

**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



**Wednesday February 18, 2015
5:30 p.m. Closed Session (Special Meeting)
6:00 p.m. Regular Meeting**

AGENDA

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

Be Courteous - **TURN OFF** your cell phones and pagers while the meeting is in session.

5:30 P.M. – SPECIAL MEETING - CLOSED SESSION AGENDA

1. CALL TO ORDER

The Mayor will open the meeting and take public testimony on closed session items only. The Council will then recess into closed session.

2. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, pursuant to Cal. Gov't Code section 54956.9(d)(2). One potential case. This matter involves the County of Sonoma's threat to initiate litigation against the City to recover the costs of remediating and monitoring the closure of the County's Central Landfill.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, pursuant to Cal. Gov't Code sections 54956.9(d)(1) and 54956.96. Name of Case: Renewed Efforts of Neighbors Against Landfill Expansion vs. County of Sonoma, Sonoma Compost Company, Sonoma County Waste Management Agency, Case 3:14-cv-03804-THE. The City's representative on the Sonoma County Waste Management Agency (SCWMA) (a joint powers agency) shall be discussing with the City Council and City Attorney confidential information concerning the financial and liability implications of this case to the City of Sonoma.

6:00 P.M. – REGULAR MEETING AGENDA

RECONVENE, CALL TO ORDER & PLEDGE OF ALLEGIANCE

ROLL CALL (Edwards, Gallian, Hundley, Agrimonti, Cook)

REPORT ON CLOSED SESSION

1. COMMENTS FROM THE PUBLIC

At this time, members of the public may comment on any item not appearing on the agenda. It is recommended that you keep your comments to three minutes or less. Under State Law, matters presented under this item cannot be discussed or acted upon by the City Council at this time. For items appearing on the agenda, the public will be invited to make comments at the time the item comes up for Council consideration. Upon being acknowledged by the Mayor, please step to the podium and speak into the microphone. Begin by stating and spelling your name.

2. MEETING DEDICATIONS

3. PRESENTATIONS – None Scheduled

4. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL

All items listed on the Consent Calendar are considered to be routine and will be acted upon by a single motion. There will be no separate discussion of these items unless members of the Council, staff, or public request specific items to be removed for separate action. At this time Council may decide to change the order of the agenda.

Item 4A: Waive Further reading and Authorize Introduction and/or Adoption of Ordinances by Title Only. (Standard procedural action - no backup information provided)

Item 4B: Approval of the Minutes of the February 2, 2015 City Council meeting.
Staff Recommendation: Approve the minutes.

Item 4C: Consideration and Possible Action to Direct Mayor to Open Negotiations with City Manager for a Successor Employment Agreement.
Staff Recommendation: Authorize the Mayor to initiate discussions with City Manager and open negotiations for a successor agreement to be effective July 1, 2015.

Item 4D: Approval and ratification of the appointment of Ron Wellander to the Planning Commission.
Staff Recommendation: Approve and ratify the appointment.

Item 4E: Approval and ratification of the appointment of Robert McDonald to the Planning Commission as the Alternate Commissioner.
Staff Recommendation: Approve and ratify the appointment.

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

All items listed on the Consent Calendar are considered to be routine and will be acted upon by a single motion. There will be no separate discussion of these items unless members of the Council, staff, or public request specific items to be removed for separate action. At this time Council may decide to change the order of the agenda.

Item 5A: Approval of the portions of the Minutes of February 2, 2015 City Council meeting pertaining to the Successor Agency.
Staff Recommendation: Approve the minutes.

Item 5B: Adoption of the FY 15-16A Recognized Obligation Payment Schedule [ROPS] for the period July 1, 2015 through December 31, 2015.
Staff Recommendation: Approve the ROPS for the period July 1, 2015 through December 31, 2015 as submitted for presentation to the Oversight Board on February 25th.

6. PUBLIC HEARINGS

Item 6A: Discussion, consideration and possible action to update City Fee Schedule based on FY 2014-15 Operating Budget. (City Manager)
Staff Recommendation: Conduct Public Hearing and adopt resolution approving the updated Fee Schedule for 2014-15.

Item 6B: Discussion, consideration and possible action on an ordinance amending the Development Code by prohibiting Automated Purchasing Machines in the City of Sonoma. (Planning Director)
Staff Recommendation: Introduce the ordinance.

7. REGULAR CALENDAR – CITY COUNCIL

(Matters requiring discussion and/or action by the City Council)

- Item 7A:** Discussion, consideration and possible action on the renewal of the lease of the Youth Center Building located at 136 Mission Terrace to the Valley of the Moon Nursery School. (Development Services Director / Building Official)
Staff Recommendation: Authorize the City Manager to execute the proposed lease with the Valley of the Moon Nursery School.
- Item 7B:** Discussion, consideration, and possible action to approve a proposed amendment to the City Watersheds Proposition 1E Grant for Drainage Improvements along First St. West between West Spain St. and Depot Park. (Public Works Director/City Engineer)
Staff Recommendation: Receive presentation and approve a proposed drainage improvement option.
- Item 7C:** Discussion, consideration and possible action to authorize correspondence to the Sonoma County Board of Supervisors indicating the City’s opposition to the proposed fluoridation program, requested by Mayor Cook. (City Manager)
Staff Recommendation: Council discretion.

8. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

(Matters requiring discussion and/or action by the Council as the Successor Agency)

9. COUNCILMEMBERS’ REPORTS AND COMMENTS

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

11. COMMENTS FROM THE PUBLIC

12. ADJOURNMENT

I do hereby certify that a copy of the foregoing agenda was posted on the City Hall bulletin board on February 12, 2015. Gay Johann, Assistant City Manager/City Clerk

Copies of all staff reports and documents subject to disclosure that relate to any item of business referred to on the agenda are normally available for public inspection the Wednesday before each regularly scheduled meeting at City Hall, located at No. 1 The Plaza, Sonoma CA. Any documents subject to disclosure that are provided to all, or a majority of all, of the members of the City Council regarding any item on this agenda after the agenda has been distributed will be made available for inspection at the City Clerk’s office, No. 1 The Plaza, Sonoma CA during regular business hours.

If you challenge the action of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described on the agenda, or in written correspondence delivered to the City Clerk, at or prior to the public hearing.

In accordance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (707) 933-2216. Notification 48-hours before the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.



CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 4B

Meeting Date: 02/18/2015

Department

Administration

Staff Contact

Gay Johann, Assistant City Manager/City Clerk

Agenda Item Title

Approval of the Minutes of the February 2, 2015 City Council meeting.

Summary

The minutes have been prepared for Council review and approval.

Recommended Council Action

Approve the minutes.

Alternative Actions

Correct or amend the minutes prior to approval.

Financial Impact

N/A

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

Minutes

Alignment with Council Goals: N/A

cc: N/A

**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, February 2, 2015
5:15 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

SPECIAL MEETING - CLOSED SESSION

1. CALL TO ORDER

Mayor Cook called the meeting to order at 5:15 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 and City Attorney Walter were also present.

2. CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS, pursuant to Government Code Section 54956.8. Property: Sebastiani Theater, 476 First Street East, Sonoma. Agency negotiators: City Attorney Walter and City Manager Giovanatto. Negotiating parties: Sebastiani Building Investors, Inc. Under Negotiation: Price and terms of lease and/or purchase.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, pursuant to Cal. Gov't Code section 54956.9(d)(2). One potential case. This matter involves the County of Sonoma's threat to initiate litigation against the City to recover the costs of remediating and monitoring the closure of the County's Central Landfill.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, pursuant to Cal. Gov't Code sections 54956.9(d)(1) and 54956.96. Name of Case: Renewed Efforts of Neighbors Against Landfill Expansion vs. County of Sonoma, Sonoma Compost Company, Sonoma County Waste Management Agency, Case 3:14-cv-03804-THE. The City's representative on the Sonoma County Waste Management Agency (SCWMA) (a joint powers agency) shall be discussing with the City Council and City Attorney confidential information concerning the financial and liability implications of this case to the City of Sonoma.

REGULAR MEETING

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

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

OTHERS PRESENT: City Manager Giovanatto, Assistant City Manager/City Clerk Johann, City Attorney Walter, Associate City Attorney Pistole, Planning Director Goodison

REPORT ON CLOSED SESSION

Mayor Cook reported that no action had been taken on the first two closed session matters listed above and Council had provided direction to its representative on the Sonoma County Waste Management Agency Board regarding the third matter listed.

1. COMMENTS FROM THE PUBLIC

Yvonne Bowers, Sonoma Valley Woman's Club, announced that the Woman's Club House had just been placed on the National Register of Historic Places and she thanked the Council for their support in achieving that milestone. Jean Miller reported that the Sonoma Valley Woman's Club was formed in 1901 by concerned women fighting for beautification and community enrichment in the town of Sonoma. They constructed the Club House, located at 574 First Street East, in 1916.

Jack Wagner stated that Sonoma Clean Power should follow in the footsteps of Marin which incorporated Napa County into their system by incorporating Lake and Mendocino Counties.

Lin Marie DeVincent stated that the Mobilehome Park Tri Park Committee had been working on revisions to the rent stabilization ordinance for five years and were anxious to see the Council consider take the matter into consideration. She inquired if the minutes to City Council Closed Session meetings were available to the public.

Phoenix Featherstone reported numerous issues with the management of the dog park on First Street West and suggested the City Council cancel the lease with Sonoma Dog Park Association.

Responding to Ms. DeVincent, City Attorney Walters stated that the City did not prepare minutes of Council Closed Session meetings and even if it did; they would remain confidential. He then explained the exceptions to the Brown Act, which allow Council to conduct Closed Session meetings.

2. MEETING DEDICATIONS - None

3. PRESENTATIONS – None Scheduled

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 13, 2014 and January 7, 2015 City Council meetings.
- Item 4C:** Approval of the appointment of Councilmember Agrimonti as the City Council representative on the Sonoma County Health Action and Sonoma Valley Roundtable.

Item 4D: Approve the Notice of Completion for the 2014 Road Rehabilitation and Water Services Replacement Project No. 1401 Constructed by Argonaut Constructors and Direct the City Clerk to File the Document.

Item 4E: Resolution authorizing an application to the National Advisory Council on History Preservation for designation as a “Preserve America” community.

Councilmember Agrimonti noted that she was not present at the November 13, 2014 meeting and corrected the title of item 4C to read “Sonoma Valley Health Roundtable”. Clm. Hundley stated she was not present at the November 2014 meeting either. A brief discussion was held with Council reaching a consensus that it was okay for Councilmembers not present at the November meeting to vote on the minutes.

Mayor Cook invited comments from the public. Pat Cullinan expressed her support for Item 4E and thanked the Council for assisting with the application.

It was moved by Clm. Gallian, seconded by Clm. Edwards, to approve the consent calendar as corrected. The motion carried unanimously.

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

Item 5A: Approval of the portions of the Minutes of November 13, 2014 and January 7, 2015 City Council meetings 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. Hundley, to approve the consent calendar as presented. The motion carried unanimously.

Planning Director Goodison was excused from the meeting.

6. PUBLIC HEARING – None Scheduled

7. REGULAR CALENDAR – CITY COUNCIL

Item 7A: Discussion, consideration and possible action to authorize Valley of the Moon Certified Farmers’ Market to continue management of the Tuesday Night Farmers’ Market in the Plaza for a term to be decided by the City Council.

Clm. Hundley stated that because she was a vendor at last year’s Farmers’ Market and had applied to be a vendor again this year, she had a financial conflict of interest and as such, would recuse from this item. She stepped down from the dais and left the room.

City Manager Giovanatto reported that the Tuesday Night Farmers’ Market on the Plaza had been managed by the Valley of the Moon Certified Farmers’ Market (VOMCFM), a nonprofit organization, since 2011. They were first granted management authority by the City Council in December 2010 when they submitted a proposal in response to the City’s Request for Proposals for Market Management. She stated that specific details of the market would be considered and decided upon by the Community Services and Environment Commission (CSEC) upon submittal of a Plaza Use Permit application. When VOMCFM initially took over

management of the market, the CSEC had established a subcommittee to monitor the activities of the new market and their compliance with the conditions of approval. Because of the extraordinary cooperation and successful management of the market demonstrated by VOMCFM, CSEC recently disbanded the subcommittee because they felt that level of stringent monitoring of the event was no longer necessary. Giovanatto stated that in their proposal VOMCFM had requested that Council grant them a six-year term of management continuing through the 2020 season and that while staff supported renewal of the management authorization, it felt the term should be at Council's discretion.

Mayor Cook invited comments from the public. VOMCFM President Bill Dardon and Market Manager Chris Welch addressed the Council stating they would be more than happy to answer any questions Council may have. Mr. Dardon stated they were looking forward to another successful market and explained their request for a six-year extension would make it easier for both the market and the vendors to plan ahead and coordinate all the various components of the market. He stated they would continue to submit annual reports to the City which would include a report on the past year and plans for the following year.

Cllm. Edwards stated that one of his concerns was security and asked how VOMCFM would address that issue. Mr. Dardon stated that they had already met with Chief Sackett and worked out an agreement for services for the upcoming year. He said that he and market staff were equipped with walkie-talkies and also patrol the park. In response to questions by Cllm. Edwards, Mr. Dardon provided the following information: The market had fifty-one vendors when they took over and now it fluctuates with the season but average between fifty-five and sixty. About a third of the vendors were farmers, a third were ready-to-eat food vendors, and a third were artisans and service providers.

Cllm. Gallian stated she had seen an incredible transition from where the market was to where it was today. She said she had total confidence in VOMCFM; adding that they had responded to complaints, developed an online presence and complied with all the details and conditions the City had placed on them. She inquired what the market's goals were. Mr. Dardon responded that first and foremost they were a Farmers' Market and they intended to keep the market pretty much the same but were always looking for ways to improve it. He said they were a "start-up" market, providing a venue for entrepreneurs to start their businesses and noted that a few of the vendors had been picked up by the Whole Foods grocery store. They did not plan to add any additional music but would keep the weekly music in the horseshoe and the busking area for the youth. Mr. Welch added that Sonoma Valley Vintners and Growers Association had tested out a wine tasting booth towards the end of the last season and he thought they would be coming back again.

In response to a question by Cllm. Agrimonti, Mr. Dardon stated that they would be increasing booth rents for the first time in four years. The increase would be minimal and the Board did not feel it would negatively affect the vendors. Mr. Dardon explained the set-up and security for the wine tasting booth.

Cllm. Edwards inquired about attendance. Mr. Dardon stated that the attendance at last year's opening was approximately fifteen hundred and the average weekly attendance was between nine hundred and a thousand. Cllm. Edwards asked what they were doing to accommodate people with disabilities. Mr. Welch responded that there was one handicap parking space at the entrance to the Plaza. He added that he makes sure that all the pathways and sidewalks were clear with no obstructions. Cllm. Edwards inquired if they had surveyed or talked to restaurants and businesses about the effect of the market on them. Mr. Welch stated they had not

performed any surveys however they had heard from a few businesses and they encouraged input from everyone. Mr. Dardon stated that he had heard from the owners of The Swiss Hotel, and Murphy's Irish Pub that they get really busy after the market closes. Clm. Edwards inquired how many of the vendors were from Sonoma Valley. Mr. Welch stated that the vendor selection process was heavily oriented toward local businesses; and about half of the ready-to-eat food vendors were local.

Jack Wagner stated he was a huge supporter of the market and agreed with extension of their agreement.

CIm. Edwards stated he would support a two-year extension of the management authority. Clm. Agrimonti agreed. Clm. Gallian stated they had proved themselves and she would like to see a three-year extension with the ability to renew for another three years. She said the continuity would mean a lot to the vendors and it would boost vendor retention. Mayor Cook stated he totally supported VOMCFM and could go with either two or three years.

It was moved by Clm. Edwards, seconded by, Clm. Agrimonti, to authorize Valley of the Moon Certified Farmers' Market to continue management of the Tuesday Night Farmers' Market in the Plaza for an additional two year term. The motion carried unanimously, Hundley absent.

CIm. Hundley returned to the dais.

Item 7B: Discussion, consideration and possible action relating to establishment of a Tobacco Retailer's Licensing program.

City Manager Giovanatto reported that in mid-2014, the Council opened the discussion of establishing a Tobacco Retailers Licensing (TRL) program within the City limits of Sonoma as an outcome of a presentation by the American Lung Association on the potential options and impacts related to the regulation of smoking in Sonoma. The regulation of tobacco retailers was the first step in an effort to reduce the sales of tobacco and smoking paraphernalia to minors. Working collaboratively with the City Attorney, members of the public health community, and with ChangeLab Solutions staff presented a draft of the TRL ordinance to Council for a brief introduction in October 2014. Due to the proximity of the election and the potential major change in Councilmembers, the draft ordinance was tabled until the new Council was seated.

City Manager Giovanatto stated that staff was seeking Council direction on certain specific sections of the draft ordinance prior to the formal introduction of the ordinance at a future meeting. As drafted, the ordinance would implement a program requiring tobacco retailers to obtain a Tobacco Retailer License from the City in addition to any other license required under the Municipal Code and State law. The license fees collected under the program will fund the compliance monitoring program, which will include a youth decoy sting operation coordinated by the Police Chief and Sheriff's Department.

Mayor Cook invited comments from the public. Jill Whitham, a cancer survivor, stated that cancer was the leading cause of death and she supported the ordinance and anything that would discourage children from smoking.

Pam Granger, American Lung Association of California (ALAC), stated that the TRL ordinance would reduce youth uptake into smoking. She stated that the ALAC released their annual report card last week and the City of Sonoma continued to have an F because it had not updated its policy since the mid-nineties.

Elizabeth Emerson, a public health worker, stated that over a hundred communities had enacted similar ordinances. She reported that TRL ordinances resulted in a decrease from 46% to 5% in youth purchase rates and commended the City Council for moving forward with the ordinance.

Mary Jo Williams, Tiffany Neff, Henry Mathis and Ted Sexauer spoke in favor of the ordinance.

By a straw poll, Associate City Attorney Pistole determined that the Council was unanimously in favor of moving forward with the TRL ordinance. She then led the Council through a list of optional elements of the ordinance and responded to their questions. By unanimous consensus, Council decided to: 1) Include e-cigarettes in the restrictions; 2) To grandfather in all existing businesses that sell tobacco and allow the license to be transferred upon the sale of the business provided it stays in the same location; and 3) To not allow any new tobacco retailers. The Council requested staff to further research the following issues and report back to them: 1) Raising the minimum purchasing age. 2) Cigars - both flavored and unflavored and how they should be packaged. 3) Advertisement restrictions. Attorney Pistole stated she had enough direction from Council to modify the ordinance and would bring it back for further review at a future meeting.

Item 7C: Discussion and Consideration of the 2014-15 City Council GOALS Progress Report.

City Manager Giovanatto reported that the City Council met on May 5, 2014 and established their 2014-15 goals. The seven GOALS established included thirty-one key elements which defined the work areas. She stated that the GOALS were used as guiding principles for Department Managers in preparing the 2015 City Budget and were used by all staff as a road map of priorities for the fiscal year. She stated that staff had prepared a progress report to provide Council and the public written validation that the direction provided by Council was being implemented and that the progress report demonstrated that the City remained focused on accomplishing the GOALS as set forth by the City Council.

Mayor Cook asked if the goals could be placed in priority order instead of alphabetical. Clm. Gallian commended staff for tying all their projects to Council's goals. She stated it was easy to see a return on the investment. Clm. Gallian added that she would like to see some public dialog. Clm. Hundley thanked staff and said she was looking forward to the next goal setting session. Clm. Edwards complimented the attitude and sincerity of staff. He felt the goals had equal weight and felt the way they were laid out was fine. He stated that the Community Center or one of the schools would be a better forum to conduct a town hall meeting.

Mayor Cook invited comments from the public. Chris Ashan suggested Council consider an impact free on all new housing projects to help address the affordable housing problem.

Item 7D: Discussion, Consideration and Possible Action to Set a Work Session for 2015-16 City Council Goal-Setting.

City Manager Giovanatto described the process that had been successfully utilized the prior two years in the development of Council goals and requested that they consider setting aside a few hours for an afternoon session to formulate the 2015-16 Council goals. By unanimous consensus Council decided to conduct the session on March 25, 2015 at 2:00 p.m.

Item 7E: Discussion, Consideration and Possible Action on the Potential County Movement to Seek Legislation to Increase the Sales Tax Cap by 2.5%.

City Manager Giovanatto reported that the SCTA/RCPA Board recently discussed a potential movement by the Board of Supervisors to seek legislative action to increase the County sales tax cap by 2.5% (from 9.5% to 12%). Due to the upcoming County Roads Maintenance sales tax measure and the decreasing capacity remaining in some areas Countywide, the need for an increase may be necessary. In discussions with Suzanne Smith, Executive Director of SCTA, she noted that the increase would not impact the proposed County Roads Tax measure but would affect other taxing entities if they go out for a future tax increase because there would not be capacity for additional taxes. Giovanatto stated that some members of the SCTA commented that their Councils had not discussed any position on increasing the County sales tax cap since no information had come forth requesting such consideration. It was suggested that the discussion of whether the City Council may support legislation to increase the Countywide Sales Tax Cap to a maximum of 12% be brought forward to give the City's SCTA representative, Councilmember Gallian, direction for the next SCTA legislative agenda item.

Clm. Gallian stated that this was introduced at the last SCTA meeting and the boardmembers felt they should obtain direction from their prospective Council's before weighing in. Clm. Agrimonti commented that the size and number of the bound printed documents sent out by SCTA was deplorable.

Mayor Cook invited comments from the public. Ted Sexaeur asked why they were targeting income tax. He said that low-income people paid a higher percentage of their income than those with high-income.

Clm. Edwards stated this was more like a lobbying effort than anything else and he felt it was a waste of Council's time. Clm. Hundley stated she would not want to make a decision without more information. Mayor Cook and Clm. Edwards stated they would not support it. It was moved by Clm. Gallian, seconded by Clm. Agrimonti, to not support the proposal. The motion carried unanimously.

Item 7F: Discussion, consideration and possible action providing direction to the Mayor regarding the City's vote on appointments by the City Selection Committee and the Sonoma County Mayors' and Councilmembers' Association at their February 12, 2015 meetings.

City Manager Giovanatto reported that the Sonoma County Mayors' and Councilmembers' Association would hold its first regular meeting of 2015 on February 12, 2015 in Petaluma. The evening would include a meeting of the City Selection Committee, the Association Board of Directors and the General Membership. She stated that Mayor Cook served as the City's representative on the City Selection Committee and the Association Board of Directors and as such would be voting on various appointments of the boards along with representatives from the other Sonoma County cities. She reviewed the list of appointments and names of applicants and stated that because there was not a letter of interest received for the opening on the Remote Access Network (RAN) Board by the deadline, the Council may wish to authorize Mayor Cook to vote using his own discretion if a nomination is made from the floor at the Board meeting.

The public comment period was opened and closed with none received. Councilmembers went through the list and agreed which applicants they would support. In the instances where there

was just one applicant, they supported the applicant. In the following cases, where there were more applicants than positions, they supported: Sam Salmon and Gabe Kearney for the Airport Land Use Commission; Chris Albertson for the North Bay LOCC Executive Board Alternate; and Carol Russell and Jake Mackenzie for the Sonoma Marin Area Rail Transit Board. It was moved by Clm. Gallian, seconded by Clm. Edwards, to ratify the appointments and to authorize the Mayor to vote using his own discretion if a nomination was made from the floor for the vacant position on the Remote Access Network Board. The motion carried unanimously.

8. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

9. COUNCILMEMBERS' REPORTS AND COMMENTS

Clm. Edwards reported that he attended the Cittaslow meeting and they would be regrouping. He also mentioned that it was nice to see all the Councilmembers at the Alcalde reception.

Clm. Agrimonti reported that she toured the central landfill site and compost operation and that she was holding office hours every Tuesday between eleven and twelve.

Clm. Hundley reported attendance at the SVCAC, SV Economic Development Steering Committee, and Library Advisory Board meetings. She stated she was available and invited people to call her.

Clm. Gallian reported on the LOCC New Mayor and Councilmembers Conference, the LOCC North Bay and the SCTA meetings.

Mayor Cook reported that the Facilities Committee met and discussed the Youth Center lease.

Clm. Gallian requested that the issue of leafblowers be on a future agenda.

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

City Manager Giovanatto reported a public meeting would be held February 4 to obtain input from the public on alternative measures for reducing the flooding on First Street West and that the Police Department would be conducting a free public seminar regarding how to prevent identity theft on February 7.

11. COMMENTS FROM THE PUBLIC

Patricia Cullinan, Sonoma League for Historic Preservation, reported receipt of a grant to install wayfinding signage along the bike path that would direct people to the museum, Vallejo's home, etc.

Jack Wagner stated that the Board of Supervisors had earmarked ten percent of their sales tax increase for public transportation and he would be asking the City to also set aside a portion of what it receives.

12. ADJOURNMENT

The meeting was adjourned at 8:53 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 day of 2015.

Gay Johann
Assistant City Manager / City Clerk



CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 4C

Meeting Date: 02/18/2015

Department

Administration

Staff Contact

Carol E. Giovanatto, City Manager

Agenda Item Title

Consideration and Possible Action to Direct Mayor to Open Negotiations with City Manager for a Successor Employment Agreement

Summary

On December 13, 2010, the City Council appointed me to the position of City Manager for the City of Sonoma, renewing my employment agreement again on December 12, 2013 for a term through June 30, 2015. As stated in the City Manager's Employment Agreement, *"At least thirty [30] days prior to the end of the term of the Agreement, the City Council shall give Employee written notice stating whether the City Council intends to allow the agreement to expire without renewing its term or to extend the term of the agreement. If the City Council states that it desires to extend or renew the term of the agreement, it shall do so conditionally, stating that any such extension or renewal shall be subject to the parties reaching agreement on the terms and conditions of any such extension or renewal, and inviting Employee to discuss any such terms and conditions with the Mayor as soon as it is practicable, with the object of reaching agreement."* In keeping with the terms of the City Manager agreement, Council should direct the Mayor to open negotiations for a successor agreement to be effective July 1, 2015.

Recommended Council Action

Authorize the Mayor to initiate discussions with City Manager and open negotiations for a successor agreement to be effective July 1, 2015.

Alternative Actions

Council discretion.

Financial Impact

N/A

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
 - No Action Required
 - Action Requested
-

Attachments:

CITY MANAGER CONTRACT

Alignment with Council Goals:

The City Manager is the conduit through which Council Goals are accomplished. *To provide sound municipal leadership in a manner that ensures Sonoma remains a safe, health & vibrant community.*

cc:



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 4D

Meeting Date: 02/18/2015

Department

Administration

Staff Contact

Gay Johann, Assistant City Manager/City Clerk

Agenda Item Title

Approval and ratification of the appointment of Ron Wellander to the Planning Commission.

Summary

The Planning Commission consists of 7 members and one alternate who serve at the pleasure of the City Council. Commissioners may serve for a total of eight years (Two-year term, Four-year term, Two-year term). Seven members and the alternate must reside within the City limits.

Vacancies occurred on the Planning Commission in November and December when Gary Edwards was elected to the City Council and Commissioner Tippell resigned due to a relocation outside the City limits. On December 15, 2014, Council appointed Alternate Cribb to fill one of the vacancies leaving one regular position and the alternate position open.

Fourteen applications were submitted in response to the advertised vacancies. Mayor Cook and Councilmember Edwards interviewed thirteen applicants (one applicant withdrew prior to interviews) and have nominated Ron Wellander for appointment to the Planning Commission for an initial two year term.

Recommended Council Action

Approve and ratify the reappointment.

Alternative Actions

Council discretion.

Financial Impact

N/A.

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
 - No Action Required
 - Action Requested
-

Attachments:

Application of Ron Wellander

cc:

Ron Wellander via email



CITY OF SONOMA

COMMISSION APPLICATION



NAME: RON WELLMAN

ADDRESS: 1149 NEIL COURT SONOMA, CA 95470

MAILING ADDRESS: 1149 NEIL COURT SONOMA, CA 95470

CONTACT INFO (Please include daytime & evening phone numbers and email address):

707.480.2748 rww1149@stgglobal.net

707.935.0477

COMMISSION OF INTEREST: PLANNING COMMISSION

HAVE YOU EVER ATTENDED A MEETING OF THIS COMMISSION? YES HOW MANY? 9

If you are not selected for the commission listed above, would you be interested in serving on any of our other commissions? If so, please indicate which commission(s):

No

HOW MANY YEARS HAVE YOU RESIDED IN SONOMA? 29 YEARS

PRESENT OCCUPATION: LANDSCAPE ARCHITECT

EDUCATION

SCHOOL	MAJOR	GRADUATION DATE & DEGREE
CAL STATE UNIVERSITY STANISLAUS	HISTORY	1977 BA IN HISTORY
CAL PLY SAN LEWIS ORESTES	LANDSCAPE ARCHITECTURE	1981 BS IN LANDSCAPE ARCHITECTURE

COMMUNITY SERVICE EXPERIENCE

ORGANIZATION	DATES SERVED	POSITION
DESIGN REVIEW COMMISSION	FOR 6 YRS IN THE 1970'S	MEMBER & CHAIRMAN
SONOMA TREE COMMITTEE	c 1988-90	MEMBER
SONOMA MENTORING ALLIANCE	2005 - 2012	MENTOR
SONOMA SEVERE WEATHER SHELTER	Nov 2014 & going	HOST

(Use additional paper if necessary)

OTHER RELEVANT EXPERIENCE OR EXPERTISE: ^{LICENSED} AS A PRACTICING LANDSCAPE ARCHITECT FOR OVER 22 YEARS AND A LICENSED LANDSCAPE CONTRACTOR SINCE 1970

WHAT IS YOUR UNDERSTANDING OF THE ROLE AND RESPONSIBILITY OF THIS COMMISSION?

USING THE GENERAL PLAN AS THE GUIDE, REVIEW AND COMMENT ON PROPOSED PROJECTS BROUGHT TO THE CITY FOR CONSIDERATION

WHICH ACTIVITIES OF THIS COMMISSION INTEREST YOU THE MOST? HAVING THE

OPPORTUNITY TO CONTRIBUTE TO THE CHANGING FABRIC OF OUR COMMUNITY.

WHICH ACTIVITIES INTEREST YOU THE LEAST? MEETINGS THAT GO BEYOND

MIDNIGHT.

WHAT WOULD BE YOUR GOAL AS A COMMISSIONER? RECOGNIZING THAT CHANGE

TO A COMMUNITY IS INEVITABLE. MY GOAL WOULD BE TO PROMOTE POSITIVE CHANGE WHILE MAINTAINING THE CHARACTER AND QUALITY OF THE TOWN WE SO LOVE.

WHAT DO YOU FEEL YOU COULD CONTRIBUTE TO SEE THESE GOALS REALIZED?

AS A DESIGN PROFESSIONAL FOR AN EXCESS OF THREE DECADES I BRING A BROAD RANGE OF PROJECT EXPERIENCE WHICH I WOULD DRAW UPON IN THE REVIEW & COMMENT

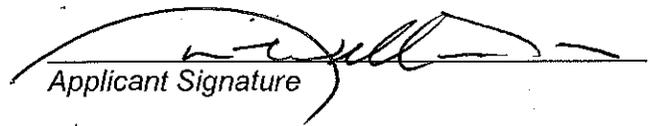
PLEASE LIST TWO LOCAL REFERENCES AND THEIR PHONE NUMBERS:

MATT HOKWARTH 707.290.1411 VICTOR CONFORTI 707.980.9778

SOME COMMISSION POSITIONS MUST BE FILLED BY A QUALIFIED ELECTOR OF THE CITY OF SONOMA. A QUALIFIED ELECTOR IS A PERSON WHO IS 1) A U.S. CITIZEN; 2) AT LEAST 18 YEARS OF AGE; AND 3) RESIDES WITHIN THE BOUNDARIES OF THE CITY OF SONOMA.

ARE YOU A QUALIFIED ELECTOR OF THE CITY OF SONOMA? YES NO

I DECLARE UNDER PENALTY OF PERJURY THE INFORMATION PROVIDED ON THIS APPLICATION IS TRUE AND CORRECT.


Applicant Signature

12 DECEMBER 2014
Date

All submitted applications are available for public inspection.

Return completed form to:
City Clerk
City of Sonoma
No. 1 The Plaza
Sonoma CA 95476



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 4E

Meeting Date: 02/18/2015

Department

Administration

Staff Contact

Gay Johann, Assistant City Manager/City Clerk

Agenda Item Title

Approval and ratification of the appointment of Robert McDonald to the Planning Commission as the Alternate Commissioner.

Summary

The Planning Commission consists of 7 members and one alternate who serve at the pleasure of the City Council. Commissioners may serve for a total of eight years (Two-year term, Four-year term, Two-year term). Seven members and the alternate must reside within the City limits.

Vacancies occurred on the Planning Commission in November and December when Gary Edwards was elected to the City Council and Commissioner Tippell resigned due to a relocation outside the City limits. On December 15, 2014, Council appointed Alternate Cribb to fill one of the vacancies leaving one regular position and the alternate position open.

Fourteen applications were submitted in response to the advertised vacancies. Mayor Cook and Councilmember Edwards interviewed thirteen applicants (one applicant withdrew prior to interviews) and have nominated Robert McDonald for appointment to the Planning Commission as the Alternate Commissioner for an initial two-year term.

Recommended Council Action

Approve and ratify the reappointment.

Alternative Actions

Council discretion.

Financial Impact

N/A.

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
 - No Action Required
 - Action Requested
-

Attachments:

Application of Robert McDonald

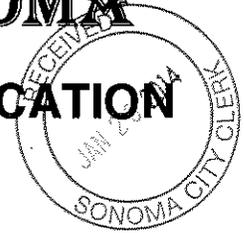
cc:

Robert McDonald via email



CITY OF SONOMA

COMMISSION APPLICATION



NAME: Robert C. McDonald

ADDRESS: 454 Third Street West, Sonoma California 95476

MAILING ADDRESS: 454 Third Street West, Sonoma California 95476

CONTACT INFO (Please include daytime & evening phone numbers and email address):

Day & evening phone (CELL) 415-309-5070

bob@sonomafarmhouse.com

COMMISSION OF INTEREST: Planning Commission

HAVE YOU EVER ATTENDED A MEETING OF THIS COMMISSION? YES HOW MANY? 12+

If you are not selected for the commission listed above, would you be interested in serving on any of our other commissions? If so, please indicate which commission(s): _____

HOW MANY YEARS HAVE YOU RESIDED IN SONOMA? 15 years

PRESENT OCCUPATION: Landscape Designer / Property Management

EDUCATION

SCHOOL	MAJOR	GRADUATION DATE & DEGREE
<u>(See Attached Resume)</u>		

COMMUNITY SERVICE EXPERIENCE

ORGANIZATION	DATES SERVED	POSITION
<u>Design Review Commission Historic Preservation</u>	<u>4/2007 - Present</u>	<u>Commissioner</u>
<u>Open Space Advisory Committee S.F.</u>	<u>1999 - 2004</u>	<u>urban planner</u>
<u>Doyle Drive Executive Committee S.F.</u>	<u>2001 - 2004</u>	<u>urban planner</u>
<u>Design Review Board City of San Mateo</u>	<u>1992 - 1999</u>	<u>City planner</u>

(Use additional paper if necessary)

OTHER RELEVANT EXPERIENCE OR EXPERTISE: (See Attached Resumé) I have

15 years of experience working as a city/urban planner; 10 years of experience working as a design professional and landscape designer; and 12 years working as a property manager - business owner

WHAT IS YOUR UNDERSTANDING OF THE ROLE AND RESPONSIBILITY OF THIS COMMISSION?

To review public and private development projects and ensure entitlements are consistent with local codes and plans; provide expertise and guidance to facilitate any updates or changes to planning codes or master plans; make sure all approved plans and technical documents reviewed by our Commission comply with all state laws and CEQA.

WHICH ACTIVITIES OF THIS COMMISSION INTEREST YOU THE MOST? _____

Reviewing and providing guidance on changes to Land use policy, codes and procedures.

WHICH ACTIVITIES INTEREST YOU THE LEAST? Reviewing and providing

input on meeting minutes.

WHAT WOULD BE YOUR GOAL AS A COMMISSIONER? to take a leadership role by

providing professional guidance when assisting the council, commission or city staff in making land use decisions.

WHAT DO YOU FEEL YOU COULD CONTRIBUTE TO SEE THESE GOALS REALIZED? By

applying my 15 years of professional planning experience I would be thoughtful and complete in my review of permit applications; provide meaningful and useful recommendations/comments at meetings; and guide the commission into consensus on difficult permit, land use and policy issues.

PLEASE LIST TWO LOCAL REFERENCES AND THEIR PHONE NUMBERS: _____

Joanne Sanders (707) 939-2800 / William Paynter (707) 996-5605

SOME COMMISSION POSITIONS MUST BE FILLED BY A **QUALIFIED ELECTOR** OF THE CITY OF SONOMA. A QUALIFIED ELECTOR IS A PERSON WHO IS 1) A U.S. CITIZEN; 2) AT LEAST 18 YEARS OF AGE; AND 3) RESIDES WITHIN THE BOUNDARIES OF THE CITY OF SONOMA.

ARE YOU A QUALIFIED ELECTOR OF THE CITY OF SONOMA?



YES



NO

I DECLARE UNDER PENALTY OF PERJURY THE INFORMATION PROVIDED ON THIS APPLICATION IS TRUE AND CORRECT.

[Signature]
Applicant Signature

1/21/2015
Date

All submitted applications are available for public inspection.

Return completed form to:
City Clerk
City of Sonoma
No. 1 The Plaza
Sonoma CA 95476

ROBERT C. McDONALD

454 Third Street West
Sonoma, California 95476
(Home) 707-938-7785
(Cell) 415-309-5070
(Fax) 415-282-4417
Bob@sonomafarmhouse.com

EDUCATION

Landscape Architecture Certificate Program: June 2007
University of California, Berkeley, California

Master in Public Administration: June 1995
San Francisco State University, San Francisco, California

Bachelor of Science Degree in City and Regional Planning, June 1988
California Polytechnic State University, San Luis Obispo, California

EXPERIENCE

Principal Landscape Designer March 2004 to present
Self Employed – RMC Landscapes

- Principal Landscape Designer responsible for designing and managing the installation of residential landscapes throughout the San Francisco Bay Area – see a sample of the work and services at www.rmclandscapes.com

Vacation Rental Manager March 2004 to present
Self Employed – Sonoma Farmhouse

- Property manager responsible for bookings; advertising, maintenance and improvements– see www.sonomafarmhouse.com

Planner IV Long Range Capital Improvements Manager June 1999 to March 2004, City and County of San Francisco, Recreation and Park Department

- Project manager responsible for: coordinating, processing, and making recommendations for capital improvements to park and recreation facilities, including the supervision of architects, engineers, landscape architects and other support; developed the annual budget for the Open Space Program, Capital Plan and acquisitions of parkland; and conducted code enforcement of illegal encroachments and violations on parkland.
- Managed and resolved environmental impact issues relative to park properties and adjacent developments. Analyzed and present environmental determinations for Department projects. Coordinated consultant review of environmental and historic review of park resources.

- Developed long-range planning, policy and strategies for City open space acquisition and development. Coordinated open space and long range planning with other City Agencies including City Planning, the Redevelopment Agency, MUNI and the Port Authority. Reviewed significant developments (De Young Museum, Music Concourse, Academy of Sciences) for consistency with the Golden Gate Park Master Plan.
- Developed and executed agreements for park and recreation facilities relating to encroachment, revocable permits, deed restrictions, lot-line window permits, and transfer or acquisition of parkland.
- Supervised the Planner III and technician/internship positions as well as coordinated and supervised the monthly activities of the Park, Recreation and Open Space Committee.
- Prepared and presented staff reports, with recommendations, to various Committees, the Recreation and Park Commission, and the Board of Supervisors.

Associate Planner July 1991 to June 1999
City of San Mateo, California

- Project manager responsible for coordinating, processing, and making recommendations for special use, site development, minor and major subdivisions, historical review, and site plan and architectural review permits. Coordinated and attended neighborhood meetings for projects.
- Project manager for the following Park and Recreation projects: Bay Meadows Linear Park; Shoreview Park Master Plan; Lakeshore Park Master Plan; Sunnybrae Park Master Plan.
- Reviewed and coordinated preparation of traffic studies, design review reports, historical review evaluations, biological studies, shadow studies, archaeological reports, and soils studies in conjunction with the environmental review for development projects.
- Supervised the activities of consultants hired by the City to perform environmental review and design review as well as the Department's assistant planner and planning technician, when assigned.
- Interpreted CEQA and made environmental determinations for planning applications. Prepared Initial Studies and Negative Declarations, and coordinated responses after document review. Developed mitigation and monitoring programs.
- Project Administrator for the downtown parking district, maintained records of downtown land uses and parking requirements, prepared annual

assessments for properties, and developed annual budget in coordination with the City Engineer for adoption by the City Council.

- Prepared and present staff reports with recommendations to the Zoning Administrator, Planning Commission and City Council.
- Prepared statistical reports that analyze demographics, housing and economic data and coordinator for the Census 2000.

Assistant Planner November 1989 to July 1991

County of Solano, California

- Prepared and processed business licenses, use permits, marsh development permits, lot line adjustments, minor subdivisions, oil and gas well permits, and agricultural preserve contracts and cancellations.
- Prepared Initial Studies, Negative Declarations, and developed mitigation and monitoring plans for major and minor subdivisions and Suisun Marsh Development Permits. Coordinated environmental review responses for other governmental agencies (Suisun Marsh Conservation District, California Department of Fish & Game, BCDC etc.).
- Responsible for census information review, coordination and supervisorial re-districting, and provided computer maintenance and updating for the County's land use database system.

Planning Technician December 1988 to November 1989

County of San Mateo Department of Environmental Management

- Conducted design review for projects within the Resource Management District. Prepared initial studies, negative declarations, and mitigation/monitoring plans for minor subdivisions, Coastal Development, grading and oil well permits. Interpreted CEQA and made environmental determinations for current planning applications. Coordinated responses after document review for other governmental agencies (e.g., California Coastal Commission, California State Fish & Game, and BCDC).
- Prepared resolutions for EIRs for presentation to the Planning Commission and the Board of Supervisors.

Project Technician June 1988 to December 1988

City of San Mateo Community Development Department

- Collected, analyzed and prepared data for a transportation study to be used in the City of San Mateo's updated Land Use and Circulation Element.
- Assisted in office graphics and staffed community workshops for the City's General Plan Update Program.



CITY OF SONOMA
City Council/Successor Agency
Agenda Item Summary

City Council Agenda Item: 5A

Meeting Date: 02/18/2015

Department

Administration

Staff Contact

Gay Johann, Assistant City Manager/City Clerk

Agenda Item Title

Approval of the portions of the Minutes of February 2, 2015 City Council meeting pertaining to the Successor Agency.

Summary

The minutes have been prepared for Council review and approval.

Recommended Council Action

Approve the minutes.

Alternative Actions

Correct or amend the minutes prior to approval.

Financial Impact

N/A

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

See Agenda Item 4B for the minutes

Alignment with Council Goals: N/A

cc: NA



City of Sonoma
City Council
as Successor Agency
Agenda Item Summary

City Council Agenda Item: 5B

Meeting Date: 02/18/2015

Department

Finance

Staff Contact

DeAnna Hilbrants, Finance Director

Agenda Item Title

Adoption of the FY 15-16A Recognized Obligation Payment Schedule [ROPS] for the period July 1, 2015 through December 31, 2015

Summary

As required by legislation AB1x26, the Recognized Obligation Schedule [ROPS] must be prepared and approved for each prospective six month period of the fiscal year. The ROPS under consideration tonight covers the period July 1, 2015 through December 31, 2016 [FY 15-16A] and includes updates to all previously approved projects and expenditures. Once the ROPS is approved by the Successor Agency, it will be presented to the Oversight Board on February 25 for approval and submittal to Department of Finance, the State Controller's office and the County Auditor-Controller.

Recommended Council Action

Acting as the Successor Agency, approve the ROPS for the period July 1, 2015 through December 31, 2015 as submitted for presentation to the Oversight Board on February 25th.

Alternative Actions

N/A

Financial Impact

Unknown at this time

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

Resolution
Recognized Obligation Schedule #15-16A

cc:

CITY OF SONOMA

RESOLUTION NO. SA __ - 2015

A RESOLUTION OF THE CITY COUNCIL AS THE SUCCESSOR AGENCY TO THE DISSOLVED REDEVELOPMENT AGENCY OF THE CITY OF SONOMA APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD JULY 1, 2015 THROUGH DECEMBER 31, 2015

WHEREAS, pursuant to Health and Safety Code Section 34180(g), the City Council as the Successor Agency is required to review and approve the Recognized Obligation Payment Schedule prepared by the Successor Agency covering a six month period; and

WHEREAS, the Successor Agency to the dissolved Redevelopment Agency of the City of Sonoma is requested to approve the Recognized Obligation Payment Schedule [FY 15-16A] for the six month period July 1, 2015 through December 31, 2015 and

WHEREAS, on February 25, 2015, the ROPS will be presented to the Oversight Board for review and approval.

NOW, THEREFORE, BE IT RESOLVED by the Successor Agency as follows:

SECTION 1. The Successor Agency hereby approves the Recognized Obligation Payment Schedule for the period July 1, 2015 through December 31, 2015, as set forth in Exhibit "A" to this Resolution and by this reference incorporated herein.

SECTION 2. The Board Secretary, or the City's City Manager (as the person appointed by action of the Oversight Board at its meeting of April 4, 2012, to be the designated contract person to the Department of Finance), shall transmit the approved Amended Recognized Obligation Payment Schedule to the Department of Finance, State Controller, and County Auditor-Controller in compliance with the requirements of Part 1.85 of Division 24 of the California Health and Safety Code. The staff of the Successor Agency shall take such other and further actions and sign such other and further documents as appropriate to effectuate the intent of this Resolution and to implement the Recognized Obligation Payment Schedule approved hereby on behalf of the Successor Agency.

SECTION 3. The adoption of this Resolution by the Successor Agency shall not impair the right of the Successor Agency to assert any claim or pursue any legal action challenging the constitutionality of Assembly Bill 26 from the 2011-12 First Extraordinary Session of the California Legislature ("AB 1x26") or challenging any determination by the State of California or any office, department or agency thereof with respect to the Recognized Obligation Payment Schedule approved hereby.

SECTION 4. If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Resolution. The Successor Agency hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared invalid.

PASSED AND ADOPTED by the Successor Agency at a meeting held on the 18th day of February, 2015 by the following vote:

AYES:
NOES:
ABSENT:

David Cook, Mayor

ATTEST:

Gay Johann
Assistant City Manager/City Clerk

Recognized Obligation Payment Schedule (ROPS 15-16A) - Summary

Filed for the July 1, 2015 through December 31, 2015 Period

Name of Successor Agency: Sonoma City
Name of County: Sonoma

Current Period Requested Funding for Outstanding Debt or Obligation	Six-Month Total
Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding	
A Sources (B+C+D):	\$ 8,418,533
B Bond Proceeds Funding (ROPS Detail)	8,418,533
C Reserve Balance Funding (ROPS Detail)	-
D Other Funding (ROPS Detail)	-
E Enforceable Obligations Funded with RPTTF Funding (F+G):	\$ 3,432,788
F Non-Administrative Costs (ROPS Detail)	3,307,788
G Administrative Costs (ROPS Detail)	125,000
H Current Period Enforceable Obligations (A+E):	\$ 11,851,321
Successor Agency Self-Reported Prior Period Adjustment to Current Period RPTTF Requested Funding	
I Enforceable Obligations funded with RPTTF (E):	3,432,788
J Less Prior Period Adjustment (Report of Prior Period Adjustments Column S)	-
K Adjusted Current Period RPTTF Requested Funding (I-J)	\$ 3,432,788
County Auditor Controller Reported Prior Period Adjustment to Current Period RPTTF Requested Funding	
L Enforceable Obligations funded with RPTTF (E):	3,432,788
M Less Prior Period Adjustment (Report of Prior Period Adjustments Column AA)	-
N Adjusted Current Period RPTTF Requested Funding (L-M)	3,432,788

Certification of Oversight Board Chairman:
Pursuant to Section 34177 (m) of the Health and Safety code, I
hereby certify that the above is a true and accurate Recognized
Obligation Payment Schedule for the above named agency.

Name	Title
/s/	
Signature	Date

Recognized Obligation Payment Schedule (ROPS 15-16A) - ROPS Detail
July 1, 2015 through December 31, 2015
 (Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Item #	Project Name / Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	Funding Source					Six-Month Total
										Non-Redevelopment Property Tax Trust Fund (Non-RPTTF)			RPTTF		
										Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin	
								\$ 81,903,542		\$ 8,418,533	\$ -	\$ -	\$ 3,307,788	\$ 125,000	\$ 11,851,321
1	2003 Tax Allocation Bond	Bonds Issued On or Before 12/31/10	6/2/2003	12/1/2033	Bank of New York	Portion of Bonds issue to fund non-housing projects	SONOMA	22,896,999	N				1,198,391		\$ 1,198,391
2	2003 Tax Allocation Bond	Bonds Issued On or Before 12/31/10	6/2/2003	12/1/2033	Bank of New York	Portion of Bonds issue to fund housing projects	SONOMA		N						\$ -
3	2010 Tax Allocation Bond	Bonds Issued On or Before 12/31/10	9/22/2010	6/30/2031	Bank of New York	Portion of Bonds issue to fund non-housing projects	SONOMA	11,959,905	N				576,974		\$ 576,974
4	2010 Tax Allocation Bond	Bonds Issued On or Before 12/31/10	9/22/2010	6/30/2031	Bank of New York	Portion of Bonds issue to fund housing projects	SONOMA	-	N				-		\$ -
5	2011 Tax Allocation Bond	Bonds Issued After 12/31/10	3/4/2011	12/1/2037	Bank of New York	Portion of Bonds issue to fund non-housing projects	SONOMA	30,276,583	N				1,208,029		\$ 1,208,029
6	2011 Tax Allocation Bond	Bonds Issued After 12/31/10	3/4/2011	12/1/2037	Bank of New York	Portion of Bonds issue to fund housing projects	SONOMA	4,128,625	Y				-		\$ -
8	Exchange Bank Loan	City/County Loans On or Before 6/27/11	3/1/2005	4/1/2015	Exchange Bank	Affordable Senior Housing Project purchased in 2005 to maintain affordability	SONOMA	-	N				-		\$ -
9	Visitors Bureau Contract for Service	City/County Loans On or Before 6/27/11	3/7/2011	7/1/2016	Sonoma Valley Visitors Bureau	Contract for Marketing & Promotion	SONOMA	436,000	N				109,000		\$ 109,000
10	Historic Preservation Easement	City/County Loans On or Before 6/27/11	3/9/2011	3/9/2021	Sonoma Community Center	Acquisition of Historic Preservation Easement	SONOMA	325,000	N				50,000		\$ 50,000
11	City Loan entered into on 08/2009	City/County Loans On or Before 6/27/11	6/2/2010	7/10/2023	Municipal Finance Corporation	Clean Renewable Energy Bonds [CREBS]	SONOMA	417,490	N						\$ -
14	Legal Services	Legal	2/22/2012	6/30/2018	Rutan and Tucker	Legal Counsel for Successor Agency	SONOMA	40,000	N				40,000		\$ 40,000
15	Legal Services	Legal	2/22/2012	6/30/2018	Jeffery A. Walter, a Professional Law Corporation	Legal Counsel for Successor Agency	SONOMA	25,000	N				25,000		\$ 25,000
19	2010 SERAF Loan Payment due to Housing Fund	SERAF/ERAF	2/10/2010	6/30/2018	Sonoma County Community Development Commission/Housing Authority	Agency loan from LMI fund to CDA fund for payment of 2010 SERAF Payment	SONOMA	1,920,016	N						\$ -
26	Emergency/Homeless Shelter [Housing]	Professional Services	3/7/2011	6/30/2020	Sonoma Overnight Shelter	Contract for Emergency Shelter Operations	SONOMA	15,000	N				15,000		\$ 15,000
27	Village Green II Low Income Housing USDA Loan	City/County Loans On or Before 6/27/11	5/1/2005	5/22/2035	United States Department of Agriculture	Affordable Senior Housing Project purchased in 2005 to maintain affordability	SONOMA	701,391	N				10,394		\$ 10,394
28	Affordable Housing Projects within Project Area - 2011 CDA TAB	Bonds Issued After 12/31/10	1/30/2012	6/30/2018	Sonoma County Housing Authority	Low/Moderate Housing projects to be constructed by Sonoma County Housing Authority [Housing Successor Agency]	SONOMA	1,450,000	N	1,450,000					\$ 1,450,000
29	Sonoma Valley Community Library	Bonds Issued After 12/31/10	6/20/2011	4/16/2012	AXIS [Architect] Millennium Consulting [Asbestos Abatement]; City of Sonoma [project management]; S.W. Allen Construction [construction]	Contractual Agreement with Sonoma County Library for facility upgrade and ADA access issues funded through 2011 CDA TAB - PROJECT 100% COMPLETE	SONOMA		N						\$ -
30	Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prjs #1,2,3,7,8,9,12,14,15,16,17,19,31	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Engineering]; Ghilotti [Construction]; Able Construction [Construction]	Installation of ADA ramps at intersections.	SONOMA	586,462	N	568,462					\$ 568,462

Recognized Obligation Payment Schedule (ROPS 15-16A) - ROPS Detail
July 1, 2015 through December 31, 2015
 (Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Item #	Project Name / Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	Funding Source					Six-Month Total
										Non-Redevelopment Property Tax Trust Fund (Non-RPTTF)			RPTTF		
										Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin	
31	Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB PrjS # 7,15,16	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Design/Engineering]; Able Construction [construction] Miller Pacific [geotechnical]; John Meserve [arborist]	Street Reconstruction: Third St West; Fourth St West; Hayes St.	SONOMA	397,561	N	397,561					\$ 397,561
32	Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prj. #1,12	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Design/Engineering]; Ghilotti [construction] Miller Pacific [geotechnical]	Leveroni, 5th St. W - Pavement reconstruction	SONOMA	578,721	N	578,721					\$ 578,721
33	Citywide Pavement Management/Sidewalk/ADA Projects - CDA TAB Prj. 27; local match for \$133,870 CalTRANS Grant	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Engineering/Design]	Leveroni, Broadway turn-lane signal	SONOMA	71,785	N	71,785					\$ 71,785
35	Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prj #31	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Design/Engineering]; Ghilotti [construction] Miller Pacific [geotechnical]	France Street Pavement reconstruction	SONOMA	382,121	N	382,121					\$ 382,121
36	Citywide Pavement Management/Sidewalk/ADA - 2011 CDA TAB Prjs 2, 3, 18	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Engineering] Miller Pacific [Geotechnical];	2nd ST. West, 1st West, Church St, Patten St, W Spain Rehabilitation	SONOMA	1,038,989	N	1,038,989					\$ 1,038,989
37	Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prj #26	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Engineering] Miller Pacific [Geotechnical]; Exaro [Potholing]; GHD [Right of Way]	Bikeway Improvement-Fryer Creek Bike/Pedestrian Bridge.	SONOMA	43,046	N	43,046					\$ 43,046
38	Citywide Pavement Management/Sidewalk/ADA Projects- 2011 CDA TAB PRJ #9,14,17	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Engineering]; GHD [Design]	Curtin Lane, Harrington Dr Rehabilitation.	SONOMA	595,392	N	595,392					\$ 595,392
39	Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prj #30	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Engineering] Miller Pacific [Geotechnical];	Napa Road pavement reconstruction	SONOMA	799,321	N	799,321					\$ 799,321
41	Citywide Pavement Management/Sidewalk/ADA Projects	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	To be determined through bidding process	Fryer Creek Dr, Newcomb St, Malet Pavement	SONOMA	262,216	N	262,216					\$ 262,216
42	Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prjs #5,6,20	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	To be determined through bidding process	Oregon St, 7th St West, Studley St, Barrachi St, Palou St, Fano Dr	SONOMA	233,293	N	233,293					\$ 233,293
43	Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prjs #11,21	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	To be determined through bidding process	Malet St, Broadway St.	SONOMA	437,760	N	437,760					\$ 437,760
44	Citywide Stormdrain Improvements - 2011 CDA TAB Prj #27	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	To be determined through bidding process	Broadway Storm Drain Improvements CIP #6	SONOMA	319,331	N	319,331					\$ 319,331
45	Citywide Stormdrain Improvements - 2011 CDA TAB Prj #24,25	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	To be determined through bidding process	East MacArthur Street Stormdrain; CIP #8	SONOMA	705,228	N	705,228					\$ 705,228
46	Citywide Stormdrain Improvements - 2011 CDA TAB Prj #22	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Design/Engineering]; Ghilotti [construction] Miller Pacific [geotechnical]	Nathanson Creek Outfall	SONOMA	51,433	N	51,433					\$ 51,433

Recognized Obligation Payment Schedule (ROPS 15-16A) - ROPS Detail
July 1, 2015 through December 31, 2015
 (Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Item #	Project Name / Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	Funding Source					Six-Month Total
										Non-Redevelopment Property Tax Trust Fund (Non-RPTTF)			RPTTF		
										Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin	
47	Citywide Stormdrain Improvements - 2011 CDA TAB Prj #23	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	To be determined through bidding process	West MacArthur Culvert CIP#1	SONOMA	341,874	N	341,874					\$ 341,874
48	Sebastiani Theater ADA Improvements - 2011 CDA TAB	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	To be determined through bidding process	ADA upgrades to Historic Theater	SONOMA	142,000	N	142,000					\$ 142,000
49	Administrative Allowance for Successor Agency	Admin Costs	7/1/2012	6/30/2013	City of Sonoma as Successor Agency	Administrative costs related to the wind down of the Redevelopment Agency	SONOMA	250,000	N					125,000	\$ 125,000
50	Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prjs #1,2,3,7,8,9,12,14,15,16,17,19,31	Bonds Issued After 12/31/10	4/11/2011	6/30/2018	Winsler & Kelly [Design/Engineering]; Able Construction [construction] Miller Pacific [geotechnical]; John Meserve [arborist]	Installation of ADA ramps at intersections.	SONOMA		N						\$ -
51	Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB PrjS # 7,15,16	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Design/Engineering]; Ghilotti [construction] Miller Pacific [geotechnical]	Street Reconstruction: Third St West; Fourth St West; Hayes St.	SONOMA		N						\$ -
52	Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prj. #1,12	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Engineering/Design]	Leveroni, 5th St. W - Pavement reconstruction	SONOMA		N						\$ -
53	Citywide Pavement Management/Sidewalk/ADA Projects - CDA TAB Prj. 27; local match for \$133,870 CalTRANS Grant	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Engineering/Design]; Crisp Construction [construction]	Leveroni, Broadway turn-lane signal	SONOMA		N						\$ -
54	Bike Lanes& Signage - 2011 CDA TAB Prj. #28 [local match funding agreement with Sonoma County Transportation Authority grant \$135,000]	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Design/Engineering]; Ghilotti [construction] Miller Pacific [geotechnical]	Comprehensive Bike Lane & signage	SONOMA		N						\$ -
55	Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prj #31	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Engineering] Miller Pacific [Geotechnical];	France Street Pavement reconstruction	SONOMA		N						\$ -
56	Citywide Pavement Management/Sidewalk/ADA - 2011 CDA TAB Prjs 2, 3, 18	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Engineering] Miller Pacific [Geotechnical]; Exaro [Potholing]; GHD [Right of Way]	2nd ST. West, 1st West, Church St, Patten St, W Spain Rehabilitation	SONOMA		N						\$ -
57	Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prj #26	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Engineering]; GHD [Design]	Bikeway Improvement-Fryer Creek Bike/Pedestrian Bridge.	SONOMA		N						\$ -
58	Citywide Pavement Management/Sidewalk/ADA Projects- 2011 CDA TAB PRJ #9,14,17	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Engineering] Miller Pacific [Geotechnical];	Curtin Lane, Harrington Dr Rehabilitation.	SONOMA		N						\$ -
59	Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prj #30	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Engineering/admin/CalTrans]; Quincy [Design/Environmental/ROW]	Napa Road pavement reconstruction	SONOMA		N						\$ -

Recognized Obligation Payment Schedule (ROPS 15-16A) - ROPS Detail
July 1, 2015 through December 31, 2015
 (Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K				L	M	N	O	P
										Funding Source								
										Non-Redevelopment Property Tax Trust Fund (Non-RPTTF)		RPTTF						
Item #	Project Name / Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin	Six-Month Total			
60	Citywide Pavement Management/Sidewalk/ADA Projects -2011 CDA TAB Prj # 29. Local Match for CalTrans Funding Agreement dated 6/29/2011; CalTrans Grant \$1.4 million.	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	To be determined through bidding process	Chase St Bridge Reconstruction	SONOMA		N						\$			
61	Citywide Pavement Management/Sidewalk/ADA Projects - CDA TAB Prjs 4,10	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	To be determined through bidding process	Fryer Creek Dr, Newcomb St, Malet Pavement	SONOMA		N						\$			
62	Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prjs #5,6,20	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	To be determined through bidding process	Oregon St, 7th St West, Studley St, Barrachi St, Palou St, Fano Dr	SONOMA		N						\$			
63	Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prjs #11,21	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	To be determined through bidding process	Malet St, Broadway St.	SONOMA		N						\$			
64	Citywide Stormdrain Improvements - 2011 CDA TAB Prj #27	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	To be determined through bidding process	Broadway Storm Drain Improvements CIP #6	SONOMA		N						\$			
65	Citywide Stormdrain Improvements - 2011 CDA TAB Prj #24,25	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	Winsler & Kelly [Design/Engineering]; Ghilotti [construction] Miller Pacific [geotechnical]	East MacArthur Street Stormdrain; CIP #8	SONOMA		N						\$			
66	Citywide Stormdrain Improvements - 2011 CDA TAB Prj #22	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	To be determined through bidding process	Nathanson Creek Outfall	SONOMA		N						\$			
67	Citywide Stormdrain Improvements - 2011 CDA TAB Prj #23	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	To be determined through bidding process	West MacArthur Culvert CIP#1	SONOMA		N						\$			
68	Sebastiani Theater ADA Improvements - 2011 CDA TAB	Bonds Issued After 12/31/10	3/17/2011	6/30/2018	To be determined through bidding process	ADA upgrades to Historic Theater	SONOMA		N						\$			
69	AB471 Housing Administrative Cost Allowance for Successor Agency	Admin Costs	2/18/2014	2/18/2019	Sonoma County Housing Authority	Administrative Allowance required by AB471		75,000	N				75,000		\$ 75,000			
70									N						\$			
71									N						\$			
72									N						\$			
73									N						\$			
74									N						\$			
75									N						\$			
76									N						\$			
77									N						\$			
78									N						\$			
79									N						\$			
80									N						\$			
81									N						\$			
82									N						\$			
83									N						\$			
84									N						\$			
85									N						\$			
86									N						\$			
87									N						\$			
88									N						\$			
89									N						\$			
90									N						\$			
91									N						\$			
92									N						\$			
93									N						\$			
94									N						\$			



CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 6A

Meeting Date: 02/18/2015

Department

Administration

Staff Contact

Carol E. Giovanatto, City Manager

Agenda Item Title

Discussion, consideration and possible action to update City Fee Schedule based on FY 2014-15 Operating Budget

Summary

The City of Sonoma has an established a City Fee Schedule for those services that benefit only the specific users of that service and do not benefit the general public as a whole. Fees are generated from a variety of services including building and planning permits, special event fees, appeal fees, public safety fees and water service fees (late fees & disconnect fees).

The City Council has the authority to establish these fees and charges as defined by the State Constitution and in accordance with Government Code Section 39001 with limitations set by Proposition 218. This regulatory authority provides cities the means to “protect overall community interests, while charging only the individual who is benefiting from the service.” Annually, the Council reviews staff’s recommended user fee schedule to determine if fees are calculated in line with the cost of providing the service.

Recommended Council Action

Conduct Public Hearing; adopt resolution approving the updated Fee Schedule for 2014-15.

Alternative Actions

Request additional information; direct staff to make changes to fee schedule and return for subsequent adoption.

Financial Impact

Fees and charges comprise approximately 2.9%% of General Fund Revenue. Total revenue derived from fees, fines and licenses (excluding Business Licenses which are considered a tax) is projected to be \$570,630 exclusive of the proposed fee increases. No additional revenue as a result of the updated fee schedule was included in the FY 2014-15 Budget.

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
 - No Action Required
 - Action Requested
-

Attachments:

Supplemental Report
Fee Schedule

Alignment with Council Goals:

Fiscal Management: *Apply sound budget strategy to assure financial sustainability in the General and Enterprise Funds through the continued application of sound financial policies*

cc:

SUPPLEMENTAL REPORT PUBLIC HEARING

Discussion, consideration and possible action to update City Fee Schedule based on FY 2014-15 Operating Budget

For the City Council Meeting of February 18, 2015

The City of Sonoma has an established a City Fee Schedule for those services that benefit only the specific users of that service and do not benefit the general public as a whole. Fees are generated from a variety of services including building and planning permits, special event fees, appeal fees, public safety fees and water service fees (late fees & disconnect fees).

The City Council has the authority to establish these fees and charges as defined by the State Constitution and in accordance with Government Code Section 39001 with limitations set by Proposition 218. This regulatory authority provides cities the means to “protect overall community interests, while charging only the individual who is benefiting from the service.” Annually, the Council reviews staff’s recommended user fee schedule to determine if fees are calculated in line with the cost of providing the service. With exception to fees established or limited by State law, all other fees are determined through a cost accounting analysis of actual costs the City incurs. Department Managers review staff hours necessary to provide the service factored by the allowable overhead costs. The direct-charge of fees in this manner, frees up general- purpose tax funds to be used for services, maintenance and facility costs which benefit the entire community.

The overall impact of the annual recalculations reflects that some fees have increased while other fees have actually decreased. This is a direct reflection of tighter budgeting controls, efficiencies by City employees processing service requests, new software technology and the re-evaluation of overhead and benefit rates. Fees and charges comprise approximately 2.9%% of General Fund Revenue. Total revenue derived from fees, fines and licenses (excluding Business Licenses which are considered a tax) is projected to be \$570,630 exclusive of the proposed fee increases. *(Of note: By way of comparison, and as a reflection of efficiencies to historical comparisons, in FY 2003-04 fees and charges totaled \$590,810 and comprised 8.3% of the General Fund Budget.)*

An overall summary of the significant areas of changes to the recommended fee schedule are as follows:

- Certain fees, such as Building-related fees and solar installation fees, are set by State Code and are not based on the cost of providing the service. In many instances, these codes are not cost-covering but the City is unable to recover costs over the allowable levels.
- Public Safety Services are 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 are incorporated by reference. Actual fee schedules are adopted separately by the respective agencies.

- Appeal Fees: In the current fee schedule, Council has chosen to provide a reduced fee to appeal applicants set at 50% of actual costs for staff time and processing of the appeal application. Staff is recommending that the application fee be raised to recover the full cost of the application. This is in line with Council Goal to revise and adopt changes to the appeals process.
- Water Service Fees: Significant reductions have been taken in the service fees for assessments for delinquent payments and disconnections. This is due to efficiencies gained through implementation of new software technology and conversion to monthly billing process.

CITY OF SONOMA
RESOLUTION NO. XX - 2015

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 2014-15

WHEREAS, California Constitution, Article XI, Section 7 gives cities police power to engage in regulatory activities for which they may charge a fee for reimbursement of costs; and

WHEREAS, California Constitution, Article XIII B, Section 8 and Government Code Section 39001 provide general authority for charging fees for specific services; and

WHEREAS, various other sections of the California Constitution and Government Code provide authority for the collection of specific fees and charges; and

WHEREAS, on January 8, 2014, the City Council adopted Resolution Number 02-2014 adopting a schedule of user fees, licenses and permit charges with an effective date of January 8, 2014; and

WHEREAS, on February 18, 2015 the City Council of the City of Sonoma held a duly noticed Public Hearing to allow public input and review concerning amendments to the adopted fees and charges.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sonoma hereby:

1. Establishes amendments to certain fees and charges, which appear as an attachment to this resolution including fee calculation sheets incorporated by reference.
2. Finds and determines that the fees and charges set forth in attachments hereto do not exceed the reasonable costs of providing the services for which the fee is charged.
3. The fees set forth in the attachments hereto shall become effective immediately upon adoption with exception to Planning fees.
4. Planning Fees (PL-1 through PL-33) require a 30-day notice period and therefore will become effective on March 18, 2015.
5. Finds and determines that pursuant to the requirements of California Government Code Section 66015(c), appropriate ordinances, permit fees, and processes are in place to streamline the submittal and approval of permits for solar energy systems in substantial conformance with the practices and policies contained in the California Solar Permitting Guidebook. Calculations related to the administrative cost of issuing a solar rooftop permit are incorporated herein by reference and any fee charged in excess of the fees prescribed in California Government Code Sections 66015(a)(1) or 66015(b)(1) result in the continuation of a quick and streamlined approval process by covering the City's actual administrative cost of providing the service.

PASSED AND ADOPTED, by the City Council of the City of Sonoma, County of Sonoma, State of California on February 18, 2015 by the following vote:

Ayes:

Noes:

Absent:

David Cook, Mayor

ATTEST:

Gay Johann, Assistant City Manager/City Clerk

CITY OF SONOMA
2015 FEE SCHEDULE INDEX

INDEX NO.	SERVICE	FEE OR HOURLY RATE
EFFECTIVE FEBRUARY 19, 2015		
ADMINISTRATION		
CA-00	Copy fee - ALL DEPARTMENTS - Unless specific document copy fee is stated. This applies to all printed material i.e. Development Code, General Plan, Minutes, Staff Reports, Agendas and Bound Booklets. Does not apply to Municipal Code.	1-10 copies - No Charge Over 10 copies = \$.25 per page
CA-01	Copy Fees: Campaign Disclosure, Statement of Economic Interests (per St. Law)	\$0.10
CA-02	Maps: Land Use, Water System, Plaza, Storm Drain, etc. if printed in house	\$10.00 if in-house Actual Cost if outsourced plus Billing Fee / Overhead Pass Through (CA-04) if Outsourced
CA-03	Returned Checks	\$14.00 + bank fees charged to the City
CA-04	Billing Fee	\$ 64.00
CA-05	Audio Tape Duplication	\$ 51.00
CA-06	Municipal Code Supplement Service	\$ 55.00 Plus actual cost & postage
CA-07	Agenda Packet Subscription, Annual	\$ 516.00
CA-08	Agendas Only Subscription, Annual	\$ 206.00
CA-9	Standard Administrative Overhead	15.00%
CA-10	Appeal (Administrative)	\$ 212.00
NEW		
CA-11	Mobilehome Park Rental Increase Application	\$ 187.00

CITY OF SONOMA
2015 FEE SCHEDULE INDEX

INDEX NO.	SERVICE	FEE OR HOURLY RATE
EFFECTIVE FEBRUARY 19, 2015		
<i>SPECIAL EVENTS</i>		
SE-01	Alcohol Permit	\$ 230.00
SE-03	Large Scale Special Event Permit Application Processing Fee	\$ 719.00
SE-04	Small Scale Special Event Permit Application Processing Fee	\$ 229.00
SE-05	Street Use Permit	\$ 519.00
SE-06	Film Permit, High Impact	\$ 927.00
	Film Permit, Low Impact	\$ 294.00
SE-07	Barricading (Providing barricades for events)	\$ 121.00
SE-08	Reservation of Public (On Street) Parking Spaces	\$218 plus \$20 per space per day
SE-09	Wedding Permit (Ceremony only)	\$ 165.00
<i>SPECIAL EVENTS, Rental, Maintenance Fees & Security Deposits</i>		
SE-12	Plaza North East, North West, & South West Quadrants, per day	\$ 300.00
SE-13	Plaza South East Quadrant, per day	\$ 400.00
SE-14	Plaza Amphitheater, per day	\$ 200.00
SE-15	Plaza Horseshoe Pavement Only, per day	\$ 200.00
SE-16	Plaza Rear Parking Lot (only by exception), per day	\$ 300.00
SE-17	Plaza Maintenance Fees, per section or area, per event (non-refundable)	
	1-12 Hours	\$ 93.00
	12-24 Hours	\$ 187.00
	24-36 Hours	\$ 312.00
	36-48 Hours	\$ 500.00
	> 48 Hours	\$ 750.00
SE-18	Plaza Security Deposit, Per Quadrant, Section or area, per day (refundable)	\$ 200.00
SE-19	Depot Park Picnic Area 1 & 2 per day	\$50 per section
SE-20	Depot Park Picnic Area 3, per day	\$ 100.00
SE-21	Depot Park Volleyball Area #4, per day	\$ 100.00
SE-22	Depot Park Parking Lot (By Exception Only), per day	\$ 100.00
SE-23	Depot Park Maintenance Fees, per section or area, per day	\$ 100.00
SE-24	Depot Park Security Deposit, Per Section or area, per day (refundable)	\$ 100.00

CITY OF SONOMA
2015 FEE SCHEDULE INDEX

INDEX NO.	SERVICE	FEE OR HOURLY RATE
BUILDING		
EFFECTIVE FEBRUARY 19, 2015		
BL-01	Construction Permit Deposit	Varies (Deposit, not a fee)
BL-02	Permit Processing Fee	\$ 40.00
BL-03	Training & Certification Fee	\$ 9.00
BL-04	Plan Check Fee, per hour	\$ 97.00
BL-05	Miscellaneous Building Div. Services, Hourly Rate	\$ 88.00
BL-06	Imaging, per sheet	8.5x11 sheet \$5.00 Other, \$2.40
BL-07	Conditional Authorization to Proceed With Work	\$ 444.00
BL-08	Off-Hour Building Dept. Services	\$ 177.00
BL-09	Permit Extension Fee	\$ 44.00
BL-10	Document Preparation and Recording Fee	\$ 88.00
BL-11	Appeal Fee	\$ 583.00
BL-12	Refund Processing Fee	\$ 48.00
BL-13	Investigation Fee	\$ 355.00
BL-14	Change of Use or Occupancy Review	\$ 533.00
BL-15	Contractor's License Tax	\$1 per \$1,000 valuation
BL-16	Capital Improvement Fee	per SMC 3.24.060
BL-17	Impact Fee, per residential unit	\$ 966.00
BL-20	Single Inspection Permit Fee	\$ 111.00
BL-21	Building Permit Inspection Fee	Per Building Table BL-21-A
BL-22	Building Demolition Inspection Fee	\$ 266.00
BL-23	Building Relocation Inspection Fee	\$ 533.00
BL-24	Electrical Inspection Fee	Per Electrical Table BL-24-A
BL-25	Plumbing Inspection Fee	Per Plumbing Table BL-25-A
BL-26	Water Conserving Plumbing Fixture Verification	\$44.00 (self certification) \$44.00 + \$16.00 per fixture for Staff Verification
BL-27	Mechanical Inspection Fee	Per Mechanical Table BL-27-A
BL-28	Energy Inspection Fee	20% of Inspection Fees in Tables BL-21-A, BL-24-A, BL-25-A, BL-27-A
BL-29	Accessibility Inspection Fee	20% of Inspection Fees in Tables BL-21-A
BL-30	One & Two Family Re-Roofing Permits	\$ 133.00
BL-31	Private Residential Swimming Pool Inspection Fee	\$ 533.00
BL-32	Modular and Manufactured Housing Fee	25% of Inspection Fees in Tables BL-21-A, BL-24-A, BL-25-A, BL-27-A
BL-33	Stormwater Management Inspection Fee	See fee calculation sheet
BL-34	Grading Permit Inspection Fee	Per Grading Table BL-34-A
BL-35	CALGreen Inspection Fee	See Fee Calculation Sheet

CITY OF SONOMA
2015 FEE SCHEDULE INDEX

INDEX NO.	SERVICE	FEE OR HOURLY RATE
EFFECTIVE FEBRUARY 19, 2015		
FIRE DEPARTMENT		
<i>Sonoma Valley Fire Rescue Authority 2015 Fee Schedule incorporated by reference</i>		
POLICE DEPARTMENT		
<i>In addition to below fees, Sonoma County Sheriff's Office Fees for FY 14-15 incorporated by reference</i>		
PD-01	False Alarm	\$ 177.00
PD-02	Residential Parking Permit	\$ 17.00
PD-03	Letter of Public Convenience or Necessity	\$ 193.00
PD-04	Dog License	
	Altered	\$ 25.00
	Unaltered	\$ 50.00
	Senior Citizen - 62 and Older - First License Only (Altered)	\$ 10.00
	Senior Citizen - 62 and Older - First License Only (Unaltered)	\$ 25.00
	Late Penalty (Altered)	\$ 15.00
	Late Penalty (Unaltered)	\$ 30.00
	Duplicate / Transfer	\$ 5.00
PD-05	Kennel Fee per Day	\$ 57.00
PD-06	Dog Show Permit	\$ 46.00
PD-07	Animal-Drawn Vehicle Permit	\$ 157.00
PD-08	Owner Surrender of Animal	\$ 77.00
PD-09	Animal Impound Fee	Varies, see fee calculation sheet
PD-10	Juvenile Diversion Fee	\$ 150.00
Memo	All other Police fees not listed in this schedule will be charged in accordance with County Fee Ordinance #4743 establishing Sheriff's Department fees	

CITY OF SONOMA
2015 FEE SCHEDULE INDEX

INDEX NO.	SERVICE	FEE OR HOURLY RATE
PLANNING		
EFFECTIVE FEBRUARY 19, 2015		
PL-01	Public Notice	\$ 85.00
PL-02	Tentative Parcel Map	\$700 plus per lot fee and engineering time
PL-03	Tentative Subdivision Map	\$1700 plus per lot fee and engineering time
PL-04	Music License	\$ 174.00
PL-05	Temporary Use Permit	\$ 100.00
PL-06	Minor Use Permit/Exception	\$ 365.00
PL-07	Major Use Permit	\$ 725.00
PL-08	Variance	\$ 455.00
PL-09	Planned Unit Development	\$ 1,330.00
PL-10	Rezoning	\$ 910.00
PL-11	Prezoning/Annexation	\$ 1,167.00
PL-12	General Plan Amendment	\$ 1,450.00
PL-13	Modification of an Approved Plan	\$ 317.00
PL-14	Deferral Agreement	\$ 176.00
PL-15	Environmental Review (Initial Study)	\$ 1,030.00
PL-16	Environmental Review (Environmental Impact Report)	15% of contract cost
PL-17	Lot Line Adjustment /Lot Merger/Certificate of Compliance	\$ 238.00
PL-18	Appeal	\$ 630.00
PL-19	Sign Review (Administrative)	\$ 50.00
PL-20	Sign Review (DRC)	\$ 100.00
PL-21	Design Review (Alteration)	\$ 150.00
PL-22	Design Review (Minor)	\$ 220.00
PL-23	Design Review (Major)	\$ 531.00
PL-24	Design Review (Landscaping Plan)	\$ 195.00
PL-25	Design Review (Demolition or Relocation)	\$ 410.00
PL-26	Home Occupation Permit	\$ 70.00
PL-27	Building Plan Review	Hourly Based on Staff Assigned
PL-28	Extensions	\$ 50.00
PL-29	Sidewalk Seating/Outdoor Display Permit	\$ 60.00 Annual Renewal Fee: \$25
PL-30	Interpretation	\$ 129.00
PL-31	Research	Hourly Based on Staff Assigned
PL-32	Inspection	Hourly Based on Staff Assigned
PL-33	Zoning Permit	\$ 86.00
PL-34	Stormwater Plan Review	\$ 94.00

CITY OF SONOMA
2015 FEE SCHEDULE INDEX

INDEX NO.	SERVICE	FEE OR HOURLY RATE
EFFECTIVE FEBRUARY 19, 2015		
<i>PUBLIC WORKS</i>		
PW-01	Parking Barricades-Placement & Removal	\$197 + \$20 per space
PW-02	Water Deposit (Rentals)	\$ 150.00
PW-03	Public Works Inspection Fee [Hourly]	\$ 82.00
PW-04	Map and Plan Checking by City Engineer [Hourly]	\$ 135.00
PW-05	Public Works Inspection by City Engineer [Hourly]	\$ 135.00
PW-06	Encroachment Permit Fee (Minor)	\$ 142.00
PW-07	Encroachment Permit Fee (Major)	\$ 149.00
PW-08	After Hour Service Fee/Sunday & Holiday OT	\$324 for First 3 Hours / \$108 per hr after 3 Hours
PW-09	After Hour Service Fee/Regular Overtime	\$246 for First 3 Hours / \$82 per hr after 3 Hours
PW-10	Food Facility Inspection Fee	REMOVED
PW-11	Industrial Storm Water Discharge Compliance Inspection Fee	\$ 89.00
PW-12	Public Works Newsrack Initial Permit & Inspection Fee	\$95.00 for first 3 newsracks / \$20.00 each additional on same application
NEW		
PW-13	Public Works Newsrack Annual Fee	\$ 28.00
NEW		
PW-14	Public Works Hourly Rate	\$ 75.00
NEW		
PW-15	Deposit For Engineering Fees	Varies (Deposit, not a fee)
<i>UTILITIES</i>		
UT-01	Water Service- Delinquent Notice (2nd Notice)	\$ 20.00
UT-02	Water Service Turn Off	\$ 85.00
UT-03	Meter Testing Fee	\$ 113.00
UT-04	After Hour Service Charge/Regular Overtime	\$265 for First 3 Hours / \$88 per hr after 3 Hours
UT-05	After Hour Service Charge/Sunday & Holiday Overtime	\$349 for First 3 Hours / \$116 per hr after 3 Hours
UT-06	Non-Residential Fire Line Inspection & Bacteria Testing	\$122.00 per hour
UT-07	Water Waste Fee	\$ 33.00
UT-08	Water Flow Test	\$ 201.00
UT-09	Water Flow Test - Administrative only	\$ 20.00
UT-10	Annual Back Flow Device Testing (Backflow Fee)	\$ 6.00
UT-11	Meter Lock Fee	\$ 69.00
NEW		
UT-12	Second or Third Notice Annual Backflow Device Testing	\$ 34.00



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 6B

Meeting Date: 02/18/15

Department

Planning and Community Services

Staff Contact

David Goodison, Planning Director

Agenda Item Title

Discussion, consideration, and possible action on an ordinance amending the Development Code by prohibiting Automated Purchasing Machines in the City of Sonoma.

Summary

Automated purchasing machines (APMs) are a freestanding kiosk-type machines that enables the sale of cell phones, mp3 players, and similar devices for immediate cash. APMs use specialized technology to assess the value of the device based on model, condition, and value on secondary markets. Newer devices in good working condition may generate as much as \$300 from the transaction. Although APMs feature some security features, they are generally not sufficient to deter criminal exploitation and some cities report an increase in theft of personal electronic devices in cities that permit APMs. Law enforcement agencies across the country cite the instant access to cash provided by APMs as a draw for thieves and note the shortcomings of the machine's security features. Theft of personal electronic devices is already a problem in Sonoma even without the addition of APMs. Additionally, the Police Department is concerned that the presence of APMs could bring thieves from other communities to Sonoma for quick cash and, once here, subject citizens to additional criminal acts. For these reasons, the Police Department recommended to the City Council that APMs be prohibited. In order to allow time for the development and review of a amendment to the Development Code prohibiting APMs, the City Council adopted an Urgency Ordinance establishing a temporary moratorium at its meeting of October 20, 2014.

As directed by the Council, staff prepared a draft amendment to the Development Code establishing a ban APMs that was reviewed by the Planning Commission at its meeting of December 11, 2015. On a vote of 4-1-1 (Comm. Howarth dissenting and Comm. Roberson abstaining), the Commission recommended that the amendment be adopted, subject to the following: 1) that the ordinance include a sunset provision providing for its automatic expiration in five years; and, 2) that the definition of an APM be broadened. As recommended by the Planning Commission, the definition of an APM has been revised. However, in consulting with City Attorney, it has been determined that a sunset provision is not possible as, under State Law, a regulation that is established by ordinance may only be removed by the adoption of a subsequent ordinance.

Recommended Council Action

Staff recommends that the City Council introduce the attached ordinance.

Alternative Actions

Provide direction to staff.

Financial Impact

N.A.

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
 - No Action Required
 - Action Requested
-

Alignment with Council Goals:

The development of regulations pertaining to APMs is consistent with the "Policy and Leadership" goal, as it emphasizes local control through the planning process.

Attachments:

1. Draft Ordinance
2. Minutes of the Planning Commission meeting of December 11, 2014

cc: Bret Sacket, Police Chief

CITY OF SONOMA

ORDINANCE NO. xx - 2015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA AMENDING THE DEVELOPMENT CODE BY PROHIBITING THE ESTABLISHMENT AND OPERATION OF AUTOMATED PURCHASING MACHINES

WHEREAS, Automated Purchasing Machines are self-operating kiosks which allow users to sell their cell phones, tablets, or MP3 devices to a machine, for which the seller immediately receives cash for this transaction; and

WHEREAS, despite owner and operator claims that Automated Purchasing Machines are equipped with safety features to support public safety, Automated Purchasing Machines do not have the technology to verify whether the government-issued ID, fingerprint, and photograph collected by the machine belong to the person completing the transaction and whether the person is the true owner of the device being sold; and

WHEREAS, nationwide, there have been reported many cell phone robberies linked to Automated Purchasing Machines in which criminals intentionally rob individuals of their cell phone devices and sell them shortly thereafter at Automated Purchasing Machines; and

WHEREAS, Automated Purchasing Machines are responsible for a rise in violent and non-violent theft of personal electronic devices in cities permitting these machines; and

WHEREAS, it can be anticipated that due to technological advancements and continued demand for the production and placement of these machines, these machines will be manufactured to accommodate the sale of items of personal property other than and in addition to the electronic devices described above, and it is in the best interests of the City to address these potential advancements and avert their probable adverse consequences at the present time; and

WHEREAS, the Sonoma Municipal Code and Development Code are silent with regard to the regulation and location of Automated Purchasing Machines and there are currently no such machines operating in the City.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Sonoma as follows:

Section 1. Findings

The City Council finds that for the reasons stated above issuing permits, business licenses or other applicable licenses or entitlements providing for the establishment of and/or operation of Automated Purchasing Machines poses a threat to the public health, safety, and welfare.

Section 2. Amendments to Chapter 19.40 of the Sonoma Municipal Code (General Property Development and Use Standards)

Section 19.40.140 is hereby added to the Sonoma Municipal Code to read as follows:

Section 19.40.140 Prohibition of Automated Purchasing Machines

19.40.140.A Purpose. The purpose and intent of this section is to establish and enforce a city-wide prohibition on the establishment, maintenance, and operation of Automated Purchasing Machines, as defined in Chapter 19.92 (Definitions).

19.40.140.B Prohibited. Automated Purchasing Machines, as defined in Chapter 19.92, are prohibited in all zoning districts in the city. No permit or any other applicable license or entitlement for use, including but not limited to the issuance of a business license, shall be approved or issued for the establishment or operation of an Automated Purchasing Machine.

Section 3. Amendments to Title 19, Division VIII of the Sonoma Municipal Code (“Definitions”)

Section 19.92.020 (Definitions of Specialized Terms and Phrases) is hereby amended to add the following:

“Automated Purchasing Machine” means a self-service automated kiosk or other similar device or machine that, without the physical presence of a human agent, is capable of dispensing money in exchange for personal property, including but not limited to personal electronic devices.

“Personal Electronic Device” means any cell phone, mp3 player, tablet, or other similar device or machine.

Section 4. CEQA Findings

The City Council finds that this ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 5. Effective Date

This ordinance shall become effective 30 days after the date of adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Sonoma this ___ day of _____ 2015.

David Cook, Mayor

ATTEST:

Gay Johann
Assistant City Manager / City Clerk

Comm. Howarth inquired about the number of tentative map applications pending because of extensions granted over the years.

Planning Director Goodison explained the legislative review/extension process.

Comm. Roberson confirmed with staff that the Planned Development Permit was given a one year extension and that further State actions extended the application until 2018.

Chair Tippell opened the item to public comment.

No public comment.

Chair Tippell closed the item to public comment.

The Planning Commission accepted the report.

Comm. Willers returned to the dais.

Item #4 – Discussion – Consideration of an ordinance prohibiting the establishment and operation of automated purchasing machines (APMs).

Planning Director Goodison presented staff's report.

Comm. Howarth requested clarification on the specific issue or concern that generated tonight's dialogue.

Planning Director Goodison stated that as a result of a concern expressed by local law enforcement, the City Council asked staff to review the issues raised by automated purchasing machines and suggest changes should be made to the Development Code.

Chair Tippell opened the item to public comment.

No public comment.

Chair Tippell closed the item to public comment.

Comm. Roberson is concerned with the approach of narrowly defining and banning a certain type of product, when it is possible that other devices of a similar nature could cause the same problems as those attributed to APMs. He is also concerned that technological advancements could provide the adequate safeguards for APMs in the future and therefore he would like to see a sunset provision

Comm. Felder also expressed support for a sunset clause.

Comm. Roberson recognized that the incentives of economic interest are not always in the public's best interest, but he also believes that through competition it is likely that adequate verification safeguards will be developed for APMs.

Comm. Tippell supported the recommendation of the Police Chief to consider prohibiting automated purchasing machines.

Comm. Cribb clarified with staff that this discussion was not a result of a specific case or problem from the use of automated purchasing machines in Sonoma.

Comm. Willers made a motion to forward a recommendation of support to the City Council that included a sunset date of five years and a recommendation to consider a broader definition of the term "automated purchasing machine." Comm. Cribb seconded. The motion was approved on a vote of 4-1-1. Comm. Howarth opposed, Comm. Roberson abstained.

Election of Officers:

Comm. Felder nominated Comm. Willers for Chairman. Comm. Roberson seconded. The nomination was unanimously approved.

Comm. Roberson nominated Comm. Felder for Vice Chairman. The nomination was unanimously approved.

Chair Tippell enjoyed his experiences working with his fellow commissioners and staff over the years as he served on both the Planning Commission and Design Review and Historic Preservation Commission. Although he is moving out of City limits he will continue to operate his business in the City of Sonoma and continue to be an active participant in the Community.

Issues Update:

Planning Director Goodison reported the following:

The Housing Element update will be reviewed at the January 8th meeting.

Matthew Tippell was thanked for his years of service to the Planning Commission and will be missed.

Comments from the Audience: City Councilmember Gary Edwards felt fortunate to have served on the Planning Commission. He thanked outgoing Commissioner Tippel for his service.

Adjournment: The meeting adjourned at 8:20 p.m. to the next regular meeting scheduled for 6:30 p.m. on Thursday, January 8, 2015.

I HEREBY CERTIFY that the foregoing minutes of December 11, 2014 were duly and regularly adopted at a regular meeting of the Sonoma Planning Commission on the the day of,

Approved:

Cristina Morris, Administrative Assistant



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 7A

Meeting Date: 2/18/2015

Department

Building

Staff Contact

Wayne Wirick, Development Services Director / Building Official

Agenda Item Title

Discussion, consideration and possible action on the renewal of the lease of the Youth Center Building located at 136 Mission Terrace to the Valley of the Moon Nursery School.

Summary

On June 30, 2015, the existing 18-month lease of the Youth Center Building with the Valley of the Moon Nursery School will expire. A new 1-year lease, with an option to renew for four additional one-year terms has been developed for City Council consideration. See the enclosed Supplementary Report for additional information regarding the proposed highlights, terms and conditions of the lease.

Recommended Council Action

Authorize the City Manager to execute the proposed lease with the Valley of the Moon Nursery School.

Alternative Actions

1. Direct staff to make changes to the terms or conditions of the proposed lease and authorize the City Manager to execute the revised lease.
2. Terminate the lease with the Valley of the Moon Nursery School and provide direction to staff regarding the proposed use and ongoing maintenance of the building.

Financial Impact

Under the proposed lease, the lease rate for the building would increase from \$822 per month to \$832 per month. Lease rates would thereafter be adjusted annually by the average annual change in the Consumer Price Index. One-time capital costs to the City to mitigate current ADA and other code related deficiencies is estimated at approximately \$86,900 over the next 5 years. An analysis of the actual and projected income and expenses for the building from 1986 through 2020, including necessary ADA and other improvements, shows that the City would realize an estimated net gain of approximately \$27,400 if the lease is renewed through June 30, 2020.

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

Supplementary Report

Alignment with Council Goals:

This item aligns with the Council Goal for Fiscal Management by maintaining fiscal responsibility that ensures short and long-term prosperity through effective fiscal planning and efficient management of the taxpayers' assets.

cc:

Robyn Lely – Valley of the Moon Nursery School

SUPPLEMENTAL REPORT

DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON THE RENEWAL OF THE LEASE OF THE YOUTH CENTER BUILDING LOCATED AT 136 MISSION TERRACE TO THE VALLEY OF THE MOON NURSERY SCHOOL

For the City Council Meeting of February 18, 2015

EXECUTIVE SUMMARY

The Youth Center Building, located at 136 Mission Terrace (see Exhibit A of the supplemental report), was built by the Sonoma Kiwanis Club in 1945 and subsequently donated to the City. The property has been leased or licensed for use to the Valley of the Moon Nursery School (VOMNS) since 1954 (approximately 60 years).

On June 30, 2015, the existing 18-month lease with VOMNS will expire. The school would like to continue to lease the building with the flexibility to opt-out of the lease on an annual basis if the ever-changing economics of operating a pre-school become unsustainable.

The Building Department has conducted an inspection of the premises and has identified a number of items that need to be repaired or corrected for the continued long-term use of the building (see Exhibit B). While some of the items needing repair should be abated by the VOMNS, other repairs and improvements should be performed by the City given the terms of previous leases.

A City-owned municipal water well exists within the Youth Center Building, which can sometimes result in inconvenience and noise that, from a practical perspective, limits the use of the building. Staff has considered and discussed other possible use alternatives for the property (i.e. extra storage for City services, Public Works annex, City offices, public parking, etc.) however each of the alternative options have significant drawbacks that neutralize any benefit. As an example, if the City were to use the building for storage purposes, ADA upgrades would not be necessary but other ongoing maintenance costs would be incurred by the City with no offsetting lease income.

SYNOPSIS

A proposed new lease has been prepared for City Council consideration, the highlights of which are enumerated as follows:

1. The term of the lease is 1-year (July 1, 2015 – June 30, 2016) with an option to renew for four (4) additional one-year terms (to June 30, 2020).
2. The lease rate has been increased from \$822 per month to \$832 per month. As per the existing lease, the lease rates would thereafter be adjusted annually by the average annual change in the Consumer Price Index (CPI-U) for All Urban Consumers for the San Francisco Bay Area.
3. Maintenance and repair responsibilities for the premises will remain the same as the current lease, with the City responsible for the maintenance and repairs of the Well Pump Room, the roof, exterior side walls, exterior painting, foundation and for the maintenance

of plumbing and electrical lines within the walls and underneath the building; and the School responsible for maintaining the interior of the main building, the play yard, accessory structures, parking area and landscaping.

4. By March 31, 2017, the school will need to complete code required improvements designated as “Tenant Responsibility” in the 2012 Building Survey report (Exhibit B).
5. By June 30, 2020, the City will plan and implement “City Responsibility” code improvements, including certain Americans with Disabilities Act (ADA) improvements, that are designated in the 2012 Building Survey report.
6. All other terms and provisions of the lease remain substantially the same as the existing lease.

FINANCIAL IMPACT

The City does not lease the building for profit but expects to recover sufficient funds from its lease to pay for its ongoing maintenance. An analysis of the actual and projected income and expenses for the building from 1986 through 2020, including necessary ADA and other improvements identified in Exhibit B, shows that the City would realize an estimated net gain of approximately \$27,400 if the lease is renewed through June 30, 2020.

One-time City capital costs to mitigate current ADA and other code related deficiencies is estimated at approximately \$86,900 over the next 5 years. Sufficient funds have been set aside and exist in the City’s Long-Term Building Maintenance Fund to make the necessary improvements and repairs.

RECOMMENDATION

Authorize the City Manager to execute the proposed lease with the Valley of the Moon Nursery School.

ALTERNATIVES

1. Direct staff to make changes to the terms or conditions of the proposed lease and authorize the City Manager to execute the revised lease.
2. Terminate the lease with the Valley of the Moon Nursery School and provide direction to staff regarding the proposed use and ongoing maintenance of the building.

ATTACHMENTS

- Proposed Lease

cc: Robyn Lely – VOM Nursery School

Recording Requested By:
City of Sonoma

When Recorded Return to:
City of Sonoma
Attn: City Clerk
No. 1 The Plaza
Sonoma, CA 95476

APN: 018-171-026

LEASE AGREEMENT

This Lease agreement (“Lease” or “Agreement”) is executed at Sonoma, Sonoma County, California, on _____, 2015, between the CITY OF SONOMA, a municipal corporation, (“CITY”), and the VALLEY OF THE MOON NURSERY SCHOOL, a California non-profit organization, (“SCHOOL”).

MATERIAL FACTS

The “Youth Center” building located at 136 Mission Terrace was built and dedicated to the youth of Sonoma Valley by the Sonoma Kiwanis Club in 1945.

The City of Sonoma has leased portions of the premises to the Valley of the Moon Nursery School since 1954.

THEREFORE IT IS AGREED by and between the CITY and the SOCIETY as follows:

1. PREMISES DEFINED. For the purposes of this Lease, “Premises” shall mean the land and all improvements, including structures and any future improvements to the land or to the buildings and any fixtures, equipment, casework or other appurtenance affixed to or maintained on the land or the building (“building”) located at 136 Mission Terrace, Sonoma, California except that portion of the building, including the walls, door, floor, ceiling finishes, equipment, piping, pumps, wiring and other apparatus contained within or a part of the “Well Pump Room” as further described in Exhibit A.

2. TERM. CITY shall Lease to SCHOOL the Premises, for a term of one year, commencing July 1, 2015 and terminating on June 30, 2016. The SCHOOL shall have the option to renew the Lease for four (4) additional one (1) year terms, commencing July 1, 2016 and terminating on June 30, 2020, subject to the terms and conditions contained herein. To exercise the option to renew, SCHOOL must give CITY written notice of exercise of the option (“Option Notice”) no earlier than six (6) months (January 1st) and no later than three (3) months prior to the expiration (March 31st) of the then current Lease term. However, if, as of CITY's receipt of the Option Notice, SCHOOL is in default under this Lease, or has committed or failed to perform acts that with the giving of notice or the lapse of time would constitute a default under this Lease (“Potential Default”), the Option Notice shall be totally ineffective. If after giving the Option Notice, SCHOOL is in default under this Lease, or if a Potential Default has occurred, and that

default or Potential Default remains uncured as of the expiration of the Lease term, this Lease shall, at the election of CITY, terminate as of the expiration of the then current Lease term.

3. CONSIDERATION. SCHOOL shall pay to CITY Eight-Hundred Thirty-Two Dollars (\$832.00) per month beginning July 1, 2015 and a like amount on the first day of each month thereafter as rent for the first year of the Lease. The rent in subsequent years shall be increased beginning on the anniversary date of the commencement of the Lease by a percentage equal to the average annual change in the Consumer Price Index (CPI-U) for All Urban Consumers for the San Francisco Bay Area for the previous full calendar year of data as determined by the United States Department of Labor, but in no case greater than five percent (5%) per annum. All monthly payments shall be due and payable on the 1st day of each month.

4. USE. The Premises are leased to the SCHOOL for the sole purpose of conducting and operating a preschool thereon. Parties agree that the CITY may use the Premises in the event of a declared local disaster or civil emergency, in which case the rent shall not be abated.

5. ENTRY BY CITY. SCHOOL shall permit CITY and its agents to enter into and upon Premises at all reasonable times for the purpose of inspecting the Premises to determine compliance with the terms of this Lease and/or for maintaining, repairing, altering or adding to the Premises or the Well Pump Room or the equipment, components or parts therein.

6. UTILITIES. SCHOOL shall pay for all utilities, including, but not limited to, water, telephone, gas, electricity, television, data and sewer service except CITY shall pay separately metered electrical utility costs to run pumps and equipment located in the Well Pump Room.

7. PROPERTY TAX ASSESSMENTS. SCHOOL shall pay directly to the Sonoma County Tax Collector all property tax assessments, if any be imposed on the Premises as a result of SCHOOL's use of the Premises. SCHOOL recognizes and understands that this Lease may create a possessory interest subject to property taxation and that SCHOOL may be subject to payment of property taxes levied on such interest. SCHOOL agrees to promptly pay any such tax.

8. GARBAGE AND RECYCLING. SCHOOL shall pay for the cost and expense of the proper and legal disposal of all garbage removal and for the recycling of recyclable waste materials generated during its use and operation of the facility.

9. CONDITION OF PREMISES. SCHOOL accepts the Premises in "as is" condition with all of their faults and defects and as being in the condition in which CITY is obligated to deliver the Premises. SCHOOL waives all rights to make repairs at the expense of CITY or instead to vacate the Premises, and SCHOOL further waives the provisions of Civil Code sections 1941 and 1942 with respect to CITY's obligations under this Lease. CITY has no obligation and has made no promise to alter, remodel, improve, repair, decorate, or paint the Premises or any part of them, except as specifically set forth in this Lease.

10. MAINTENANCE AND REPAIRS.

A. SCHOOL, at its own expense, shall keep the Premises in clean, safe and sanitary condition to the satisfaction of the CITY. Except as otherwise provided in paragraphs 10.B below, SCHOOL, at its own expense, shall maintain and repair as necessary the Premises or portions thereof including those improvements, parking areas, detached accessory structures, fixtures, appliances, components, piping, wiring, parts, equipment, and apparatus located on or made a part of the Premises in a good and safe operating condition. SCHOOL, at its own expense, shall repair any breakage of glass and shall maintain doors and windows in good and securable operating condition. SCHOOL shall

furnish and maintain all necessary materials and supplies, including light bulbs, filters, paper goods, soap, fire extinguishers, flags and other supplies and components designed to be replaced or as may be necessary to keep the Premises in good and safe operating order for its intended purpose. SCHOOL shall be responsible for any necessary or desirable cleaning, washing, painting, decorative finishes or other similar treatment or supplies needed to maintain cleanliness or aesthetics in the interior of the main school building, or the play yard and associated accessory structures. SCHOOL shall obtain, at its own cost and expense, any required building or other permits or approvals for maintenance or repair work as required by law or City ordinances.

B. SCHOOL shall not be responsible for repair or maintenance of the Well Pump Room or the apparatus contained therein. CITY, at its own expense, shall keep the Well Pump Room in good repair and in a safe, secure, clean and sanitary condition for its intended use. SCHOOL shall not be responsible for costs to repair damage to the Premises resulting from water originating from the City well apparatus located within or under the Well Pump Room. Notwithstanding paragraph 10.A, CITY is responsible for the maintenance and repair of the roof, exterior side walls, exterior painting, foundation and for the maintenance of plumbing piping and electrical wiring within the walls and underneath the main building where the Well Pump Room exists and shall maintain the same at its own expense to the extent necessary to keep the building usable for the purposes intended by the Lease. Notwithstanding the foregoing to the contrary, any damage to electrical wiring or appurtenances, or plumbing stoppages, resulting from act or negligence of agents or employees of the SCHOOL, shall be repaired at the expense of the SCHOOL.

C. Notwithstanding paragraphs 10.A and 10.B, SCHOOL shall, at its own expense, complete all code required repairs, maintenance and improvements designated as “Tenant Responsibility” in the 2012 Building Survey report (Exhibit B) by March 31, 2017.

D. Notwithstanding paragraphs 10.A, 10.B and 10.C, SCHOOL is advised that CITY intends to plan and implement, at its own expense, “City Responsibility” code improvements and ADA improvements designated in the 2012 Building Survey report (Exhibit B) at its earliest convenience prior to June 30, 2020. SCHOOL and CITY hereby agree to coordinate said work to minimize disturbance to SCHOOL operations.

11. **LANDSCAPE MAINTENANCE.** SCHOOL, at its own expense, shall maintain in good working order all landscaping irrigation systems. SCHOOL, at its own expense, shall maintain all yards, landscaping, roof gutters, roof drains, walkways, public sidewalk, driveway approaches and parking lot on the Premises in a good, clean and sanitary condition. SCHOOL shall, at its own expense, maintain the landscaping in a viable, thriving, and visually aesthetic condition, and shall promptly replace landscaping improvements that die or are not viable or thriving.

12. **ALTERATIONS AND ADDITIONS.**

SCHOOL shall not make, or cause to be made, any structural alterations or additions to the Premises, or any part thereof, without the prior written consent of CITY. Any additions to, or alterations of, the Premises, except movable furniture, play equipment, freestanding shelving and casework, shall become at once a part of the realty and belong to the CITY. Upon the termination of this Lease, SCHOOL shall remove such furniture, play equipment, freestanding shelving, casework and trade fixtures as may have been installed by SCHOOL during the term of this Lease and shall repair or replace any areas damaged by such installation or removal to its

original conditions, subject to reasonable wear and tear only. Any such fixtures or furnishings not removed within five (5) calendar days of the termination of the Lease shall become at once a part of the realty and belong to the CITY. SCHOOL shall keep the demised Premises and the property in which the demised Premises are situated free from any liens arising out of any work performed, material furnished or obligations incurred by SCHOOL, including but not limited to mechanic's, materialmen's, contractor's or subcontractor's liens. SCHOOL shall obtain, at its own cost and expense, any required building or other permits or approvals for addition or alteration work as required by law.

13. COMPLIANCE WITH APPLICABLE LAWS.

A. SCHOOL shall comply with all applicable state and federal laws, ordinances, rules and orders of the City of Sonoma, County of Sonoma, State of California, or other authorities pertaining to the operation of a nursery school, including but not limited to the licensing, cleanliness, occupancy and maintenance of the demised Premises.

B. SCHOOL, at its own cost and expense, shall make and maintain the program, services and activities provided by SCHOOL or made available to the public, accessible to individuals with disabilities in accordance with the applicable provisions of Title II and Title III of the Americans with Disabilities Act ("ADA"). SCHOOL shall consult with CITY and obtain CITY's written consent, before making any renovations to the interior of the building that would trigger any required ADA upgrades or renovations.

14. PREMISES ARE DAMAGED OR DESTROYED. If the Premises or any part thereof are damaged or destroyed by any cause whatsoever, SCHOOL shall not be entitled to any compensation or damages from CITY for loss of use of the whole or any part of the Premises, from being displaced from the Premises either temporarily or permanently, for SCHOOL's personal property or for any inconvenience or annoyance occasioned by such damage, repair, reconstruction or restoration of the Premises. In addition, CITY may, at its sole discretion:

A. terminate the Lease, in which case the CITY shall have the right to receive all insurance proceeds, including insurance owned by and payable to the SCHOOL, excepting any insurance proceeds specifically for SCHOOL relocation or personal property owned by the SCHOOL; or

B. rebuild the Premises so destroyed or damaged similar to the building or portion thereof so damaged and destroyed, in which case the CITY shall have the right to receive all insurance proceeds, including insurance owned by and payable to the SCHOOL, excepting any insurance proceeds specifically for SCHOOL relocation or personal property owned by the SCHOOL; or

C. agree that the SCHOOL, at its own cost and expense, promptly repair and restore the same to a building substantially similar or better than the building or portion thereof damaged or destroyed. Without limiting such obligation of SCHOOL, it is agreed that the proceeds of any insurance, including insurance owned by and payable to the CITY, covering the damage or destruction shall be made available to SCHOOL for such repair or replacement. However, in the case of destruction of the building, or damage thereto from any cause so as to make it untenable, SCHOOL may elect to terminate this Lease by written notice served on CITY within ninety (90) days after the occurrence of such damage or destruction. In the event of such termination, there shall be no obligation on the part of SCHOOL to repair or restore the building and improvements, but in such

event, CITY shall be entitled to all of the insurance proceeds collected under any insurance policies covering said building or any part thereof, including insurance owned and payable to the SCHOOL.

15. INSURANCE. SCHOOL shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with SCHOOL's operation and use of the leased Premises. The cost of such insurance shall be borne by the SCHOOL. The provisions of this section shall survive the termination of this Lease for any event occurring prior to the termination.

A. MINIMUM SCOPE OF INSURANCE. Coverage shall be at least as broad as:

i) Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including property damage, bodily injury and personal injury with limits no less than \$2,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. The insurance shall include broad form property damage, blanket contractual, completed operations, vehicle coverage, products liability and employer's non-ownership liability coverage.

ii) Workers' Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limits of no less than \$1,000,000 per accident for bodily injury or disease. (for lessees with employees).

iii) Property insurance against all risks of loss to any tenant improvements or betterments, at full replacement cost with no coinsurance penalty provision.

B. OTHER INSURANCE PROVISIONS. The policies are to contain, or to be endorsed to contain, the following provisions:

i) For General Liability, the CITY, its officers, officials, employees, and volunteers are to be covered as additional insureds with respect to liability arising out of ownership, maintenance, or use of that part of the premises leased to the SCHOOL.

ii) The SCHOOL'S insurance coverage shall be primary insurance as respects the CITY, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the CITY, its officers, officials, employees, or volunteers shall be excess of the SCHOOL'S insurance and shall not contribute with it.

iii) Each insurance policy required above shall contain, or be endorsed to contain, a waiver of all rights of subrogation against the CITY.

iv) Each insurance policy shall be endorsed to state that coverage shall not be canceled except after thirty (30) days' prior written notice (10 days for non-payment) has been given to the CITY.

v) The Property insurance shall name the CITY as Loss Payee as its interests may appear.

C. ACCEPTABILITY OF INSURERS. Insurance is to be placed with insurers with an A.M. Best's rating of no less than A: VII unless otherwise acceptable to the CITY.

D. DEDUCTIBLES AND SELF-INSURED RETENTIONS. Any deductibles or self-insured retentions must be declared to and approved by the CITY. At the option of the CITY, either: the SCHOOL shall obtain coverage to reduce or eliminate such deductibles or self-insured retentions as respects the CITY, its officers, officials, employees, and volunteers; or the SCHOOL shall provide a financial guarantee satisfactory to the CITY guaranteeing payment of losses and related investigations, claim administration, and defense expenses.

E. VERIFICATION OF COVERAGE. SCHOOL shall furnish the CITY with certificates of insurance and with original endorsements effecting coverage required by this clause. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements are to be on forms approved by the CITY. All certificates and endorsements are to be received and approved by the CITY within 10 days following execution of this Lease. The CITY reserves the right to require complete, certified copies of all required policies, at any time.

F. WAIVER OF SUBROGATION. SCHOOL hereby grants to CITY a waiver of any right to subrogation which any insurer of said SCHOOL may acquire against the CITY by virtue of the payment of any loss under such insurance. This provision applies regardless of whether or not the CITY has received a waiver of subrogation endorsement from the insurer.

16. INDEMNIFICATION. SCHOOL waives all claims against the CITY for damages to property or injury or death to any person on the Premises arising at any time and from any cause other than the sole negligence of CITY. SCHOOL shall indemnify, hold harmless and defend CITY against and from any and all claims arising from SCHOOL's use of the Premises, for conduct of its business or from any activity, work, or other thing done, permitted or suffered by SCHOOL in or about the Premises, and shall further indemnify, defend and hold harmless CITY against and from any and all claims arising from any breach or default in the performance of any obligation on SCHOOL's part to be performed under the terms of this Lease, SCHOOL's failure to comply with all applicable laws in its performance under this Lease or arising from any act or negligence of SCHOOL, or any officer, agent, employee, guest or invitee of SCHOOL, and from all and against all costs, attorney's fees, expenses and liabilities incurred in or about any such claim or any action or proceeding brought against CITY by reason of any such claim; provided that such indemnity shall not extend to any loss arising from CITY'S sole negligence. SCHOOL, upon notice from CITY, shall defend same at SCHOOL's expense by counsel reasonably satisfactory to CITY. The provisions of this section shall survive the termination of this Lease for any event occurring prior to the termination.

17. LOSS OR DAMAGE TO PERSONAL PROPERTY. CITY shall not be liable for any damage to SCHOOL's property used or stored on the Premises, for any damage to property entrusted to SCHOOL's employees, for any loss or damage to any property by theft or otherwise, or for any injury to or damage to persons or property resulting from fire, explosion, falling plaster, steam, gas, electricity, water or any other cause whatsoever unless caused by or due to the sole negligence of CITY, its agents, servants or employees.

18. FIRE INSURANCE. CITY, at its own expense, may maintain in effect throughout the term of the Lease, a policy or policies of insurance on the building which is part of the leased Premises, providing protection against any peril of fire, exclusive of trade fixtures and equipment of SCHOOL.

19. DEFAULT. CITY and SCHOOL agree that every condition, covenant and provision of this Lease is material and reasonable. Any breach by SCHOOL of a condition, covenant or provision of this Lease will constitute a material breach. For any material breach by SCHOOL, CITY may provide SCHOOL with a written notice that describes the breach and demands that SCHOOL cure the default (if a cure is possible). If SCHOOL does not cure the default within thirty (30) days (or within five (5) days for SCHOOL's failure to timely pay rent), or if a cure is not possible, this Lease will be terminated. Termination of this Lease for a breach by SCHOOL will not occur unless the foregoing events occur.

Specifically, the following shall constitute a default by the SCHOOL.

- A. Failure to pay rent when due;
- B. Use of the Premises for any unlawful purpose in violation of this lease or any City, State or Federal law or regulation;
- C. Abandonment of the Premises for more than 90 days;
- D. Assigning or subletting the leased Premises without the prior written consent of CITY;
- E. Committing waste on the leased Premises;
- F. Maintaining, committing or permitting the maintenance or commission of a nuisance on the leased Premises;
- G. Any material failure to keep the Premises in a sanitary condition or to dispose of all trash, debris, recycling and garbage;
- H. Altering the Premises in any manner, except as provided in this Lease Agreement;
- I. Failure to perform or meet any other provision, covenant or condition of this Lease.
- J. Failure to make repairs or improve the Premises within the time deadlines set forth in Section 10.C of this lease.

20. TERMINATION. Upon termination of this Lease, SCHOOL shall quit and surrender the Premises thereby demised in as good a state and condition as they were at the commencement of the term, reasonable use and wear thereof and damage by the elements excepted.

21. ASSIGNMENT OF LEASE TO OTHERS. SCHOOL shall have no right to encumber the Premises in any manner and shall not assign, sublet, hypothecate or otherwise transfer whether voluntarily, involuntarily, or by operation of law, its interest in this Lease or any part thereof without the prior written consent of CITY, which said consent may be withheld in the sole and unfettered discretion of CITY. No such assignment or transfer shall be valid or binding without the CITY's prior written consent. An attempted assignment or transfer not in compliance with the provisions of this paragraph shall be grounds for CITY's termination of this Lease.

22. **BINDING ON SUCCESSORS.** Subject to the provisions of this Lease regarding assignments, each of the covenants and conditions of this Lease shall apply to and bind the heirs, successors, executors, administrators and assigns of the parties hereto.

23. **RECOVERY OF ATTORNEY'S FEES.** In the event that either party thereto shall commence any legal action or proceeding, including an action for declaratory relief, against the other by reason of the alleged failure of the other to perform or keep any term, covenant or condition of this Lease by it to be performed or kept, the party prevailing in said action or proceeding shall be entitled to recover, in addition to its court costs, a reasonable attorney's fee to be fixed by the court, and such recovery shall include court costs and attorney's fees on appeal, if any. The Court will determine the "prevailing party" and whether or not the suit proceeds to final judgment. However, if an action is voluntarily dismissed, or dismissed pursuant to a settlement of the case, neither party will be entitled to recover its attorney's fees.

24. **WAIVER OF BREACH OR COVENANT.** Waiver by either party of a breach of any covenant of this Lease Agreement will not be construed to be a continuing waiver of any subsequent breach. No waiver by either party of a provision of this Lease Agreement will be considered to have been made unless expressed in writing and signed by all parties.

25. **INTEGRATION CLAUSE.** CITY OF SONOMA (CITY) and VALLEY OF THE MOON NURSERY SCHOOL (SCHOOL) agree that this instrument contains the entire, sole and only agreement between them concerning the demised Premises and correctly sets forth their rights and obligations to each other concerning the demised Premises as of its date. Any agreement or representations respecting the demised Premises or the duties of either CITY or SCHOOL in relation thereto not expressly set forth in this instrument is null and void.

26. **NOTICE.** For the purpose of service of process and service of notices and demands, SCHOOL'S address is:

Valley of the Moon Nursery School
136 Mission Terrace
Sonoma, CA 95476

Notices, demands and service of process for the CITY shall be served on the City Manager at the following address:

City Hall
No. 1 The Plaza
Sonoma, CA 95476

27. **MERGER.** This Lease is intended as the final expression of the agreement between the parties hereto with respect to the included terms, and as a complete and exclusive statement of the terms of the agreement, pursuant to Code of Civil Procedure Section 1856. No modification of this Lease shall be effective unless and until such modification is evidenced by a writing signed by both parties. Each party has relied on its own examination of this Lease, the counsel of its own choosing, and the warranties, representations and covenants of the Lease itself. The failure or refusal of either party to read the Lease or other documents, or to obtain legal or other advice relevant to this transaction, constitutes a waiver of any objection, contention or claim that might have been based on such reading, inspection or advice.

28. RECORDING OF LEASE. This Lease shall be recorded in the Sonoma County Recorder's Office immediately after it is fully executed, pursuant to California Government Code Section 37393.

29. AUTHORIZATION TO EXECUTE. Each signatory to this Lease represents and warrants that s/he has been fully authorized by the entity that s/he represent to execute this Lease and that this Lease is a legally binding obligation on the part of the entity s/he represents and is enforceable against that entity, consistent with the Lease's terms and conditions.

30. RELOCATION BENEFITS. SCHOOL, on behalf of itself and its successors and assigns, acknowledges, agrees and confirms that at the time SCHOOL entered into this Lease that SCHOOL was a "post-acquisition tenant with notice" pursuant to California law, including but not limited to, Title 25 California Code of Regulations Section 6034(b), and that SCHOOL shall not be entitled to relocation benefits or assistance from CITY upon expiration of this Lease or upon the earlier termination of the Lease for any reason. SCHOOL further expressly waives and relinquishes any and all claims to relocation benefits or assistance from CITY under any law, including but not limited to, California Government Code Section 7260 et seq. and Title 25 California Code of Regulations Section 6000 et seq., upon expiration of this Lease or upon the earlier termination of the Lease for any reason.

31. INSPECTION BY A CERTIFIED ACCESS SPECIALIST. The premises has not undergone inspection by a Certified Access Specialist (CAsp) and no determination has been made by a CAsp as to the property's conformance with all applicable construction-related accessibility standards pursuant to Section 55.53 of the California Civil Code.

CITY OF SONOMA

VALLEY OF THE MOON NURSERY SCHOOL

By:

Mayor

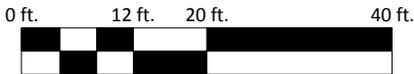
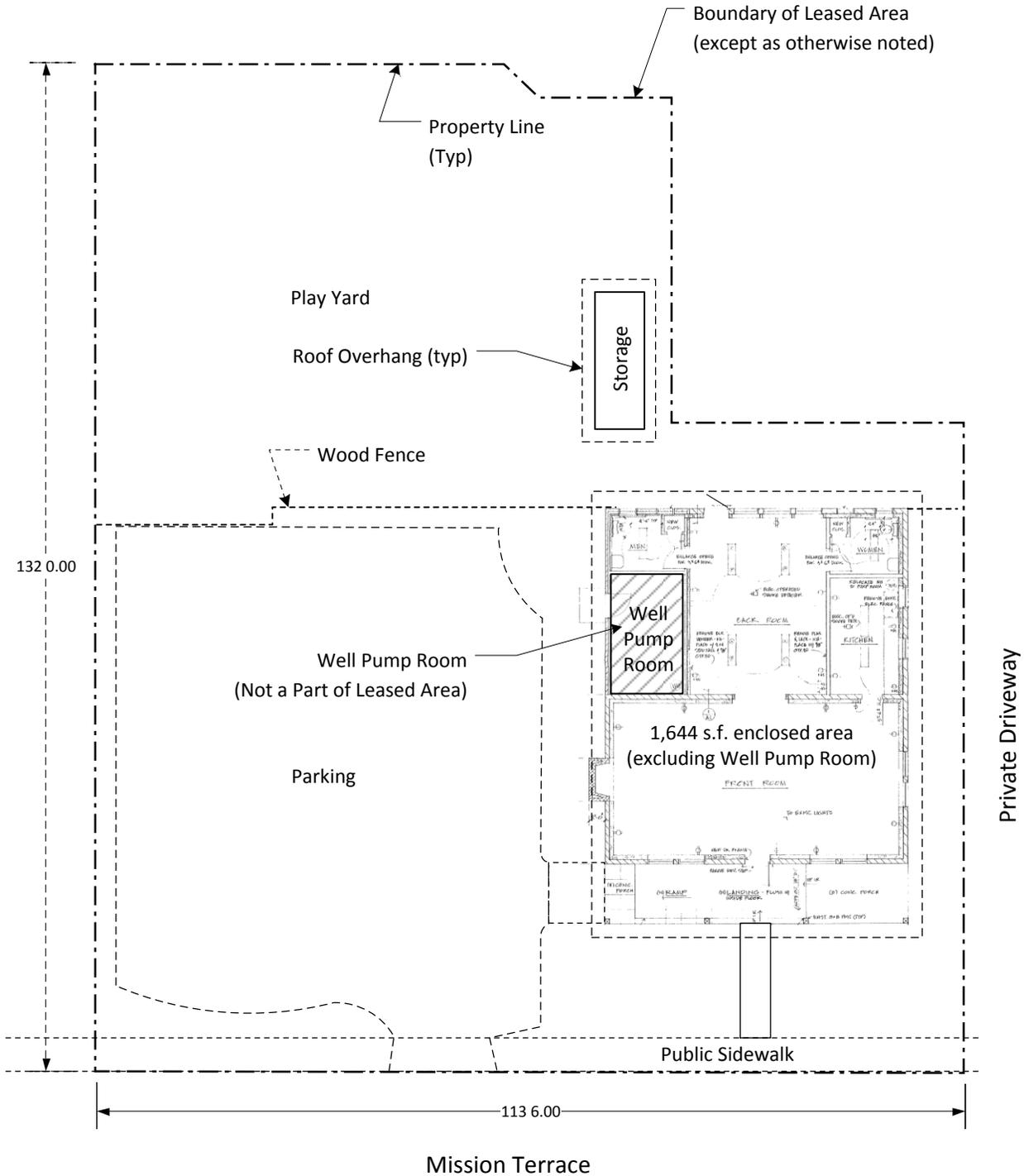
By:

President, VOM Nursery School

Attest:

City Clerk

EXHIBIT - A



136 Mission Terrace

6/1/2012

No. 1 The Plaza
 Sonoma California 95476-6690
 Phone (707) 938-3681 Fax (707) 938-8775
 E-Mail: cityhall@sonomacity.org



March 1, 2012

BUILDING SURVEY REPORT

DATE OF SURVEY: January 25, 2012
PROPERTY ADDRESS: 136 Mission Terrace, Sonoma – APN# 018-171-026
ZONING: Medium Density Residential
SPECIAL CONDITIONS: The leased area is used as a nursery school; it contains approximately 1,840 square foot building with a mechanical room attached. There exists a small masonry shed at the rear within a play yard.
EXISTING USE: VOM Nursery School
PROPOSED USE: Same
OCCUPANCY CLASS: E
INSPECTION AND REPORT BY: Kathy Toohey, Building Inspector

The following list provides an overview of noted deterioration and/or code deficiencies relating to Building, Electrical, Mechanical, Plumbing and Accessibility. The column to the right indicates the requirements and responsibility performing corrective work under the existing lease dated March 7, 2007.

Conditions Found	Corrective Work Required
<u>ACCESSIBILITY:</u>	
1. The route from the parking lot to the building has a ramp which is in excess of 8.33%. The first seven feet is an asphalt section with a slope of 9.4 – 9.6 % in this area. The beginning of this section has a lip which is higher than ½ inch. The asphalt section runs to a level area measuring 46 inches in length then ramps up 10 feet with a 7.6% slope. The cross slope does not exceed 2%. There are no handrails on the ramp. [see Figure 1] <u>1133B.5.5.1 (CBC)</u>	Yes (City)
2. The front step does not have striping for the visually impaired. [see Figure 2] <u>1133B.4.4 (CBC)</u>	Yes (City)
3. The parking lot is an unmarked gravel lot; the gravel should be increased in some areas at the low spots where ponding occurs so dirt is not tracked onto the street especially at the entrance. [see Figure 3]	Yes (Tenant)

Conditions Found	Corrective Work Required
4. A van accessible parking space and loading zone together with required accessible signage is needed to comply with the ADA.	Yes (City)
5. Controls for the flush valves need to be mounted on the wide side of toilet. (east toilet room) <u>1115B.4.1(5)(CBC)</u> [see Figure 4]	Yes (Tenant)
6. Lavatory faucet controls need to be operable with one hand with lever-operated, push-type preferable. <u>1115B.4.3 (1)(CBC)</u> [see Figure 4]	Yes (City)
7. Hot water and drain pipes accessible under lavatories must be insulated or covered. <u>1115B.4.3 (4)(CBC)</u> [see Figure 4]	Yes (Tenant)
<u>ELECTRICAL:</u>	
8. There is an electrical sub panel located approximately 78 inches above the finished floor. In front of the electric panel is a row of fixed cubicles which encroaches into the working clearances. A clear space of 30” wide by 36” deep is required. <u>110.26 (CEC)</u> [see Figure 5]	Yes (Tenant)
9. Building permit #12355 expired in December of 1999. The work covered by the permit has been completed which includes – adding a 15 amp circuit and installing a motion sensor light. A new permit must be obtained by the nursery school and final inspection approval obtained.	Yes (Tenant)
<u>BUILDING:</u>	
10. The north play yard has a masonry storage shed; the roof is flat and has some dry rot which is outside the footprint of the structure toward the rear. [see Figures 6, 7 & 8]	Optional (Tenant)
11. The north downspout termination should be directed away from the building. [see Figure 9]	Optional (City)
12. On the northeast wall of the building is a crack in the masonry. This could allow water or insect intrusion. . [see Figure 10]	Optional (City)
13. Dry rot was discovered on the eastside of the building at the window sills. . [see Figure 11]	Yes (City)
<u>MECHANICAL:</u>	
14. A building permit application for HVAC equipment on the roof expired on July 8, 2002. This work appears to have been completed without final inspection approval. A new permit must be obtained by the nursery school for the work and final inspection approval obtained. . [see Figures 12, 15 & 16]	Yes (Tenant)
15. The thermostat wire on roof should be protected and the excess wire shortened. . [see Figure 12]	Yes (Tenant)

Conditions Found	Corrective Work Required
16. There is an existing Day & Night unit heater; the old flue is too close to combustibles. This unit's gas cock is shut off, since this has been replaced with a unit on the roof the gas should be capped off and the unit removed.	Yes (Tenant)
17. There are two old transite asbestos four inch flue pipes on the east side of the building, one of which is connected to the unit heater. On the bottom of the transite flue where a manufactured shelf once existed, someone installed an ABS clamp with an ABS four inch cap. Remove added clamp and ABS cap from flue pipe.	Yes (Tenant)
<u>PLUMBING.</u>	
18. A new sink and cabinet was installed on the east wall of the building with a counter height of 22 inches above finished floor for the children. The vent for this sink does not terminate to the roof. There are no permits for this work. <i>906.1(CPC) 114.1 (CBC)</i> [see Figure 13] A permit must be obtained by the nursery school and final inspection approval obtained.	Yes (Tenant)
19. <u>It is recommended</u> that water closet bowls in nurseries and schools less than six years of age should be of a size and height suitable for children's use. NOTE: The children are using movable step stools to access the water closets. <i>408.1(CPC)</i>	Optional (Tenant)
20. The existing toilets are three gallons per flush. It is recommended, <u>but not required</u> , that the existing water closets be converted to 1.6 gallons of water per flush toilets. <i>402.2(CPC)</i>	Optional (Tenant)
21. A backflow preventer should be installed at the hose bib on the south side of the building.	Optional (City)
22. There is a broken vent pipe serving the kitchen sink. [see Figure 14]	Yes (City)
23. A relatively new water heater has been installed without a required plumbing permit, pipe insulation and insulation blanket. A permit must be obtained by the nursery school and final inspection approval obtained.	Yes (Tenant)



Kathy Toohey
Building Inspector

cc: Building Official Wirick
City Manager Kelly

ATTACHMENT: Photograph Figures 1 through 17



Figure 1 - Non-accessible route from parking lot



Figure 2 - Step to main entrance



Figure 3 - Low spots in parking lot



Figure 4 - Restroom

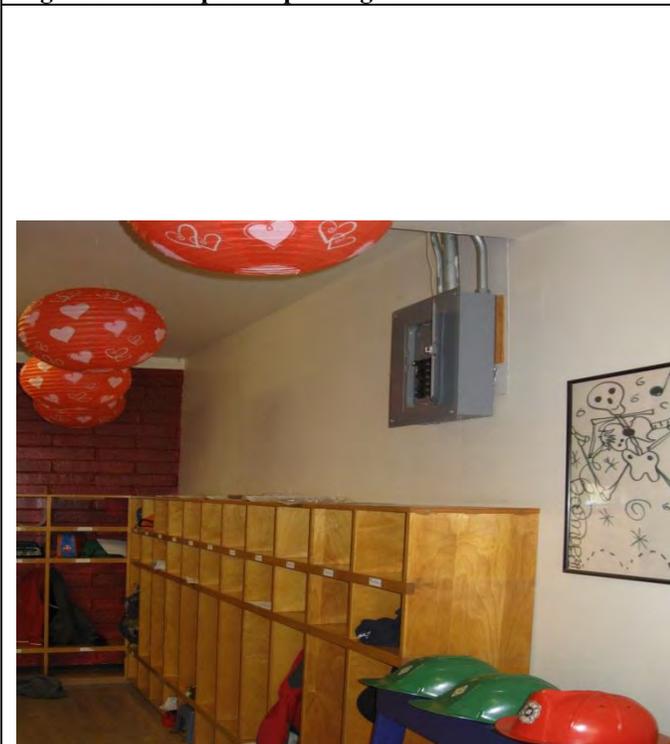


Figure 5 - Working clearance in front of Elec. Panel



Figure 6 - Shed - minor dry rot



Figure 7 - Shed – minor dry rot



Figure 8 - Shed – minor dry rot



Figure 9 - Downspout termination



Figure 10 - Crack in masonry

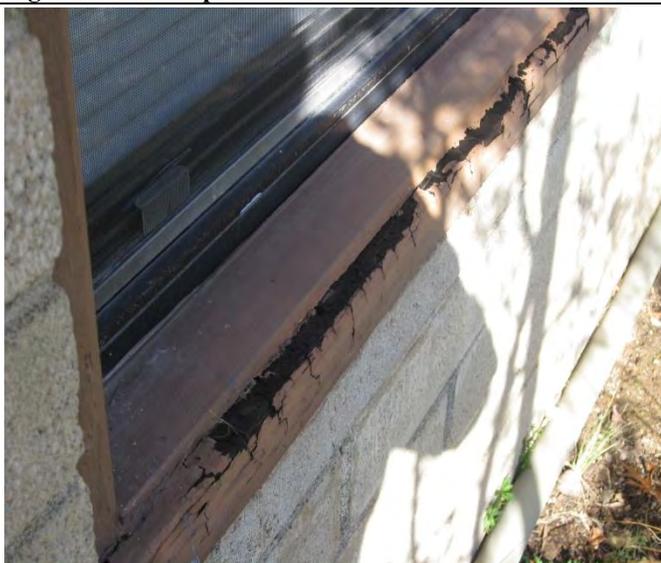


Figure 11 - Dry rot at east exterior windows



Figure 12 - Exposed unprotected thermostat wire



Figure 13 – Broken Vent for Kitchen Sink



Figure 14 – New sink-No permit



Figure 15 – New gas piping & elec for HVAC unit on roof



Figure 16 - HVAC unit on roof



Figure 17 – Relatively new water heater – No permit

*** END ***



CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 7B

Meeting Date: 2/18/2015

Department

Public Works

Staff Contact

Dan Takasugi, Public Works Director / City Engineer

Agenda Item Title

Discussion, consideration, and possible action to approve a proposed amendment to the City Watersheds Proposition 1E Grant for Drainage Improvements along First St. West between West Spain St. and Depot Park

Summary

Areas of Sonoma Valley are at risk of flooding during large storms such as the 2005/2006 New Year's Storm. Recent stormwater studies concluded that portions of Fryer Creek have the potential to overflow and cause flooding during large storms. The City Watersheds of Sonoma Valley Project, which has received \$1.9 million in Proposition 1E (Disaster Preparedness and Flood Prevention Bond Act of 2006) grant funding, is a multi-benefit project being developed to help address local flooding, promote groundwater recharge, and enhance habitat along Fryer Creek. The project is co-sponsored by the Water Agency, Sonoma Ecology Center, and the City.

A major portion of the City Watersheds project was a groundwater recharge basin on the Montini preserve. During the planning process, engineering data showed that the groundwater recharge value at that site was poor. Other sites for groundwater recharge were explored, but rejected for various reasons. With preliminary approval from DWR, sites with flood prevention value were then explored. One of the more flood-prone sites in the City results from the stormwater constrictions along First St. West. This area also presents concerns for safety and pedestrian access. Public comment on the drainage improvement options was taken at a public meeting on February 4, 2015.

While a more planned and engineered approach to the options might be preferred, the deadline to substitute another grant-compliant project element (in place of the Montini recharge basin) is at hand. Even with Council agreement of a drainage improvement option, the \$1.9 million grant may still be subject to rescission by DWR.

Recommended Council Action

Receive a presentation and approve a proposed drainage improvement option along First St. West for inclusion in the grant amendment, which recommends including flood improvements that will convey the 100-year storm event, removal of drainage channel constrictions, installation of underground culvert/pipe conveyance covered to grade, provision for pedestrian accessibility and street tree frontage, and installation of low-impact development features to capture street stormwater runoff.

Alternative Actions

Council may approve other proposed drainage improvement options or none.

Financial Impact

The drainage improvements, if approved in the proposed grant amendment, would be funded through the \$1.9 million Proposition 1E grant and Zone 3A match funding. If the City chooses to include pedestrian and street maintenance improvements in the same project as the drainage improvements, then those may require Council-approved capital funding in future budget years.

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
 - No Action Required
 - Action Requested
-

Attachments:

Supplemental Report
Notes from February 4, 2015 Public Meeting

Alignment with Council Goals:

Supports the Council Infrastructure Goal of providing reliable, safe, and effective infrastructure, increasing the promotion of walking.

SUPPLEMENTAL REPORT

Discussion, consideration, and possible action to approve a proposed amendment to the City Watersheds Proposition 1E Grant for Drainage Improvements along First St. West between West Spain St. and Depot Park

For the City Council Meeting of February 18, 2015

Background

The Water Agency is collaborating with the City of Sonoma, Sonoma County Agricultural Preservation and Open Space District, and Sonoma Ecology Center to develop a multi-phased project (City Watersheds Project) to implement multiple-benefit watershed projects that reduce flood hazards and enhance groundwater recharge, while providing a range of other benefits to the watershed, such as improved water quality, ecosystem function, and water supply.

The December 31, 2005 flood of record in the Sonoma Creek basin was a catalyst in heightening local awareness of existing flood hazards and the need to develop a reliable foundation for land use and flood management planning, as several million dollars' worth of damage was incurred, including \$2.4 million in the City of Sonoma. The City Watersheds of Sonoma Valley project will address flood hazard reduction, water supply, water quality, habitat and ecosystem function, and climate change resilience goals within the City of Sonoma.

The City Watersheds Project (Phase I) is focused on benefitting the Fryer Creek subwatersheds within and around the City of Sonoma. Project elements include: development of a city-wide drainage master plan within the City of Sonoma, habitat restoration and sediment removal on various reaches of Fryer Creek, culvert replacement, storm drain improvements, public access trail extensions and interpretive sign, and installation of a stormwater detention basin to provide flood alleviation and groundwater recharge. An additional component of the project includes maintenance work to modify the box culvert in Fryer Creek near the West MacArthur Street crossing to reduce downstream flood risks and by restoring the creek banks.

Some areas of Sonoma Valley experience flooding during storms. In addition, studies have identified areas in Sonoma Valley where groundwater levels are dropping. The Sonoma County Water Agency and Sonoma Ecology Center are exploring initiatives that address both of these water management challenges by slowing and sinking stormwater into the ground to reduce flood risks while helping to recharge groundwater. The Water Agency was awarded grant funding in the amount of \$1,900,000 from the California Department of Water Resources, Stormwater Flood Management grant program, funded by Proposition 1E (Disaster Preparedness and Flood Prevention Bond Act of 2006) to help design and construct a project that could provide flood control benefits to the Valley. This state grant funding is matched by \$1,900,000 in local funds and in-kind support from Sonoma County Water Agency and its partners, totaling \$3,800,000.

The Sonoma County Water Agency (which manages Flood Zone 3A in Sonoma Valley), the Sonoma County Agricultural Preservation and Open Space District, the City of Sonoma and the

Sonoma Ecology Center evaluated a project that would have captured rainwater during large storms, allowing the water to slow and sink into the ground before going into Fryer Creek in the City of Sonoma, thereby enhancing recharge and reducing peak flood flows.

A groundwater recharge component of the project was considered for the Montini Preserve. Ideally, this enhanced wetland would have held water for only a week or so after a big storm, allowing the water to slowly sink into the ground. By preventing stormwater from immediately heading downstream, the project would reduce flood risk and help recharge the aquifer. Site investigations and feedback from the neighbors proved that the Montini site is not geologically optimal for such a project, thus the Sonoma County Water Agency and Sonoma Ecology Center evaluated alternative locations for this component of the project. After evaluation of many sites within the City's Fryer Creek watershed, no alternative sites were found that would effectively enhance groundwater recharge within the parameters of the Proposition 1E grant and the limited time schedule to identify and analyze alternatives.

With permission from the Department of Water Resources, the project partners explored sites that could meet the flood prevention criteria of the grant. One such site is the open 550-foot channel along First St. West, between West Spain St. and Depot Park. This channel has flooded its banks even during moderate storms, such as the recent storm event of December 11, 2014.

The open channel along First St. West poses several concerns to City staff, including:

- Flooding caused by constrictions in the open channel. There are several constrictions in this channel, caused by the trash grate, undersized culverts, and impinging tree structure. The localized flooding caused by these constrictions extends further south along the west side of the Plaza and south of West Napa St., adversely affecting businesses and residential properties.
- Safety of pedestrians, vehicles, and maintenance staff due to channel flows. During moderate storm events, the stormwater flow in the channel is quite fast and the top-of-bank in the channel is not clearly visible when the floodwater tops its banks. Pedestrians, vehicles and maintenance staff could accidentally fall into this fast-flowing channel, unable to visibly see the top-of-bank.
- Maintenance of the trash grate at the lower end of this open channel. Without continuous clearing of this trash grate during a storm event, the grate will become significantly obstructed with debris and will accentuate the flooding to the street.
- Lack of safe pedestrian connectivity between Depot Park and the Plaza on the east side of First St. West. The existing condition presents only a very narrow shoulder between the edge of pavement and the top of the open channel bank. If two pedestrians are walking side-by-side, one pedestrian would likely be encroaching into the vehicular lane of traffic. Although there is sidewalk on the west side of First St. West, there is a natural proximal desire to walk along the east side of First St. West between the Plaza and the many facilities in and around Depot Park, including the Field of Dreams, the Depot Museum, the bicycle path to General Vallejo's home,

Arnold Field and Sonoma Stomper games, the Overlook trail, and auxiliary parking facilities near Depot Park.

The City Watersheds project provides an opportunity to resolve many of these issues of concern, with minimal cost to the City. It also presents an opportunity for the City to simultaneously rehabilitate the highly-travelled section of First St. West adjacent to the open channel, which has amongst the lowest pavement condition rating of all streets in the City. Such a concurrent street rehabilitation would need to be funded with Council-approved streets capital funding in future budget years, but the grant-funded drainage work may address some street rehabilitation elements that would otherwise need to be funded solely by streets capital funding.

The specific engineering details and exact configuration of the drainage improvements will be subject to further planning and design. Scoping of the drainage improvements would intend to keep the costs within the amount of grant funding. If the grant amendment is approved, the Water Agency will likely request that City staff take the lead in planning, design, and construction of these drainage improvements along First St. West.

A Public Meeting on this issue was held on Wednesday, February 4, 2015 in Sonoma. The meeting was widely noticed, including door-to-door canvassing of the local neighborhood. The background of the City Watersheds project was presented, along with several options to reduce the flood risk from this open channel. Notes from that meeting are attached.

There is no assurance that the Department of Water Resources will not rescind the \$1.9 million grant award, regardless of which improvement option the City prefers. As such, Council approval of any option amounts to a proposal of a grant amendment. In the absence of this grant funding, the City's engineering standard street design would call for curb, gutter, and sidewalk improvements along the entire frontage to be funded primarily by new development over time.

The initial deadline to respond to the Department of Water Resources on alternative grant scope to replace the Montini Preserve recharge basin, has passed. However, an extension request appears likely to be approved for a very short duration. Thus, there is little, if any, time to revisit options before the grant funding will be rescinded.

Recommendation

Amongst the several options being considered to reduce flood risk from this open channel, City staff recommends an option that will include, flood improvements that will convey the 100-year storm event, removal of drainage channel constrictions, installation of underground culvert/pipe conveyance covered to grade, provision for pedestrian accessibility and street tree frontage, and installation of low-impact development features to capture street stormwater runoff.

Notes from 1st Street West Meeting on Flood Control Alternatives

City of Sonoma and SCWA, Feb. 4, 2015

Sonoma Community Meeting Room, 177 1st Street West, Sonoma

A public meeting was held Feb. 4, from 6-8 p.m. at the Sonoma Community Meeting to receive input on the alternatives being proposed to reduce flooding in the 1st Street West area. A total of 24 members of the public signed in, including three members of the Sonoma City Council. SCWA Director and County Supervisor Susan Gorin was in attendance, in addition to Susan Hermosillo from Rep. Mike Thompson's office. Reporters from the Press Democrat and Sonoma Index-Tribune were present.

What follows is a synopsis of the comments and questions received following the presentations.

Karla Noyes - Observation: Doesn't subscribe to the idea that just because the grant money is available, we should spend it. This is an opportunity to take a long view, work with landowners in the surrounding hillside areas and identify areas for swales up Norrbom Road. "Let's increase groundwater recharge by putting in swales upstream." She prefers Alternative #2.

Bill Spencer, First Street West resident - Recalled the 2006 New Year's Eve flood that came into his property on the west side of 1st Street West. Water overflowed near the eucalyptus trees "jumped the road" and it took him two weeks to clean up the silt from portions of his property. When the water jumped the road, there was no water in the creek. "Fryer Creek is nice ... historic, natural, home to wildlife." He favors taking down the eucalyptus trees and widening the channel. He said the Tarantinos (who own the house across the street from the trees) are concerned about them falling. He said to take out the trash rack. Alternative 3

Bill Wilson - Favors removing eucalyptus trees. "They are dirty trees" and create lots of debris.

Swale in Depot Park?

Dick Fogg, 1st Street West resident, said the swale would affect the use of Depot Park. "Every kid in town goes to a birthday party at Depot Park."

Comment from audience: "There is already a swale there." Also said it already ponds during heavy rain.

Bill Wilson: A swale at Depot Park would create a safety hazard. High flows through the swale, even a few feet deep, could knock a person down.

Tom Dunlap, 1st Street West property owner - The creek didn't flood when he was a kid growing up there. The spot where the trash grate is now was open and it flowed freely. The depth of the creek at his property is now deeper. He remembers being able to jump over it. Eucalyptus trees have encroached into the channel. Flooding wasn't an issue in the 1950s. Doesn't know that a storm drain is the solution. He thinks there should be work done above Depot Park. "Eucalyptus are non-native, there may not be public sentiment against their removal." Solution is to keep the creek intact. Safe pedestrian passageway could be created with the right design. We do not want more parking.

Comment from audience: Take out the trees. Make the channel along depot park nicer, with sloped banks and new trees.

Comment from resident who lives just downstream of the eucalyptus trees on the Dunlap property: Nobody is talking about recharge. There is a city well in the vicinity which could benefit.

Kent Gylfe (SCWA) – Water Agency conducted soil and permeability tests in two areas in the vicinity and there were no favorable recharge sites found because of soil conditions.

Question: What about bioswales behind Field of Dreams?

Kent Gylfe (SCWA) – There is some percolation, but not at great rates. General Vallejo park site has been investigated, and some recharge could occur there. Sonoma Ecology Center is working with State Parks and we remain interested in exploring options.

Karla Noyes – suggested soil treatments (organic amendments) to encourage soil health, microbial activity and permeability. Shouldn't give adobe soils a bad rap.

Bill Wilson – observation – with the studies and scoping study “Isn't it time to produce a single answer to the modeling?” He'd like to see a standardized flooding model so we know what we're looking at. Prefers Alternative 1a: “Why do something for a 10-year flood, or a 25-year flood. With the expense involved, should fix it for a 100-year flood.” He cited safety as a major issue.

Teri Shore – Sonoma resident, but not in the 1st Street West neighborhood. “Is this the best use of the money? People are sensitive to trees in Sonoma Valley. If you cut them down, do some research first on the impacts to wildlife, birds, shade. Do it right. Do some public outreach.”

Comment from woman in audience: She lived through Hurricane Sandy and then moved to Sonoma. She commented that safety is a real issue. She recounted a story of being trapped in her car during a high-water event. Her car was parked on 1st Street West and she had to be rescued from flooding due to the clogged inlet.

Doug McKesson, former Sonoma City Councilmember. We had a plan and the money 10 years ago to put in a storm drain. This project is very deserving. Grant money is specifically for this project. Let's look at police records for incidents that have occurred. There is plenty of liability with that ditch. This is a worthy project and it is foolish not to do it. This is an excellent opportunity for the city of Sonoma.

Resident who lives in the house on Dunlap property: Favors alternative 1b. He has seen fox, bobcat and deer in the area. Has seen deer feeding in the creek. Hears the frogs. Owls and hawks in the trees. But the trees are the biggest issue. Get rid of the eucalyptus trees. But don't destroy the creek. Once you've done that you are not going to get it back.

Christine Bohar, 1st Street West resident – Seems like you are trying to spend the money that you've got and that makes me nervous. Loves the sound of the frogs in the creek. To have that gone would be a loss for Sonoma. We need to make the street friendlier not busier.

Director Gorin – I am glad to hear request for a bike path. She'd like to see the city and the county work together to figure a way to put a bike path on 1st Street West.

(**City Engineer Dan Takasugi** later noted that the standard width of a bike path is 8-10 feet and with the creek and right of way requirements, a bike path may not be feasible.)

Tom Dunlap – Would alternative 1b preserve the creek? Would it be reconstructed? How would it look?

Greg Guensch (SCWA) – Alternative 1b would put in the pipe and leave a channel. The existing channel will be impacted by pipe construction. When the channel is reconstructed, it could be smaller.

One idea is to create a way to keep low flows in the channel (with the pipe installed), to provide enough water to maintain wildlife and habitat that exists now.

Tom Dunlap – The creek's size has changed. It is narrower and deeper. It had been lined with stones, which have been removed over the years due to channel clearing. The solution should be to protect the environment and reduce flooding.

Herb Heil – Any thoughts to looking for detention opportunities upstream?

Kent Gylfe (SCWA) – We have explored opportunities and they are fairly limited.

Betty Andrews, a consulting water resources engineer, ESA – There is a risk of fractures in bedrock and the risk of creating an outflow elsewhere. Upstream detention may be feasible but it is complicated with land use and property ownership issues.

Tom Dunlap – If the trash rack is an issue, has there been any thought given to putting additional drains on 1st Street West to allow escaped water to get back into the existing storm drain pipe?

Kent Gylfe and Greg Guensch (SCWA) – Don't think there are any inlets until you get down to Spain St. There would have to be inlets on the west side of street also that route water back to the pipe.

Question and comment (unidentified speaker): What about stormwater that comes from above the park? Aren't flows increased with parking lots and other paved surfaces? This probably contributes to higher flows.

Jenny Cherney – Favors the 1b alternative, with the channel remaining. It will have some recharge benefits.

Resident who lives in the house on Dunlap property– Said water level in channel goes down when the City turns on its pump, indicating connectivity between the surface water and groundwater.

Laura Havlek, owner, Sign of the Bear, 1st Street West business – Question of carts and horses ... (which comes first) "Is the pipe bigger at W. Spain Street to accommodate flows?"
(Consensus was that the storm drain was larger downstream from 1st Street West.)

Tom Dunlap – The Swiss Hotel property on W. Spain has not experienced any flooding on the front side of the property.

Meeting ended at approximately 7:45 p.m.

NOTE: Five people spoke in favor of removing the eucalyptus trees.



CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 7C

Meeting Date: 02/18/2015

Department

Administration

Staff Contact

Carol Giovanatto, City Manager

Agenda Item Title

Discussion, consideration and possible action to authorize correspondence to the Sonoma County Board of Supervisors indicating the City's opposition to the proposed fluoridation program, requested by Mayor Cook.

Summary

Since 2010, the Sonoma County Department of Health Services, under the direction of the Board of Supervisors, has been researching and moving forward with plans for a fluoridation program for Sonoma County's water distribution systems. Presentations were made to the Sonoma City Council on both sides of the issue in 2013 culminating in a request by former Councilmember Barbose to place consideration of sending a letter of opposition to the Board of Supervisors; however, no formal action was ever taken by the City Council in that regard.

Mayor Cook requested this item be on the Council agenda upon being contacted by Dawna Gallagher-Stroeh who is the Director of Clean Water Sonoma-Marin, a non-profit organization.

Recommended Council Action

Council discretion.

Alternative Actions

N/A

Financial Impact

N/A

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
 - No Action Required
 - Action Requested
-

Attachments:

- Draft letter of opposition
 - Minute excerpts from 4/15/13, 5/6/13 and 10/7/13
-

Alignment with Council Goals:

cc: Dawna Gallagher

Dear Sonoma County Board of Supervisors,

We understand the Sonoma County Public Health Department (SCHPD) is preparing a recommendation for ***Fluoridating our Drinking Water***, possibly as soon as March or April 2015. We would like to register a few reasons why the Town of Sonoma would not be supportive of this.

Under the State's unfunded mandate to fluoridate, AB 733, communities with 10,000 customer connections or more are urged to fluoridate. However, if a municipality has multiple sources of water supplies, they would be exempt. The town of Sonoma is thus exempt under both of these requirements.

We further understand that AB733 states no ratepayer/taxpayer monies shall be spent on the capitol expense of building the system. Once built, the ongoing maintenance costs will fall on the ratepayer. This seems like a project that may require the Restructured Agreement to be reopened to see if all cities agree.

While we applaud the efforts of the SCPHD to address the other four pillars of oral health, perhaps supporting increased funding for the programs that are working (i.e. outreach, nutritional education and more access to affordable dental care) would be far more effective to improving dental health while respecting our community's right to choose. We strongly urge you to look at these issues and vote NO on fluoridating our water.

Item 8C: Discussion, consideration and possible action providing direction to the Mayor regarding the City's vote on appointments by the Sonoma County Mayors' and Councilmembers' Association at their October 10, 2013 meeting.

City Manager Giovanatto reported that the Sonoma County Mayors' and Councilmembers' Association would meet on October 10, 2013 in Rohnert Park and the Board of Directors would consider two appointments to the North Bay Division LOCC Executive Board to fill the expiring terms of Councilmembers Laurie Gallian and Susan Harvey. Letters of interest were submitted by Sonoma Councilmember Laurie Gallian, Cotati Councilmember Susan Harvey, Petaluma Vice Mayor Chris Albertson, and Santa Rosa Councilmember Ernesto Olivares.

It was moved by Cim. Rouse, seconded by Cim. Cook, to support the appointment of Laurie Gallian and Susan Harvey. The motion carried unanimously.

9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS

Item 10A: Reports Regarding Committee Activities.

Cim. Rouse reported on the Facilities Committee meeting.

Cim. Barbose reported on the Sonoma County Clean Power and Sonoma County Waste Management Agency meetings.

Cim. Gallian reported on the Sonoma County Ag & Open Space Advisory Committee meeting.

Mayor Brown reported on the Sonoma Valley Citizens Advisory Commission meeting.

Item 10B: Final Councilmembers' Remarks.

Cim. Barbose asked for a future agenda item considering sending a letter of opposition to the County's proposed water fluoridation plan.

11. COMMENTS FROM THE PUBLIC

Bob Edwards expressed appreciation to the Council for considering the issue of allowing dogs on Montini.

12. ADJOURNMENT

The meeting was adjourned at 9:26 p.m. in the memory of Dr. Donald Martin.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma City Council on the 4th day of November 2013.



Gay Johann, MMC
City Clerk/Assistant to the City Manager

Item 4E: Presentation by the Weston A. Price Foundation opposing the concept of a water fluoridation program

Planning Director Goodison reported that at its meeting of April 15, 2013, the City Council heard a presentation by the County Department of Health Services on its programs to address the oral health problems in Sonoma County, including a proposal, now under study, to fluoridate the County water supply system. He stated that a representative of the Weston A. Price Foundation requested an opportunity to make a presentation in opposition to the concept.

Lauren Ayers presented information about the ill effects of fluoride and asked the Council to encourage the Board of Supervisors not to fluoridate the water.

Mayor Brown invited comments from the public. Tarney Baldinger stated the money could be better used for health education and by offering topical fluoridation to those who could not afford it. Melinda Kelly acknowledged Ms. Ayers' efforts. Mark (last name not provide) stated there seemed to be a lot of evidence against fluoridation; it amounted to forced medication; and stated that most of the water went to water plants and for washing cars. An unnamed gentleman stated his support for Ms. Ayers. He added that poor people could not opt out if they wanted to. Wendy Walter and Ms. Seaver spoke against fluoridation.

Item 4F: Presentation by Sonoma County Waste Management Agency on the Status of a Carryout Bag Ordinance [Requested by Councilmember Barbose]

Henry Mikus introduced Patrick Carter who presented an update on the status of the Countywide Carryout Bag Ordinance. Mr. Carter stated that the ordinance would eliminate single-use plastic carryout bags at the checkout at all grocery stores and retail establishments. It would require retailers to charge a \$.10 fee for each paper bag used. Excluded from the proposed ordinance would be bags used for produce, bulk foods and meats, bags used to hold prescription medications from a pharmacy, and bags used to segregate food or merchandise from each other.

Clm. Barbose confirmed that the California Grocery Association supported the ordinance. Clm. Rouse inquired how plastic bags could be disposed of. Mr. Carter stated that large grocery stores were required to have plastic bag recycling bins.

By unanimous consensus, Council authorized Clm. Barbose to vote in support of the ordinance at the Waste Management meeting.

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 April 15 and April 25, 2013 Meetings.

Item 5C: Approval and Ratification of the Appointment of Antoinette Kuhry to the Cultural and Fine Arts Commission for a two-year term.

Item 5D: Rejection of Bid for Fire Station Painting and Repair Project.

Item 5E: Approve the use of City streets by the Sonoma Community Center for the City Party on Tuesday, July 30, 2013.

Item 5F: Adoption of Resolution approving and consenting to the use of City streets by the Sonoma Community Center for the 4th of July Parade on Thursday, July 4, 2013. (Res. No. 16-2013)

Item 5G: Resolution Authorizing the City Manager to Execute a Grant Agreement and Other Documents Pertaining to the Napa Road/Leveroni Road at Broadway Intersection Signal Improvement Project. (Res. No. 17-2013)

The public comment period was opened and closed with none received. It was moved by Clm. Rouse, seconded by Clm. Gallan, to approve the consent calendar as presented. The motion carried unanimously. Mayor Brown thanked Antoinette Kuhry for accepting the appointment to the Cultural and Fine Arts Commission.

RECESS: The meeting recessed from 7:51 to 8:00 p.m.

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

City Manager Giovanatto announced that the Sonoma Police Department and the Identity Theft Council were holding a seminar regarding identity theft at Vintage House on May 15. She reported that the April 17 Responsible Beverage Service Training seminar offered by the Police Department was full with a waiting list. The City Finance Department would be implementing the new financial software at the end of the month.

4. PRESENTATIONS

Item 4A: Proclamation declaring the Fourth Friday in April 2013 Children's Memorial Day

Mayor Brown read aloud the proclamation declaring the fourth Friday in April Children's Memorial Day and noted that the City would fly the Children's Memorial Flag at City Hall on April 17. John Goehring and Steve Berry received the proclamation on behalf of Minimize Occurrences of Violence in Everyday Society (MOVES) and thanked the Council for the recognition.

4. PRESENTATIONS, Continued

Item 4B: Proclamation declaring April 14-20 The Week of the Young Child

Mayor Brown read aloud the proclamation declaring April 14-20 The Week of the Young Child. Kathy Vaughn received the proclamation on behalf of the Child Care Planning Council of Sonoma County and thanked the Council for its recognition.

Item 4C: Proclamation declaring April 2013 Autism Awareness Month

Mayor Brown read aloud the proclamation declaring April 2013 Autism Awareness Month. Ashley, a Sweetwater Spectrum resident, and Dairde Sheerin accepted the proclamation and thanked the City Council. Ms. Sheerin stated that nine residents had moved into the facility since its opening two months ago. Another Sweetwater resident, Christopher, stated that he had become more independent and had learned to cook since moving in.

Item 4D: Presentation by the Sonoma County Department of Health Services on strategies to improve the oral health of Sonoma County, including a potential water fluoridation program.

Lynn Chalfin, Sonoma County Health Officer, reported that as part of its mandate to promote good health, the Sonoma County Department of Public Health (DHS) had engaged in a multi-pronged approach to address oral health problems in Sonoma County. While access to dental care, tooth sealants, fluoride varnishes and oral health education had all expanded, DHS has found that untreated dental decay continued to be a significant problem, disproportionately affecting lower income and Latino children. In light of this finding, the Board of Supervisors directed DHS to conduct a study of the County's water delivery system and the feasibility of community water fluoridation. On February 26, 2013, DHS presented an updated status report on oral health within Sonoma County, along with the results of the water system study, which included a preliminary cost/benefit assessment of fluoridation as well as proposed next steps in developing more detailed information. Acting on the recommendations of DHS, the Board of Supervisors voted unanimously to authorize the preparation of a "Preliminary Engineering Design Report and Cost Estimate" that would identify and evaluate alternative methods of retrofitting the Sonoma County Water Agency's (SCWA) delivery system to provide for the fluoridation of the SCWA water supply. While waiting on the completion of the report, DHS is embarking on a process of community and stakeholder outreach that includes the formation of an advisory committee. The advisory committee's charge, in addition to reviewing the preliminary design plan and cost estimate, is to develop a funding plan. The outreach process, which has already started, is expected to continue through June 2015. In addition, all of the other DHS oral health strategies will continue to be expanded, with outcomes monitored through an updated county-wide survey.

Cim. Rouse inquired if other approaches to improving dental health were being taken and what were other counties doing in that regard. Ms. Chalfin stated there were some tooth brushing training at schools but mostly through the WIC program. She said that the Safe Water Act required counties to fluoridate only if and when funding became available; she thought that Marin, San Francisco, and Contra Costa were fluoridating.

Item 4D: Presentation regarding a potential water fluoridation program, continued

Clm. Gallian inquired what data had been utilized in analyzing the significance of the problem. Ms. Chalfin stated they used a sampling of a population base of California schools. Clm. Gallian stated it was important to understand what the need was and to properly inform the citizens.

Clm. Barbose inquired if it was possible to introduce fluoride by other means such as tablets. Ms. Chalfin stated that fluoridation was the most cost-effective means. She noted that fluoride was obtained through toothpaste and other sources.

Clm. Cook inquired what percent of the fluoride would hit its target. Ms. Chalfin responded that the percent was very low but said that was true of chlorination as well. An advantage was that the fluoride would reach every person every day.

Mayor Brown invited comments from the public. Rosemary Pedranzini stated that it would be ridiculous for the County to spend money on fluoridation and pointed out that there were cautions on toothpaste tubes not to swallow the paste because it was toxic.

Lauren Ayers stated that Council needed to look at both sides and invited everyone to a fluoride forum at the Grange on April 29.

Regina Baker stated there were many other nutrients necessary for healthy skin teeth and bones and said fluoride was on the bottom of the list.

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 March 25 Goal Setting, March 25 Ethics Training, and April 1, 2013 Meetings. (Removed from Consent, see below)

Item 5C: Approval and Ratification of the Reappointment of Matthew Tippell to the Planning Commission for a four-year term.

Item 5D: Approval of agreement for Economic Development Project Management services with Laurie Decker.

Item 5E: Approval of a temporary exception to Sonoma Municipal Code §8.06.070 allowing dogs in the Plaza Park Horseshoe Lawn in conjunction with Pete Lifeline Bark in the Park event on July 27, 2013.

Clm. Barbose removed Consent Item 5B. The public comment period was opened and closed with none received.

It was moved by Clm. Rouse, seconded by Clm. Gallian, to approve the items remaining on the Consent Calendar. The motion carried unanimously. Clm. Cook thanked Mathew Tippell for his service on the Planning Commission.

Item 5B: Approval of the Minutes of the March 25 Goal Setting, March 25 Ethics Training, and April 1, 2013 Meetings.

Clm. Barbose requested a revision to the April 1 minutes. It was moved by Clm. Rouse, seconded by Clm. Cook, to approve the minutes as revised. The motion carried unanimously.

Clm. Rouse thanked Laurie Decker for her service as the Economic Development Program Manager and said she was doing a great job.

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

Item 6A: Approval of the portions of the Minutes of the April 1, 2013 City Council / Successor Agency Meeting pertaining to the Successor Agency.

The public comment period was opened and closed with none received. It was moved by Clm. Rouse, seconded by Clm. Gallian, to approve the Consent Calendar as presented. The motion carried unanimously.

7. PUBLIC HEARING – None Scheduled



CITY OF SONOMA
 City Council
 Agenda Item Summary

Agenda Item:	9
Meeting Date:	02/18/2015

Department Administration	Staff Contact Gay Johann, Assistant City Manager/City Clerk
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Agenda Item Title

Councilmembers' Reports on Committee Activities.

Summary

Council members will report on activities, if any, of the various committees to which they are assigned.

MAYOR COOK	MPT GALLIAN	CLM. AGRIMONTI	CLM. EDWARDS	CLM. HUNDLEY
City Audit Committee	ABAG Delegate	North Bay Watershed Association	ABAG Alternate	Sonoma Clean Power Alt.
City Facilities Committee	Cittaslow Sonoma Valley Advisory Council, Alt.	Sonoma County Health Action & SV Health Roundtable	Cittaslow Sonoma Valley Advisory Council	Sonoma County M & C Assoc. Legislative Committee
LOCC North Bay Division Liaison	City Audit Committee	Sonoma County Trans. & Regional Climate Protection Authority, Alternate	City Facilities Committee	S. V. Citizens Advisory Commission
Oversight Board to the Dissolved CDA	LOCC North Bay Division Liaison, Alternate	Sonoma County Waste Management Agency		S.V. Economic Dev. Steering Committee, Alt.
Sonoma Clean Power	Oversight Board to the Dissolved CDA, Alt.	VOM Water District Ad Hoc Committee, Alternate		S. V. Library Advisory Committee, Alternate
Sonoma County Mayors & Clm. Assoc. BOD	Sonoma County Mayors & Clm. Assoc. BOD, Alt.	Water Advisory Committee, Alternate		
Sonoma Disaster Council	Sonoma County M & C Assoc. Legislative Committee, Alt.			
Sonoma Housing Corporation	Sonoma County Trans. Authority & Regional Climate Protection Authority			
Sonoma Valley Citizens Advisory Comm. Alt.	Sonoma Disaster Council, Alternate			
S.V.C. Sanitation District BOD	Sonoma Housing Corporation			
S.V. Economic Dev. Steering Committee	S.V.C. Sanitation District BOD, Alt.			
S.V. Fire & Rescue Authority Oversight Committee	S.V. Fire & Rescue Authority Oversight Committee			
S. V. Library Advisory Committee	LOCC North Bay Division, LOCC E-Board (M & C Appointment)			
	Ag Preservation and Open Space (M & C Appointment)			
	VOM Water District Ad Hoc Committee			
	Water Advisory Committee			

Recommended Council Action – Receive Reports

Attachments: None