

MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS

SONOMA COUNTY WATER AGENCY

February 3, 2009

The Board of Directors of the Sonoma County Water Agency met this date in regular session at 8:30 a.m., with the following members present:  
Directors Brown, Kerns, Zane, Carrillo, Kelley

Chair Kelley presiding.

Present: Robert Deis, County Administrator  
Steven M. Woodside, County Counsel

CONSENT CALENDAR

DEVELOPMENT SERVICES

1. Santa Rosa Water Conservation Program FY 2008-09  
Authorize Chair to execute the Agreement between the City of Santa Rosa Water Conservation Program, funding in FY 2008-09 between the Sonoma County Water Agency and City of Santa Rosa (City will pay Agency \$80,000 for Program administration)

Authorize the Agency's General Manager/Chief Engineer to amend the Agreement provided amendments do not cumulatively increase the total cost to the Agency by more than \$25,000 and do not substantially change the scope of work

UNANIMOUS

7:53 Board adjourned to February 10, 2009.

Respectfully submitted,

Mary Thayer  
Secretary

MINUTES OF THE MEETING OF THE BOARD OF SUPERVISORS

COUNTY OF SONOMA

February 3, 2009

The Board of Supervisors of the County of Sonoma met this date in regular session at 8:30 a.m., with the following members present:  
Supervisors Brown, Kerns, Zane, Carrillo, Kelley

Chair Kelley presiding.

Present: Robert Deis, County Administrator  
Steven M. Woodside, County Counsel

Call to order and pledge of allegiance

Board member announcements and reports on meetings and other activities

Supervisor Brown attended the CSAC Executive Committee meeting in Sacramento. Supervisor Kelley attended a legislative reception sponsored by ABAG, CSAC and MTC. Supervisor Zane announced that she; Efren Carrillo; Randy Poole; Debora Fudge, Council Member from Town of Windsor; and Susan Gorin, Mayor of City of Santa Rosa, to attend Climate Conference in D.C. to try to get funding from economic stimulus package. Robert Deis discussed state deferral of payments for Health Services—approximately \$44 million for Sonoma County.

V. HEALTH AND HUMAN SERVICES

HUMAN SERVICES

09-0090

2. Unanticipated Revenue and Solano County Agreement

Resolution authorizing budgetary adjustments to the Human Service Department's FY 2008-09 Final Budget in the amount of \$32,400 (4/5th vote required)

Authorize the Director of Human Services, or her designee, to sign an amendment to the agreement with the County of Solano that increases the amount of the agreement by \$32,400, from \$13,290 to \$45,690, and to sign any future amendments that do not significantly change program content or increase overall funding

HUMAN SERVICES (Cont.)

- 09-0091
3. 2008-10 Plan for State Child Abuse Prevention Funds  
Resolution approving the 2008-10 Sonoma County Allocation and Oversight Plan for State Child Abuse Prevention, Intervention and Treatment (CAPIT), Community Based Child Abuse Prevention (CBCAP), and Promoting Safe & Stable Families (PSSF) funding

II. FISCAL SERVICES

AUDITOR-CONTROLLER/TREASURER-TAX COLLECTOR

- 09-0092
4. Renewal of Agreement with Franchise Tax Board  
Resolution authorizing the Chair to execute the Memorandum of Understanding with the State of California Franchise Tax Board to provide collection of County debt
  5. Audit Report  
Review and accept the audit report of Sonoma County District Attorney's Workers' Compensation Insurance Fraud Investigation and Prosecution for the fiscal year ended June 30, 2008
  6. Audit Report  
Review and accept the audit report of Sonoma County District Attorney's Spousal Abuser Prosecution Program for the fiscal year ended June 30, 2008

III. DEVELOPMENT SERVICES

PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

7. Dutra Haystack Landing Asphalt Plant and Recycling Facility; EIR Contract Amendment No. 2.  
Authorize the Chair to sign a contract amendment that would increase the amended Christopher A. Joseph and Associates (CAJA) Agreement for Professional Services by \$17,274.00 to \$460,607.56, including contingencies

TRANSPORTATION AND PUBLIC WORKS

09-0093

8. Charles M. Schulz-Sonoma County Airport Staff Allocations  
Resolution amending the Department Allocation List for Budget Code 9101-5100 to add one (1) Marketing Specialist

Authorize Department to proceed immediately with recruitment, selection and hiring activities necessary to fill position allocation approved as a result of this Board action

I. GENERAL ADMINISTRATIVE SERVICES

GENERAL SERVICES

09-0094

9. Hall of Justice Café  
Resolution authorizing the budget adjustment to move \$74,197 from the Courthouse Construction Fund (Index #277467) and \$50,713 from the Criminal Justice Construction Fund (Index #277475) to the Capital Project (Index #110353) (4/5ths vote required)

09-0095

10. Valley of the Moon Children's Home - Phase 3  
Resolution authorizing budgetary adjustments to the FY 2008-09 Final Budget for the Capital Project Fund - Valley of the Moon Children's Home - Phase 3, in the amount of \$800,000 (4/5ths vote required)

COUNTY ADMINISTRATOR

11. Amendment to Glen Price Group Grant Writer Services Agreement  
Authorize Chair to sign third contract amendment with the Glen Price Group to extend the term of the agreement through 6/30/2009 and increase the available amount by \$50,000

09-0096

12. Grand Jury Compensation - County Code Amendment  
Resolution introducing, reading title of and waiving further reading of an Ordinance amending Chapter 2, Article IV, Section 2-43 of the County Code to modify Grand Jury compensation policies to reflect past practice and conform with legal standards for "per diem" payments

BOARD OF SUPERVISORS

- 09-0097  
13. Joint Powers Agreement  
Resolution authorizing Chair to execute Joint Powers Agreement between the County of Sonoma and the City of Sonoma continuing the Sonoma Valley Citizens Advisory Commission
- 09-0086a-e  
14. Commendation  
Resolution commending the winners of the Martin Luther King Oratorical Contest
- 09-0087  
15. Commendation  
Resolution commending Rue Furch for her 17 years of service on the Sonoma County Planning Agency
- 09-0088  
16. Proclamation  
Resolution proclaiming February 6, 2009 as National Wear Red Day
- 09-0098  
17. Appointment  
Resolution appointing Patrick Band to the Human Services Commission, representing the Third District
- 09-0099  
18. Appointment  
Resolution appointing Ed Clites to the Fair and Exposition Board, representing the Third District
- 09-0100  
19. Appointment  
Resolution appointing Eric Koenigshofer to the Fair and Exposition Board, representing the Fifth District
- 09-0101  
20. Appointment  
Resolution appointing Doug Beretta to the Fair and Exposition Board, representing the Fifth District

BOARD OF SUPERVISORS (Cont.)

- 09-0102  
21. Reappointment  
Resolution reappointing Jo Bentz to the Sonoma County Fish and Wildlife Commission, representing the Fifth District
- 09-0103  
22. Reappointment  
Resolution reappointing Mike Runyan to the Fair and Exposition Board, representing the Fifth District

UNANIMOUS

7:53 Board adjourned to February 10, 2009.

Respectfully submitted,

Mary Thayer  
Secretary

I. GENERAL ADMINISTRATIVE SERVICES

COUNTY ADMINISTRATOR

8:52 Present: Peter Rumble, Administrative Analyst  
Rod Dole, Auditor-Controller-Treasurer-Tax Collector  
Cordel Stillman, Sonoma County Water Agency

23. AB 811 Informational Workshop  
Affirm direction to proceed with the development and implementation of an  
AB 811 energy efficiency and conservation program

Public Comment

Jake Mackenzie  
Ann Hancock, Climate Protection Campaign  
Ann Maurice, Ad-hoc Committee for Clean Water  
Colleen Fernald  
Alan Strachan  
Rue Furch  
Melissa Bastian, North Bay Association of Realtors

UNANIMOUS

10:07 Board recessed to closed session  
11:15 Board recessed to 2:00  
2:05 Board reconvened

Present: Robert Deis, County Administrator  
Steven Woodside, County Counsel

Report on Closed Session

1. Conference with Legal Counsel-Initiation of litigation pursuant to subdivision (c) of Section 54956.9 (Govt. Code Section 54956.9(c)). Not discussed.
2. Instruction to Legal Counsel-Anticipated litigation or Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (Govt. Code Section 54956.9(b)). No action taken.
3. Instruction to Real Property Negotiator - Property: Central Landfill, 500 Mecham Road, Petaluma, CA; Negotiating parties: For Seller: Phil Demery; For Buyer: To be determined; Under negotiation: Central Landfill and Transfer Stations (Govt. Code Section 54956.8). No action taken.

Report on Closed Session (Cont.)

4. Conference with Labor Negotiator (The Board of Supervisors, the Board of Directors of the Sonoma County Water Agency and the Board of Commissioners of the Community Development Commission) - Agency negotiator: Ann Goodrich; Employee organization: All; Unrepresented employee: All, including retired employees (Govt. Code Section 54957.6(b)). Withdrawn.

2:06 Permit and Resource Management Department  
Review and possible action on the following:

1. Acts and Determinations of Planning Commission/Board of Zoning Adjustments
2. Acts and Determinations of Project Review and Advisory Committee
3. Administrative Determinations of the Director of Permit and Resource Management

APPROVED

2:07 Public Comment opened  
Ernie Carpenter  
Peter Tscherneff  
Doug Millar  
Colleen Fernald  
Harvey Goldberg

2:24 Public Comment closed

2:24 A hearing to consider proposed amendments to the Sonoma County General Plan consisting of the following:

1. File No.: PLP05-0117  
Description: Request for: 1) a General Plan Amendment and Area Plan Amendment from LC (Limited Commercial) to Urban Residential, 11 Dwelling Units per acre on the rear single-family and multi-family portion of the site (2.58 acres); 2) a rezone of the same portion from LC (Limited Commercial), VOH (Valley Oak Habitat) to PC (Planned Community), VOH (Valley Oak Habitat); 3) a Major Subdivision into 34 lots (32 single family town home lots ranging in size from 1,530 square feet to 5,220 square feet; one lot of 12,690 square feet for an 8-unit apartment building and associated improvements and the church lot as a Designated Remainder); 4) a Use Permit for a Precise Development Plan (PDP); and 5) Design Review for the multi-family and town home use portions of the site. The existing church is proposed to remain.  
Env. Doc.: Mitigated Negative Declaration  
Location: 5146 Old Redwood Highway, Santa Rosa Dist.  
Sup. Dist.: Dist. #4 (Continued on next page)



2:24 A hearing to consider proposed amendments to the Sonoma County General Plan (Cont.)

Present: Jane Riley, Permit and Resource Management Department  
Jennifer Barrett, Permit and Resource Management Department  
Gregory Dion, Chief Deputy County Counsel

2:28 Public Hearing opened  
Mike Sass, Applicant  
Judy Ehret Straesser

2:32 Public Hearing closed

2:32 Gavel passed to Vice Chair Brown

09-0104

24. Resolution adopting a Mitigated Negative Declaration and approving the General Plan Amendment, Area Plan Amendment, Major Subdivision, Design Review, and a Precise Development Plan for a 34 lot subdivision, to allow 32 townhomes and a six-unit apartment project in addition to the existing church use, as requested by Olmsted and Associates, for owners Mike Sass and Clement Carinalli, for property located at 5146 Old Redwood Highway, Santa Rosa; APN 039-320-051

UNANIMOUS

Ordinance No. 5827

25. Ordinance amending the official zoning database of the County of Sonoma, adopted by reference by Section 26-02-110 of the Sonoma County Code, by reclassifying certain real property from LC (Limited Commercial), VOH (Valley Oak Habitat) district(s) to the PC (Planned Community), VOH (Valley Oak Habitat) district(s) for 2.58 acres located at 5146 Old Redwood Highway, Santa Rosa; APN 039-320-051

UNANIMOUS

2:35 Gavel passed to Chairman Kelley

2:35 Proposed amendments to the Sonoma County General Plan (Cont.)

2. File No.: PLP04-0046

Description: Request for: 1) a General Plan Amendment to change the land use designation on APN's 019-320-022 and 023 from Limited Commercial to Limited Industrial; 2) a General Plan Text Amendment; 3) an Area Plan Amendment to the Petaluma Dairy Belt Area Plan to change the land use designation on the above parcels from Limited Commercial to Limited Industrial; 4) a Zone Change on these same parcels from LC (Limited Commercial), HD (Historic District), SR (Scenic Resources), SD (Scenic Design), F2 (Floodplain) to M3 (Limited Rural Industrial), SR (Scenic Resources), SD (Scenic Design), F2 (Floodplain); 5) a Use Permit for an asphalt batch plant, aggregate distribution facility and recycling operation with a maximum output of 665,000 tons per year; and 6) a Design Review Permit for a new industrial operation along a scenic corridor and in a scenic design area on three parcels totaling 38 acres.

Env. Doc.: Environmental Impact Report

Location: 3355 Petaluma Boulevard South, Petaluma

Sup. Dist.: Dist. #2

Present: Steve Padovan, Permit and Resource Management Department  
Jennifer Barrett, Permit and Resource Management Department  
Jeff Brax, Deputy County Counsel

Speaker: Jeff Riley, Consultant  
Brian Bateman, Bay Area Air Quality Management District

3:04 Public Hearing opened

Amy Dutra

Al Cornwell, representing Dutra Group

Amy Dutra

Pam Torliatt, Mayor, City of Petaluma

Duane Bellinger

Joan Cooper, Friends of Shollenberger Park

David Keller, Petaluma River Council

Richard Drury, representing Petaluma River Council

Jane Hamilton

Bob Dyer, Docent, Shollenberger Park

Mike Orton, Trout Unlimited

Bill Kortum

Steve Geney, North Bay Construction

Gerald Moore

Proposed amendments to the Sonoma County General Plan (Cont.)  
File No.: PLP04-0046 (Cont.)

4:03 Board recessed for five minutes

4:12 Board reconvened

Public Hearing (Cont.)

Sylvia Ross

Richard Ghilotti, Ghilotti Construction

Bill Forbes, Petaluma Tomorrow

David Woodbury

Alan Pendley, Consulting Chemist

Katherine Canto

Les Goldner

Damon Calegari

Melissa Abercrombie, Petaluma Neighborhood Association

Charlie Whitney

Doris Wall

Beverly Alexander

Carrie Enright

Sam Dolcini

Sherry \_\_\_\_\_

Willie McDevitt, President, North Coast Builders Exchange

Ned Orrett

Steve Birdlebough, Sierra Club

Tom Brown, North Bay Rowing Club

Wayne Clark

Tora, Petaluma

Sarah Gibson

David Lipcus

Jerry Price

Helen Heald, Docent, Shollenberger Park

Sherrri Fabre-Marcia, Petalumans for Responsible Planning

John Richards, Docent, Shollenberger Park

Doug Hamilton, Oak Grove Construction

The testimony of the following individuals was not recorded due to a problem with the audio tape equipment.

J. Milner

Lorena Fisher, Northern California Engineering Contractors Association

Ted Eliot, PRBO Conservation Science

Paul Donaldson

Victor Chechanover

Kevin Cotter, Tell the Truth

Janie Castles

Jason Davies

(Continued on next page)

Public Hearing (Cont.)

Katherine Walker

Dale Axelrod

Elena Bariston

Ken Freeman, Barge company

Peter Zoeller, Azure at Lakeville Square

Mike O'Brien

Nancy Sasser, Sonoma County Heritage Network

Cynthia Murray, President/CEO, North Bay Leadership Council

Dave Yearsley, Friends of the Petaluma River

6:05 Board recessed for a five minute break

6:10 The problem with the audio tape equipment was resolved.

6:13 Board reconvened

Public Hearing (Cont.)

Dave Hainer, Operating Engineers

Doug Emery, Teacher

Henry Bergman

Donna Norton

Susan Baratell

Susan Kirks, Docent, Shollenberger Park

Margie \_\_\_\_\_

Dennis Rosatti, Executive Director, Sonoma County Conservation League

Stephen Lohan

Holly Harman

Camille \_\_\_\_\_

Michelle \_\_\_\_\_

Sherry Taylor

Beverly Schenk

Kaye Chandler

Mike Riley

Harvey Goldberg

Amy Dutra

7:01 Public Hearing closed

Proposed amendments to the Sonoma County General Plan (Cont.)  
File No.: PLP04-0046 (Cont.)

The Board directed staff to make a number of modifications to the Conditions of Approval including: 1) the drum mixer and burner portion of the plant must be enclosed and a ventilation and filtration system must be constructed within the enclosure; 2) mooring of barges and tugs must not create a hazard to other vessels and the channel must remain navigable; 3) condition 71 to be amended to allow operation on weekends or nighttime hours only when asphalt is being provided for state and municipal projects; 4) condition 80 to be amended to add that the exterior lighting plan is to be prepared by a qualified lighting consultant and ground fog is to be taken into consideration when choosing lighting fixtures; 5) condition 83 to be amended to require substantial screening on the berm to prevent (as much as possible) the plant from being seen from Highway 101; 6) condition 133 to be amended to require four inspections annually (at applicant's expense, by a consultant retained by the County) for a period of at least five years, and should any system malfunction or failure occur, the plant will be shut down immediately until repairs are completed; and 7) the project to be subject to review by the Board after one year of operation to consider any necessary modifications to the use permit.

Straw vote:

Resolution approving 1) a General Plan Amendment; 2) a General Plan Text Amendment; 3) an Area Plan Amendment to the Petaluma Dairy Belt Area Plan; 4) a Zone Change; 5) a Use Permit for an asphalt batch plant, aggregate distribution facility and recycling operation; and 6) a Design Review Permit for a new industrial operation along a scenic corridor and in a scenic design area s on three parcels totaling 38 acres, as modified, for property located at 3355 Petaluma Boulevard South, Petaluma

AYES: Brown, Kelley, Carrillo, Kerns  
NOES: Zane

09-0105

26. Resolution continuing the decision on a request for 1) a General Plan Amendment; 2) a General Plan Text Amendment; 3) an Area Plan Amendment to the Petaluma Dairy Belt Area Plan; 4) a Zone Change; 5) a Use Permit for an asphalt batch plant, aggregate distribution facility and recycling operation; and 6) a Design Review Permit for a new industrial operation along a scenic corridor and in a scenic design area s on three parcels totaling 38 acres, as modified, for property located at 3355 Petaluma Boulevard South, Petaluma (File No.: PLP04-0046) to March 24, 2009 at 8:30 a.m.

UNANIMOUS

- 7:53 To consider a resolution approving the 2009 Update to the Sonoma County Water Agency Design and Construction Standards for Sanitation Facilities and introduction for adoption amendments to the Sanitation Ordinances of the Sonoma County Water Agency (Ordinance Nos. 28 and 43), South Park County Sanitation District (Ordinance Nos. 47 and 60) Occidental County Sanitation District (Ordinance Nos. 53 and 66), Russian River County Sanitation District (Ordinance Nos. 47 and 60), Sonoma Valley County Sanitation District (Ordinance Nos. 56 and 70) to 1) set an order of precedence for definitions; 2) modify and/or relocate existing definitions and add new definitions; 3) modify Section 3.09 title; 4) clarify Section 3.09.A.6; 5) add new Section 3.09.A.7 to codify exception for commercial office condominiums and provide for reimbursement of staff costs for processing exception; and 6) correct Section references in Sections 3.07, 3.08, 3.19.B, and 4.17

Present: Jeff Brax, Deputy County Counsel

09-0106

27. Resolution continuing the public hearing to consider a resolution approving the 2009 Update to the Sonoma County Water Agency Design and Construction Standards for Sanitation Facilities and introduction for adoption amendments to the Sanitation Ordinances of the Sonoma County Water Agency (Ordinance Nos. 28 and 43), South Park County Sanitation District (Ordinance Nos. 47 and 60) Occidental County Sanitation District (Ordinance Nos. 53 and 66), Russian River County Sanitation District (Ordinance Nos. 47 and 60), Sonoma Valley County Sanitation District (Ordinance Nos. 56 and 70) to March 3, 2009 at 2:30 p.m.

UNANIMOUS

7:53 p.m. Board adjourned to February 10, 2009 at 8:30 a.m.

Respectfully submitted,

Mary Thayer  
Secretary