Advisory Commission Liaison	Councilmember Mitchell
Economic Dev. Office Steering Comm.	Mayor McGuire
NCPA	Mayor Liles, Commissioner
TANC	Councilmember Plass, Alt. Commissioner
REMIF	Councilmember Liles, Commissioner
Mayors’ and Councilmembers’ Association	Councilmember Plass, Alt. Commissioner
City Selection Committee	Staff
Association of Bay Area Governments	Mayor McGuire
Sonoma County Transportation Authority	Councilmember Plass, Delegate
Chamber of Commerce Board	Councilmember Schaffner, Alternate
Marie Sparks Volunteer of the Year Com.	Councilmember Schaffner, Representative
League of California Cities General Assembly	Councilmember McGuire, Alternate
Russian River Watershed Association	Councilmember Schaffner
	Councilmember Mitchell
	Mayor McGuire
	Councilmember Liles

Mayors' and Councilmembers' Legislative Com.	Councilmember Plass
Mayors' and Councilmembers' City/Schools Planning Committee	Councilmember Plass
Parent Awareness Coalition	Councilmember Liles

Note: If the Alternate is a staff member, it is not noted on the list.
(Ayes 5, Noes 0, Absent – None)

D. PUBLIC UTILITY EASEMENT - MARTIN

Adopted Resolution No. 1-2006, entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG ACCEPTING A PUBLIC UTILITY EASEMENT (PUE) FROM GORDON L. MARTIN AND TERRI E. MARTIN, 1470 GROVE STREET (APN 089-071-009)”. (Ayes 5, Noes 0, Absent - None)

E. RATIFICATION OF EMERGENCY PROCLAMATION

Adopted Resolution No. 2-2006, entitled “RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG RATIFYING THE EMERGENCY PROCLAMATION DECLARING A STATE OF LOCAL EMERGENCY IN THE CITY CAUSED BY THE NEW YEAR’S FLOOD OF 2005-2006”. (Ayes 5, Noes 0, Absent - None)

E. PUBLIC CODE DECLARATION OF EMERGENCY – ROAD REPAIRS

Adopted Resolution No. 3-2006, entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG DECLARING AN EMERGENCY PURSUANT TO SECTION 20168 AND 22050 OF THE PUBLIC CONTRACT CODE AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR EMERGENCY ROAD REPAIR WORK OF GROVE STREET AND GAUNTLETT WELL FIELD ACCESS ROAD AS WELL AS STORM DRAIN REPAIR ON GRANT STREET WITHOUT BIDDING”. (Ayes 5, Noes 0, Absent – None)

The motion to approve the Consent Calendar, as submitted, carried on a roll call vote. (Ayes 5, Noes 0, Absent – None)

PRESENTATION – SUPERVISOR PAUL KELLEY

Supervisor Paul Kelley gave an update on County issues pertaining to the City of Healdsburg and the north County, including water issues, transportation related items, airport and airline attraction efforts and agricultural and open space acquisitions, specifically efforts to acquire fee title of the top of Fitch Mountain. Mr. Kelley thanked the City for the use of the office space for his monthly visits.

PRESENTATION – OPEN SPACE DISTRICT

Ms. Andrea Mackenzie, Open Space District Representative, gave an update on the open space acquisitions accomplished by the District since the District was created in 1990, noting that over 67,000 acres have been protected so far. Ms. Mackenzie noted in 1994 the District purchased a forever-wild conservation easement over 145 acres of Fitch Mountain.

Additionally, Ms. Mackenzie provided an overview of the Fitch Mountain fee title acquisition efforts and lack of response to the offer from the property owners.

In response to Mayor McGuire's inquiry, City Manager Wystepek stated, if Fitch Mountain is acquired, the City of Healdsburg would assume stewardship of the property.

Ms. Mackenzie, in response to Council's questions, stated funding allocations would be discussed with the Board of Supervisors in approximately six months and added the District only negotiates with willing sellers.

Supervisor Kelley discussed the Board's willingness to fund the purchase of the land, however, time is running out.

Discussion ensued regarding the lack of response from the property owners, the level of participation from the City of Healdsburg to manage the property, and the need to maintain the property to mitigate wild fires.

Supervisor Kelley stated he would look into the matter to see if anything can be done to encourage the property owners to maintain their property.

Further discussion ensued regarding the appraised value of the property and whether or not an actual offer had been made by the property owners.

Mayor McGuire reported the property owners' representative had made a commitment to submit an offer to the Open Space District by February 5th.

Further discussion ensued regarding the timeline to update appraisal and complete the negotiations if property owners are willing to sell.

Mayor McGuire further reported an Environmental Study was provided by the property owners and noted another natural resource study would be completed in about three months but has not committed to provide a copy.

Ms. Leah Gold recalled the acquisition of Fitch Mountain has been a Council priority for a long time and expressed concern that unless something is done soon the opportunity to acquire the property would be lost. Ms. Gold stated she hoped the property owners would follow through and submit an offer by February 5th.

Mr. Barclay Nalley opined the property owners should follow through with the sale of the property as first proposed or that the City should purchase the property through eminent domain. Mr. Nalley added there is a need for recreational passive parks and expressed the importance to preserve Fitch Mountain and its natural resources.

Mr. Ray Holley recapped conversations with Ed Wilson, Eric Drew and Frances Etchell regarding the acquisition of Fitch Mountain and their plans to sell the land to the Open Space District with the goal to open it up for public access. Mr. Holley opined if an offer does not come forward, the City Council should acquire the property through eminent domain and then sell it to the Open Space District.

Mr. Anton Hannan opined Fitch Mountain is a great community resource and it should be acquired and made accessible to the public.

Mr. Mel Amato expressed concern with the mantra “protect and preserve the mountain”, when the real issue is access to the mountain. Mr. Amato opined the cost to convert the area to a park, as well as the cost to maintain and operate it and where the funds would come from should be identified and disclosed to the community before the City moves forward.

Councilmembers expressed their individual opinions regarding the lack of progress in the negotiations, the status of the environmental studies, and the hope that the negotiations would move forward and conclude in the near future.

Mayor McGuire stated the February 5th deadline is a verbal date only and expressed the need to keep the pressure on by calling Mr. Ed Wilson urging him to come to the table and sending letters to the editor urging the owners to submit an offer by the deadline. Mayor McGuire suggested sending a letter to Mr. Ed Wilson urging him to submit a proposal by the deadline.

Council concurred with Mayor McGuire’s suggestion.

McDANIEL APPEAL – 916 MAXWELL STREET

Councilmember noted for the record that he had visited the site and spoke with the applicant.

Planning Director Spitler reviewed the appeal of Susan McDaniel of the Planning Commission’s denial of a variance to the Zoning Ordinance’s parking requirements to allow single car garage to be converted into living space. Mr. Spitler noted all the homes in this subdivision were built with single car garages. Mr. Spitler reported the Planning Commission, after a public hearing, denied the requested variance because the Commission could not make the necessary findings and there are other opportunities on the property to add living space. In addition to denying the variance the Planning Commission ordered the applicant to remove the improvements made to the garage and return it to a suitable parking space. Mr. Spitler recommended the Council deny the appeal based upon the finding that special circumstances do not exist with respect to the subject property.

Discussion ensued regarding whether or not there are other opportunities to add living space and the parking requirements.

Councilmember Plass distributed a survey in the subdivision of the homes that have converted garages into living space and noted a total of 22 homes have converted garages.

In response to Council's inquiries, City Planner Spitler stated if Council wanted to grant the appeal, they should state the reasons for granting the appeal and direct staff to come back with a resolution.

Mayor McGuire opened the public hearing.

Ms. Sue McDaniel, applicant, stated many garages in the neighborhood have been converted and her situation is not unique. Ms. McDaniel added the outside appearance of the house would not change and explained that many of the improvements were done prior to her purchasing the home.

Discussion ensued regarding the legal, non-conforming improvements constructed on the property, the Planning Commission's requirement that the improvements be removed to its original condition and whether or not there are physical hardships on the property that would warrant granting the variance.

In response to Council's inquiries, Assistant City Attorney McLaughlin explained the findings necessary to deny or grant a variance.

There being no other public speakers, Councilmember Liles, seconded by Councilmember Schaffner, motioned to close the public input portion of the hearing. The motion carried on a voice vote. (Ayes 5, Noes 0, Absent – None)

Council discussion ensued regarding the appeal, other garage conversions in the neighborhood, whether or not Council could legally grant the appeal and the desire to at least allow the applicant to keep the improvements.

It was Council's consensus to grant the appeal and/or at least allow the property owner to retain the existing improvements and directed staff to come back with appropriate findings.

AB 1600 REPORT

Finance Director Haas presented the Annual AB1600 Development Fee Report for Fiscal Year Ending June 30, 2005 and recommended Council adopt the proposed resolution affirming the necessity of development fees.

Councilmember Mitchell, seconded by Councilmember Plass, motioned to adopt Resolution No. 4-2006, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG TO REAFFIRM THE NECESSITY OF DEVELOPER FEES". The motion carried on a roll call vote. (Ayes 5, Noes 0, Absent - None)

COUNCIL REPORTS

Councilmember Schaffner reported on the Sonoma County Transportation Authority activities and expressed concern regarding the vulgar language being used at the dog park and asked that the Dog Park Committee give Council an update on what is going on.

Councilmember Liles asked Council to present Bus Driver Ralph Ortega with a Mayor's Community Hero Award for his efforts in saving Phyllis James's life at the first meeting in February. Mr. Liles also discussed the need to hold a public hearing on the options to replace and/or renovate the Memorial Beach Bridge.

Councilmember Liles recalled consideration of the historic ordinance would be agendaized for the first meeting in February.

Councilmember Schaffner commended staff for a job well done in dealing with the storm.

Councilmember Plass reported he would be attending the League of California Cities Public Safety Committee meeting and the NCPA Strategic workshop both in Sacramento. Mr. Plass asked staff to agendaize discussion regarding animal control sometime in February or March, and also discussion on parking structures in the next six months. Mr. Plass also reported on the Mayors' and Councilmembers' Legislative Committee meeting.

Councilmember Mitchell commended staff for their response to calls from Almond Way and the Riverview/Riversbend area.

Mayor McGuire reminded Council of upcoming meetings, including Mayors' and Councilmembers' on January 12, 2006 in Cotati, Special Council meeting regarding Saggio Hills at 6:00 P.M. on January 17, 2006, the Council goal setting session on January 19, 2006 at 5:00 P.M. and work session to review the financial statements on January 23, 2006 at 5:00 P.M.

Mayor McGuire discussed issues that would be agendaized at future meetings, including: (1) East Street properties, second meeting in February; (2) the smoking ordinance, first meeting in February; (3) discussion regarding animal shelter request, second meeting in January; and (4) historic preservation ordinance, first meeting in February.

Mayor McGuire discussed the new proposed meeting format for the Mayors' and Councilmembers' meetings and asked for help in contacting the other Mayors to get their input. Councilmember Schaffner to contact Tim Smith and Doug McKesson; Councilmember Liles, Robert Jehn and Jane Bender; Councilmember Plass, David Glass; and Councilmember Mitchell, Sam Salmon.

REPORTS OF STAFF AND COMMISSION

Update – Codification of Municipal Code

City Clerk Curiel reported Request for Proposals were requested to update the Municipal Code and noted three proposals had been received. Code Publishing's proposal was deemed the best proposal and at this time staff is negotiating a contract for an amount not to exceed \$13,000. Ms. Curiel noted the goal is to complete the project in 9 months.

Status of Parks and Recreation and Airport Commission Vacancies

City Clerk Curiel reported staff advertised the two vacancies on the Airport Commission and no applications were received.

Planning Director Spittler recommended Council reduce the number of the Commission to five members.

Council concurred with staff's recommendation to reduce the number to five and directed staff to prepare the necessary ordinance.

CDBG Update

Assistant City Manager Jason-White gave an update on the Community Development Block Grant Program and discussed possible projects, including: (1) installation of public sidewalk and pedestrian ramp along a portion of Grove Street; and (2) housing rehabilitation. Ms. Jason-White added a public hearing to prioritize the proposals would be scheduled for February 6, 2006.

Update of Wastewater Treatment Plant Bid Award

Public Works Director Hicks reported bids were opened on December 20th and one of the two bids received was deemed non-responsive. Mr. Hicks reported the bid was awarded to U.S. Filters and the next step in the process is to move ahead with the design.

Storm Damage

Public Works Director Hicks informed Council of the areas where there were storm related problems, including: the Magnolia Lift Station, Basalt Pond, Grove Street, the Gauntlett access road and drainage at the Fire Station. The cost of the damage is estimated between \$50,000 and \$70,000 and a contractor has been hired on an emergency basis to repair the roads.

Mr. Hicks noted none of the sewer or storm drains backed up, which shows that the preventative maintenance is working.

Fire Chief Collins reported on the activities of the Fire Department during the storm and noted as a result of this exercise it was determined that the City cannot depend on the Red Cross for assistance with shelter activities.

In response to Council's inquiries, it was noted that there was not an increase in police related calls and there was little damage to other City facilities.

Personnel Issues

City Manager Wystepek reported recruitment of a full time Assistant City Manager has begun and there has been a re-assignment of duties to Planning Director Spitler to be in charge of Redevelopment and his title will change to Development Services Director. A Planning Director will be hired to deal with the day-to-day planning issues.

CLOSED SESSION

Council adjourned at approximately 10:15 P.M. to a closed session to continue real property negotiations as noted in the special meeting notice.

REDEVELOPMENT AGENCY MEETING

The meeting was cancelled due to lack of agenda items.

ADJOURNMENT

There being no other Council business to discuss, the meeting was adjourned at approximately 10:14 P.M.

Approved this 23rd day of January, 2006

APPROVED:

ATTEST:

Mike McGuire, Mayor

Maria Curiel, City Clerk