CONCURRENT REGULAR MEETINGS OF THE SONOMA CITY COUNCIL & SONOMA CITY COUNCIL AS THE SUCCESSOR AGENCY TO THE DISSOLVED SONOMA COMMUNITY DEVELOPMENT AGENCY

Community Meeting Room, 177 First Street West

Monday, March 19, 2012

6:00 p.m.

****

AGENDA

City Council
Joanne Sanders, Mayor
Ken Brown, Mayor Pro Tem
Steve Barbose
Laurie Gallian
Tom Rouse

OPENING

CALL TO ORDER & PLEDGE OF ALLEGIANCE
ROLL CALL (Gallian, Barbose, Rouse, Brown, Sanders)
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. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: **Councilmembers' Comments and Announcements**

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

4. PRESENTATIONS

Item 4A: **Proclamation declaring April 2012 Child Abuse Prevention Month**

Item 4B: **Report from Patricia Talbot, City of Sonoma representative on the Sonoma County Health Action Coalition, requested by Mayor Pro Tem Brown**

5. 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 5A: **Waive Further reading and Authorize Introduction and/or Adoption of Ordinances by Title Only.** (Standard procedural action - no backup information provided)

Item 5B: **Approval of the Minutes of the March 5, 2012 Meeting.**
Staff Recommendation: Approve the minutes.

5. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL, Continued

Item 5C: **Approve application by Speedway Children's Charities for temporary use of City streets for the Historic Racecar Festival on Saturday, June 2, 2012 and Adopt Resolution approving and consenting to the use of City streets for the Historic Racecar Festival Parade.**
Staff Recommendation: Adopt the resolution approving the use of City streets and recommending Caltrans approval subject to the following conditions: 1) Applicant shall contact Police Department as soon as possible to review traffic control plan and contract for services. 2) Applicant shall provide a written request for special barricading to the Public Works Department at least two weeks prior to the event; and 3) Applicant shall comply with City of Sonoma standard insurance requirements.

Item 5D: **Approve the Notice of Completion for the Third Street West, Fourth Street West, and Hayes Street Rehabilitation Project No. 1106, constructed by Able General Engineering and Direct the City Clerk to File the Document.**
Staff Recommendation: Approve.

Item 5E: **Approval of Indemnity Agreement with Keller Canyon landfill indemnifying City for hazardous waste and landfill closure liability; and approval of Indemnification Agreement with Sonoma Garbage Collectors, Inc. ("SGC") in which SGC assumes liabilities of and indemnifies City for the City's obligations under the Keller Canyon agreement referenced herein.**
Staff Recommendation: Approve Indemnity Agreement with Keller Canyon and the Agreement Indemnifying the City for Nonconforming Waste, and authorize the City Manager to execute same on behalf of the City and City Council.

6. 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 6A: **Approval of the portions of the Minutes of the March 5, 2012 City Council / Successor Agency Meetings pertaining to the Successor Agency.**
Staff Recommendation: Approve the minutes.

7. PUBLIC HEARINGS – None Scheduled

8. REGULAR CALENDAR – CITY COUNCIL

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

Item 8A: **Discussion, consideration and possible ratification of Mayor's appointments to the Oversight Board of the Successor Agency to the dissolved Sonoma Community Development Agency.** (City Manager)
Staff Recommendation: Ratify Mayoral nominations to the Oversight Board of the Successor Agency to the dissolved Sonoma Community Development Agency; appointees will fill (1) the Alternate position to the Mayor, and (2) the Employee and Employee Alternate position.

8. REGULAR CALENDAR – CITY COUNCIL, Continued

Item 8B: **Discussion, consideration, and possible direction to staff concerning the recommendation of the Facilities Committee to investigate legal methods of altering the terms of the Maysonnave bequest with respect to the disposition of the Maysonnave Cottage and Barn.** (Planning Director)
Staff Recommendation: The Facilities Committee is recommending that the City Attorney be authorized to investigate the concept of equitable deviation from the terms of the Maysonnave bequest and related issues.

Item 8C: **Discussion, consideration and possible action regarding a request for a letter of support for the Spirit Boxes project from the American Legion, requested by Mayor Pro Tem Brown and Councilmember Gallian.** (City Manager)
Staff Recommendation: Council discretion.

Item 8D: **Discussion, consideration and possible action regarding a review of the process for City proclamation requests, requested by Mayor Pro Tem Brown and Councilmember Gallian.** (City Manager)
Staff Recommendation: Council discretion.

9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

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

10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS

Item 10A: **Reports Regarding Committee Activities.**

Item 10B: **Final Councilmembers' Remarks.**

11. COMMENTS FROM THE PUBLIC

12. PUBLIC COMMENTS REGARDING CLOSED SESSION

Public testimony on closed session item(s) only.

13. CLOSED SESSION

Item 13A: **CONFERENCE WITH REAL PROPERTY NEGOTIATORS,** pursuant to Government Code §54956.8. Property: Sebastiani Theater, 476 First Street East, Sonoma. Agency Negotiators: Councilmember Barbose, Assistant City Attorney Nebb, & City Manager Kelly. Negotiating Parties: Sebastiani Building Investors, Inc. Under Negotiation: Price and terms of lease.

14. RECONVENE IN OPEN SESSION & REPORT ON CLOSED SESSION

15. ADJOURNMENT

I do hereby certify that a copy of the foregoing agenda was posted on the City Hall bulletin board on March 13, 2012.

GAY JOHANN, 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 available for public inspection the Monday 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: 4A

Meeting Date: 03/19/2012

Department	**Staff Contact**
Administration	Gay Johann, City Clerk

Agenda Item Title

Proclamation declaring April 2012 Child Abuse Prevention Month in the City of Sonoma.

Summary

The California Parenting Institute requested a proclamation declaring the month of April 2012 Child Abuse Prevention Month in the City of Sonoma.

In keeping with City practice, the representatives have been asked to keep the total length of their follow-up comments and/or announcements to not more than 10 minutes.

Recommended Council Action

Mayor Sanders to present the proclamation to a representative of the Parenting Institute.

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:

1. Proclamation

Copy to: Wendy Hilberman - via email

City of Sonoma

Proclamation

CHILD ABUSE PREVENTION MONTH

Whereas, in 2011 there were 2,228 reports of child abuse serious enough to require a face-to-face investigation to determine if allegations of abuse were substantiated and 259 children were removed from unsafe homes in Sonoma County; and

Whereas, the Sonoma County Blue Ribbon Campaign, sponsored by Prevent Child Abuse Sonoma County and the California Parenting Institute will focus on educating all of us on the issues and magnitude of the problem; and

Whereas, Sonoma County's Department of Human Services, Sheriff's Office and the District Attorney's Office have joined in recognizing and supporting the education, prevention, treatment, and need to cease all forms of child abuse; and

Whereas, each year public and private agencies throughout Sonoma County and the State of California sponsor Child Abuse Prevention activities during the month of April to increase community awareness about issues of child abuse; and

Whereas, child abuse prevention and support will continue year-round; and

Whereas, working together we can make a difference for all of the children in our city.

NOW, THEREFORE, I, JOANNE SANDERS, Mayor of the City of Sonoma, do hereby proclaim that within the City of Sonoma, the month of April 2012 shall be observed as

CHILD ABUSE PREVENTION MONTH

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Sonoma to be affixed this 19TH day of March 2012.

JOANNE SANDERS, MAYOR

City of Sonoma

City Council

Agenda Item Summary

City Council Agenda Item: **4B**

Meeting Date: **3/19/12**

Department	**Staff Contact**
Administration	Linda Kelly, City Manager

Agenda Item Title

Report from Patricia Talbot, City of Sonoma representative on the Sonoma County Health Action Coalition, requested by Mayor Pro Tem Brown

Summary

Mayor Pro Tem Brown has requested the City Council receive a presentation from Patricia Talbot, who serves as the City of Sonoma's representative on the Sonoma County Health Action Coalition.

Recommended Council Action

Receive report.

Alternative Actions

Postpone report.

Financial Impact

N/A

Environmental Review	**Status**
☐ Environmental Impact Report	☐ Approved/Certified
☐ Negative Declaration	☐ No Action Required
☐ Exempt	☐ Action Requested
☒ Not Applicable	

Attachments:

Aligning for Collective Impact

National Prevention Strategy

iWorkwell

iWorkwell Resources

iWalk Employer Commitment Form

iWalk Poster

Important Websites for the Health of our Community

cc:

HEALTHACTION
A 2020 VISION FOR SONOMA COUNTY

Aligning the Community for Collective Impact

The Department of Health Services (DHS) convened Health Action in 2007 as a catalyst to improve the health of the community. Recognizing that large-scale social change would require significant cross-sector coordination and collaboration, DHS set out with the following goals:

- Engage a broad spectrum of stakeholders to lead a community dialogue about community health issues;
- Enrich the collective understanding of local health issues and solutions;
- Create a shared vision for community health improvement based on multiple determinants of health; and
- Offer leadership to develop and implement initiatives and policies to create a healthy community.

In 2008, Health Action created a **2020 Vision for Sonoma County**: *"Sonoma County will be the healthiest county in California… It will be a healthy place to live, work and play…… a place where people thrive and achieve their life potential"*. To achieve this vision, Health Action takes a broad approach to community health. The research is clear that shortfalls in medical care are responsible for just a small fraction of illness and death in this country. Far more important are the social, economic, and environmental conditions that shape the lives of Sonoma County residents. To achieve the **2020 Vision for Sonoma County**, Health Action recognized the need to engage the community to address these key determinants of health and well-being.

Key Determinants	Such as……
Social & Economic Opportunities and Resources	•Economic development •Job opportunities •Educational attainment •Reducing poverty •Child and youth development •Civic and community engagement
Living & Working Conditions in Homes and Communities	•Built environment •Natural environment •Healthy schools •Healthy worksites •Healthy neighborhoods •Healthy systems: food, transportation, housing
Medical & Social Services/ Personal Behavior	•Access to prevention-focused medical and social services •Health literacy •Healthy lifestyles

Guiding Principles: Health Action created a set of principles to guide its action agenda for the 2020 Vision. These principles call on the community to maximize impact by focusing on prevention and removing the root causes of complex social, economic, and environmental issues. They call for targeting efforts and resources "upstream" where they have the greatest potential for impact. They recognize the need to support the health and healthy development for people of all ages over the lifespan, promote evidence-based interventions, prioritize populations in greatest need, and address policy barriers to create lasting, systemic change in community conditions.

Goals: Health Action drew upon these guiding principles and existing research to identify the following 10 high-level goals that reflect key determinants of a healthy community:

- Sonoma County youth graduate from high-school on time
- Sonoma County families have the economic resources to make ends meet
- Sonoma County residents are connected to their communities and participate in community life
- Sonoma County residents eat healthy food
- Sonoma County residents are physically active
- Sonoma County residents do not abuse alcohol or prescription drugs and do not use tobacco or illicit drugs
- Sonoma County residents enjoy good mental health
- Sonoma County residents take steps to prevent injury
- Sonoma County residents have health care coverage
- Sonoma County residents are connected with a trusted source of prevention-focused primary care

Indicators: Health Action identified 21 indicators and set countywide targets to facilitate cross-sector alignment. Health Action tracks progress on these indicators on the Healthy Sonoma.org website, which is a nationally-recognized internet-based platform established by DHS in coordination with the Healthy Communities Institute to help community members learn about community issues, identify opportunities for improvements, and collaborate for effective change.

Collective Impact

Achieving the **2020 Vision for Sonoma County** will require significant cross-sector coordination and collaboration. Health Action's approach is to stimulate and support broad community participation (by individuals, businesses, health care providers, educators, local governments, community organizations, and others), and to align community resources for effective action and collective impact.

Health Action recognizes that there are many community initiatives with goals and objectives that support the countywide outcomes being measured and tracked for the **2020 Vision for Sonoma County**. Health Action is well-positioned to provide the 5 conditions needed for collective success and impact:

1. Shared vision and understanding of problem
2. Shared measurement and accountability
3. Mutually reinforcing actions toward common goals
4. Continuous communications and collaboration
5. Support from a "backbone organization" to coordinate the collaboration

In its 4th year, Health Action has been successful in bringing together the skills and experience of a diverse group of key Sonoma County leaders. Current members represent the health professions, insurers, and hospitals, city and county government, social service agencies, educators, employers and labor, workers and consumers. But beyond this critical leadership, Health Action nurtures an expanding network of community partners and participants at all levels who are committed to the **2020 Vision for Sonoma County** and who are engaging the broader community to become a part of the solution.

The National Prevention Strategy

The National Prevention Strategy aims to guide our nation in the most effective and achievable means for improving health and well-being. The Strategy prioritizes prevention by integrating recommendations and actions across multiple settings to improve health and save lives.

The National Prevention Strategy's vision is *Working together to improve the health and quality of life for individuals, families, and communities by moving the nation from a focus on sickness and disease to one based on prevention and wellness.*

This Strategy envisions a prevention-oriented society where all sectors recognize the value of health for individuals, families, and society and work together to achieve better health for all Americans..

The National Prevention Strategy's overarching goal is *Increase the number of Americans who are healthy at every stage of life.*

This Strategy focuses on both increasing the length of people's lives and ensuring that people's lives are healthy and productive. Currently Americans can expect to live 78 years, but only 69 of these years would be spent in good health.[5] Implementing the National Prevention Strategy can increase both the length and quality of life. To monitor progress on this goal, the Council will track and report measures of the length and quality of life at key life stages (Appendix 2 for baselines and targets). To realize this vision and achieve this goal, the Strategy identifies four Strategic Directions and seven targeted Priorities. The Strategic Directions provide a strong foundation for all of our nation's prevention efforts and include core recommendations necessary to build a prevention-oriented society. The Strategic Directions are

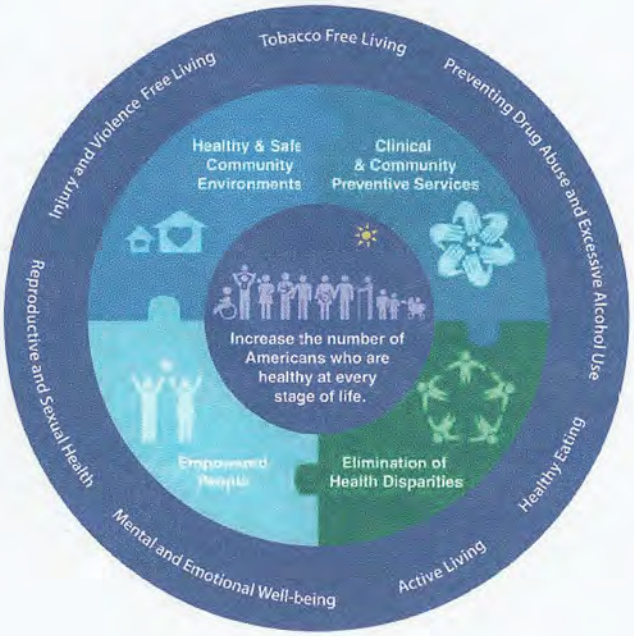
- **Healthy and Safe Community Environments:** Create, sustain, and recognize communities that promote health and wellness through prevention.
- **Clinical and Community Preventive Services:** Ensure that prevention-focused health care and community prevention efforts are available, integrated, and mutually reinforcing.
- **Empowered People:** Support people in making healthy choices.
- **Elimination of Health Disparities:** Eliminate disparities, improving the quality of life for all Americans.

Within this framework, the Priorities provide evidence-based recommendations that are most likely to reduce the burden of the leading causes of preventable death and major illness. The seven Priorities are

- **Tobacco Free Living**
- **Preventing Drug Abuse and Excessive Alcohol Use**
- **Healthy Eating**
- **Active Living**
- **Injury and Violence Free Living**
- **Reproductive and Sexual Health**
- **Mental and Emotional Well-Being**

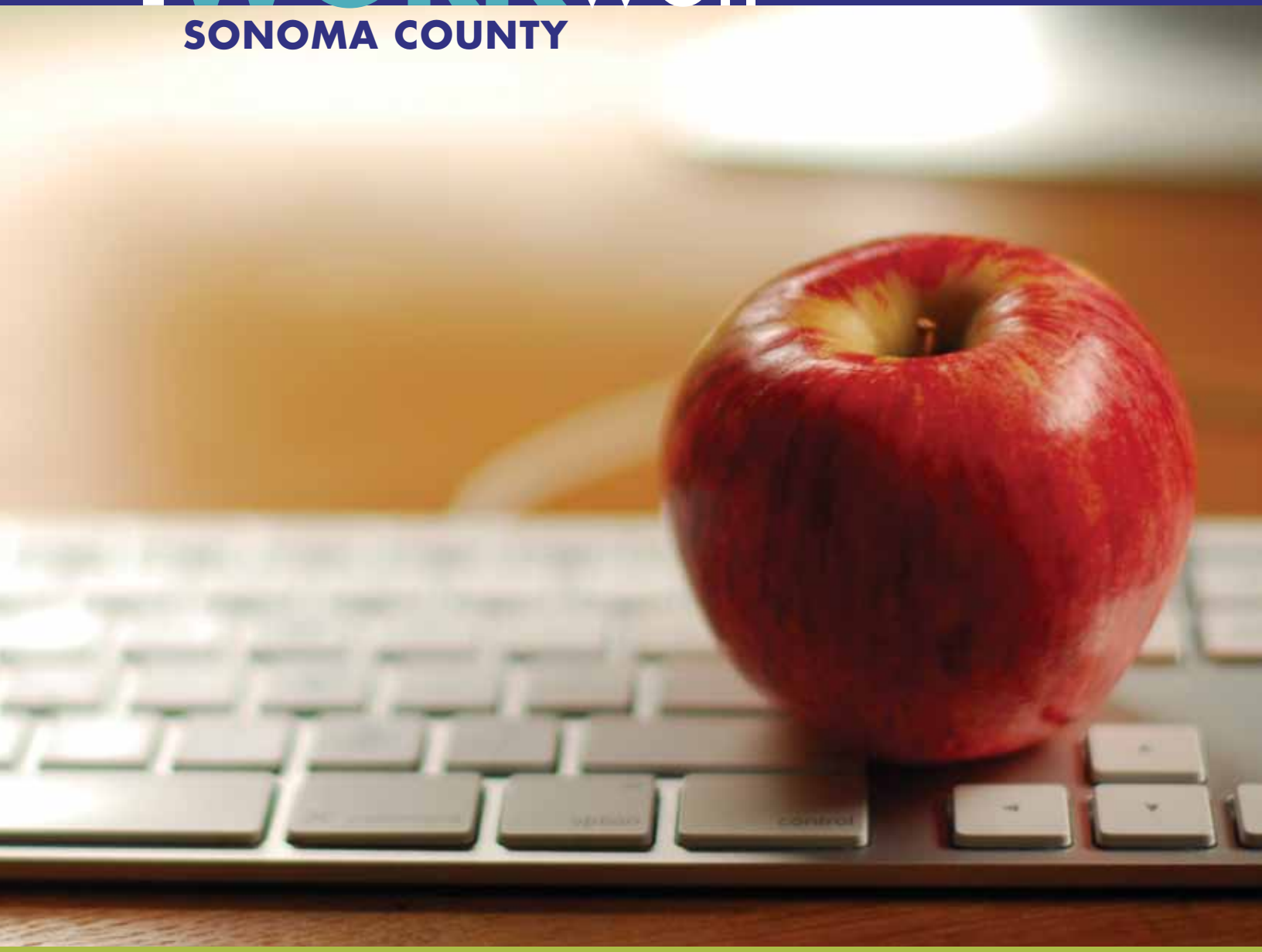
Moving Forward

National leadership is critical to implementing this Strategy. This leadership includes aligning and focusing Federal prevention efforts. However, the Federal government will not be successful acting alone. Partners in prevention from all sectors in American society are needed for the Strategy to succeed. All of us must act together, implementing the Strategic Directions and Priorities, so that all Americans can live longer and healthier at every stage of life.



iWORKwell

SONOMA COUNTY



Benefits

of an Employee Wellness Program

Your company's productivity depends on employee health.

Employee wellness programs have come to play an important role in improving employee health. They have been shown to improve productivity and lower insurance costs in the following ways:

REDUCE EMPLOYEE HEALTH RISKS

Employees with the highest number of preventable "risk factors" cost more than low-risk employees.[1] Reducing health risks, such as smoking, high blood pressure, and overweight, can increase productivity and decrease absenteeism, employee turnover, and health claims. [2,3]

Business Savings

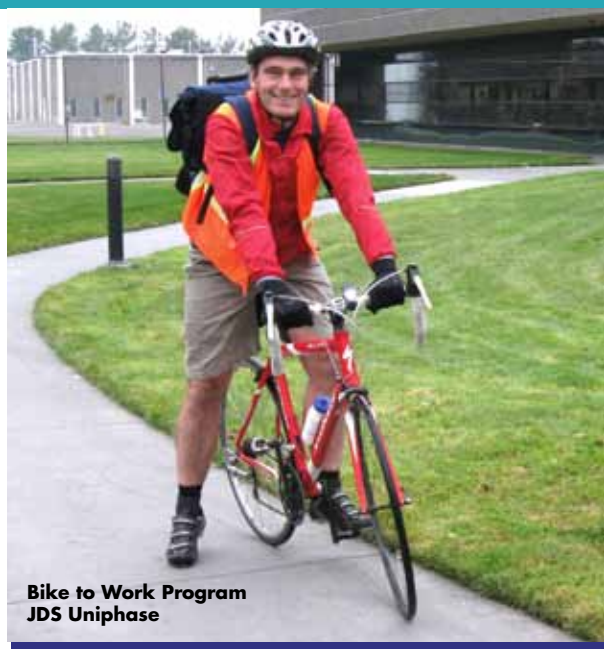
- The Coors' Corporation 8-week "Lifecheck" resulted in documented reductions in blood pressure, blood cholesterol, and weight. [4]
- The Minneapolis/St. Paul Metropolitan Area saw workers' weight drop by an average of 4.8 pounds (among program participants), and 24 employees quit smoking after two years of the program.[4]

REDUCE ABSENTEEISM

Studies show that worksite wellness programs can reduce absenteeism. How? Employees that are healthier are sick less often and are less likely to miss work. Some businesses have seen as much as a 14% reduction in days lost to illness or disability as a result of implementing comprehensive programs.

Business Savings

- Control Data Corporation estimates that its Staywell program, evaluated over a six-year period, has saved the company at least $1.8 million as a result of reduced absenteeism among employees. [4]
- A multi-site intervention involving a police force, chemical company, and banking firm showed that weekly participation in supervised exercise reduced use of sick leave by an average of 4.8 days per person in the year following program implementation. [5]



Bike to Work Program
JDS Uniphase

What businesses are saying...

"Truly successful companies place as much focus on the health and well being of their employees as they do their balance sheets and income statements. The establishment of a formalized employee wellness program is a natural extension and commitment in support of this philosophy and value."

— Jim Adams,
CEO; REACH Air Medical

Farmers Market
Medtronics

INCREASE JOB SATISFACTION & EMPLOYEE MORALE

Changes in attitude are more difficult to verify objectively than changes in health or individuals' use of medical leave. Nonetheless, a few studies have demonstrated an association between worksite health promotion and employee disposition.

A study of employees at companies participating in comprehensive health promotion programs found these employees had a more favorable attitudes towards organizational commitment, supervision, working conditions, job competence, and pay and fringe benefits than people who worked at nonparticipating companies.[6]

LOWER HEALTHCARE COSTS

Medical cost savings from health promotion programs may be less evident than productivity gains, especially for smaller businesses and those whose health plans are not self-insured. Nevertheless, more than 75% of healthcare costs are due to chronic health conditions.[7] These medically high-risk employees are medically high-cost employees. They use more healthcare and generate higher claim costs than their low-risk peers. [8,9,10,11]

Business Savings

- Studies show that lowest healthcare costs are associated with individuals with only one to two risk factors. As the number of risk factors increases, so too, do costs. [7]

- A 2005 review of employee wellness programs studies showed that multi-component worksite wellness programs can lead to an average reduction in sick leave, health plan costs, and workers' compensation and disability costs of slightly more than 25%.[12]

What employees are saying...

"I enjoyed the overall atmosphere and culture that promoted walking during breaks, eating salads at lunch, and snacking on fruit."

— Sonoma County Human Services Employee

"What I liked the most about the employee wellness program was that management was concerned about the health of all their employees in the workplace."

— La Tortilla Factory Employee

Local success...

In 2010, Becoming Independent, was able to reduce their healthcare renewal costs by approximately $50,000 and avoid increases in additional benefits, including chiropractic, life insurance, and dental insurance.

This was due to a worksite wellness program that included a "menu" of wellness options and high level of employee participation, through which employees collectively lost 1,011 pounds in less than a year.

Get Recognized...

The Sonoma County Healthy Business Recognition Program is a voluntary certification program that recognizes employers for developing and implementing exceptional employee wellness programs.

Employers are awarded Bronze, Silver or Gold classification based on the breadth and depth of their employee wellness initiatives. Visit **www.sonomaEDB.org/wellness** to complete a simple online application.

Employee Walking Program
Southwest Community Health Center

HEALTHACTION

The iWORK Well initiative is a partnership of business, non-profit and government agencies that support local employers to develop and implement worksite wellness programs.

www.sonomahealthaction.org/ww

WHAT CAN YOUR BUSINESS DO?

1) Visit Sonoma County's Online Worksite Wellness Toolkit.

The free Worksite Wellness Toolkit provides information on developing an action plan to implement or improve a worksite wellness program and set up programs and policies that give you a return on your investment. Content includes information on developing a workplace wellness team, sample assessments, sample wellness goals and objectives, program and policy design tips, program and policy implementation tools, evaluation, and wellness resources.
Website: www.norcalwellbeing.org/wellness-toolkit.php

2) Contact one of the following employee wellness program resources. Information on each program can be found at www.sonomaEDB.org/wellness.

Northern California Center for Well Being's Employee Wellness Program

Workforce Health Initiative Project by St. Joseph Health System

HealthWorks by Kaiser Permanente

Live Well for Life by Sutter Health

360° Health by Anthem Blue Cross

Health and Wellness by Blue Shield of California

MHN a Health Net Company

References

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4. Aldana SG. Financial Impact of Worksite Health Promotion and Methodological Quality of the Evidence. The Art of Health Promotion 1998; 2 (1).
5. Ten Research Studies You Can't Afford to Ignore, Part IV. Worksite Health 1998;5 (3): 23-27.
6. Holzbach RL, Piserchia PV, McFadden DW, Hartwell TD, Herrmann A, Fielding JE. Effect of a comprehensive health promotion program on employee attitudes. J Occup Med 1990; 32 (10): 973-8.
7. Chronic Diseases: The Power to Prevent, The Call to Control: At A Glance 2009. http://www.cdc.gov/chronicdisease/resources/publications/AAG/chronic.htm, downloaded January 28, 2011.
8. Health Management Research Center. The Ultimate 20th Century Cost Benefit Analysis and Report: The University of Michigan; 2000. p. 1-39.
9. Gemignani J. Best practices that boost productivity. Bus Health 1998; 16 (3): 37-42.
10. Milliman and Robertson Inc and Control Data Corporation. Health Risks and Behavior: The Impact on Medical Costs. Brookfield, WI: Report by Control Data Corporation; 1987.
11. Milliman and Robertson Inc and Chrysler Corporation. Health Risks and Their Impact on Medical Costs. Brookfield, WI: Report by Chrysler Corporation; 1995.
12. Chapman, L. Meta-Evaluation of Worksite Health Promotion Economic Return Studies: 2005 Update. The Art of Health Promotion: Practical Information to Make Programs More Effective, (an American Journal of Health Promotion publication). July/Aug 2009.
13. Partnership for Prevention (Fall 2001). Healthy Workforce 2010: An Essential Health Promotion Sourcebook for Employers, Large and Small. Available at: http://www.acsworkplacesolutions.com/documents/Healthy_Workforce_2010.pdf

Worksite Wellness Resources to Help You Get Started

The following free, low-cost, and cost-saving resources can help your business start or modify an employee wellness program:

Website	Program	Eligibility	Cost	Contact
http://www.norcalwellbeing.org/wellness-toolkit.php	**Online Worksite Wellness Toolkit -** Free online tool that provides businesses with steps to create a healthy workplace. Topics include: The Wellness Team; Assessment tools; Wellness Goals & Objectives; Policy Design & implementation; Program Design & implementation; Gaining Employee Buy-in; Evaluation & Mentoring; The Financial Benefits; and Wellness Resources	Any employer	Free	(707) 575-6043 info@nccwb.org
www.iwalksonoma.org/iWALK Employer	**iWALK -** A movement designed to make exercise a priority in Sonoma County. By becoming an iWALK Employer, you pledge to promote a culture of fitness in your workplace. iWALK provides the tools and incentives to start up your own program.	Any employer	Free	Becky Lunders (707) 793-0933 info@iwalksonoma.org
http://norcalwellbeing.org/	**Employee Wellness Program by Northern California Center for Well-Being (NCCWB) -** Supports your company in creating an environment that promotes wellness. Services include: Technical assistance with a worksite wellness specialist; customized wellness program and policy development; confidential fitness assessments for employees with personal recommendations; on-site and off-site exercise programs; nutritional counseling with registered dietitians; health education classes; lunch and learn seminars; and evaluation and return on investment tracking to demonstrate the program success.	Any employer	Various low-cost packages. Call for quote.	(707) 575-6043 info@nccwb.org
http://www.stjosephhealth.org/Services/Workforce-Health-Initiative/Default.aspx	**Workforce Health Initative by St. Joseph Health System-** Collaborates with employers to identify and address employee health risks before they result in costly healthcare claims and threaten quality of life for employees while also creating a healthier community. The program offers Personal Health Profiles (health risk assessments), a Workforce Health Report (health snapshot of the work site), prevention, screening, and education services, internet-based financial analysis tools that allows employers to understand health risks faced by their workers, project how healthcare dollars will be spent, and identify potential savings through the attainment of a healthier workforce.	Any Sonoma County employer.	Free for most services.	Jeannie Calverley (707) 525-5263 jeannie.calverley@stjoe.org

Website	Program	Eligibility	Cost	Contact
KAISER PERMANENTE https://businessnet.kp.org/health/plans/ca/totalhealthandproductivity	**HealthWorks by Kaiser Permanente** An overarching program of free and fee-based products and services that coordinates and leverages Kaiser Permanente's diverse capabilities to provide employer-specific health promotion programs to improve employee health and maintain or increase productivity.	Employers with 51+ employees. Custom programs available to employers with 250+ employees	Free and fee-based. Pricing is dependent upon the program design or package.	Contact your local Kaiser Permanente representative
Sutter Health Partners www.sutterhealthpartners.org	**Live Well for Life by Sutter Health** - A best practice worksite wellness program recognized by the American College of Sports Medicine, 2009. LWFL offers health risk assessments, biometric/health screenings, onsite health education, group events and challenges, rewards tracking, online health improvement action plans, tools, trackers and personalized onsite and telephonic wellness coaching.	Employers with 100+ employees	Free and fee-based. Pricing is dependent upon the program design or package.	Mary Anna Weklar (415) 254-5530 weklarm@sutterhealth.org Lisa Amador (707) 576-4697 amadorl@sutterhealth.org
Anthem. Health. Join In. www.anthem.com	**360° Health by Anthem Blue Cross -** Helps members become more informed and involved in their health and wellness. By providing a total health solution, members have a powerful combination of targeted programs, services and one-on-one professional support to help them adopt healthier behaviors that last.	Anthem Blue Cross members	Visit the website to request a quote	Contact your insurance broker
blue of california https://www.blueshieldca.com/hw/	**Health & Wellness by Blue Shield of California -** Web page provides information on preventive health, conditions and options for treatment. Members can access resources, including self-management programs, a comprehensive health library, and articles from Healthwise®.	Blue Shield members	Visit the website to request a quote	Contact your insurance broker
MHN A Health Net Company℠ www.mhn.com	**MHN a Health Net Company** Provides behavioral change solutions for individuals and organizations, including a wellness and lifestyle program with motivational coaching for weight management, tobacco cessation coaching, and stress management.	MHN members	Visit the website to request a quote	Contact your insurance broker

Be an iWALK Employer

Promoting a **culture of health and fitness in the workplace** means fewer sick days, greater productivity and healthier employees! You can do that by starting a regular walking group at your work site, holding walking meetings, and encouraging employees to get at least 150 minutes of exercise each week. **Become an iWALK Employer** and support the movement to make Sonoma County the healthiest county in California by 2020!

Three Simple Steps

- Identify an iWALK Leader in your workplace
- Fill out the Commitment Form (below)
- Participate in the iWALK Challenge

Benefits of Participation

- iWALK window cling for your worksite
- iWALK Leader gift
- iWALK Posters
- Recognition for participating
- A step towards improved worksite wellness

iWALK Employer Commitment Form

Congratulations to your organization on making the commitment to get fit. iWALK is a movement designed to make exercise a priority in Sonoma County. We hope you will reap the benefits of greater productivity, healthier employees, and a boost in employee morale. Fill out this Commitment Form and fax or email it in. By becoming an iWALK Employer, you pledge to promote a culture of fitness in your workplace.

Organization: _____

Location / Branch / Dept: _____

Address: _____ **City/Zip:** _____

Who in your organization will lead the iWALK effort internally?

iWALK Leader: _____

Email Address: _____

Phone: _____

How will your organization iWALK?

___Organize a **Walking Group** ___ Participate in the **iWALK Challenge**

___ Implement **Walking Meetings** ___ Other _____

How many employees do you hope to involve in iWALK? #_____

Comments: _____

_____

Email completed form to
iwalk@volunteernow.org or fax to 573.3380.

iWALK Challenge 2012

iSWIM iBIKE iRUN

iWALK sonoma

iDANCE iHIKE iPLAY

March 5 – May 5, 2012

Be part of the movement to make Sonoma County the **healthiest county** in California!
Commit to get at least **150 minutes of exercise** each week.

Go to **iWALKsonoma.org** to sign up.

Which community will have the greatest participation?

Inspiration.

Motivation.

Cool prizes.

New this year!

Community Scavenger Hunt. Kick-off the iWALK Challenge on Sunday, March 4th – 1:00pm / Spring Lake's Shady Oaks Picnic Area. Bring a camera, walking shoes and a team of friends or co-workers!

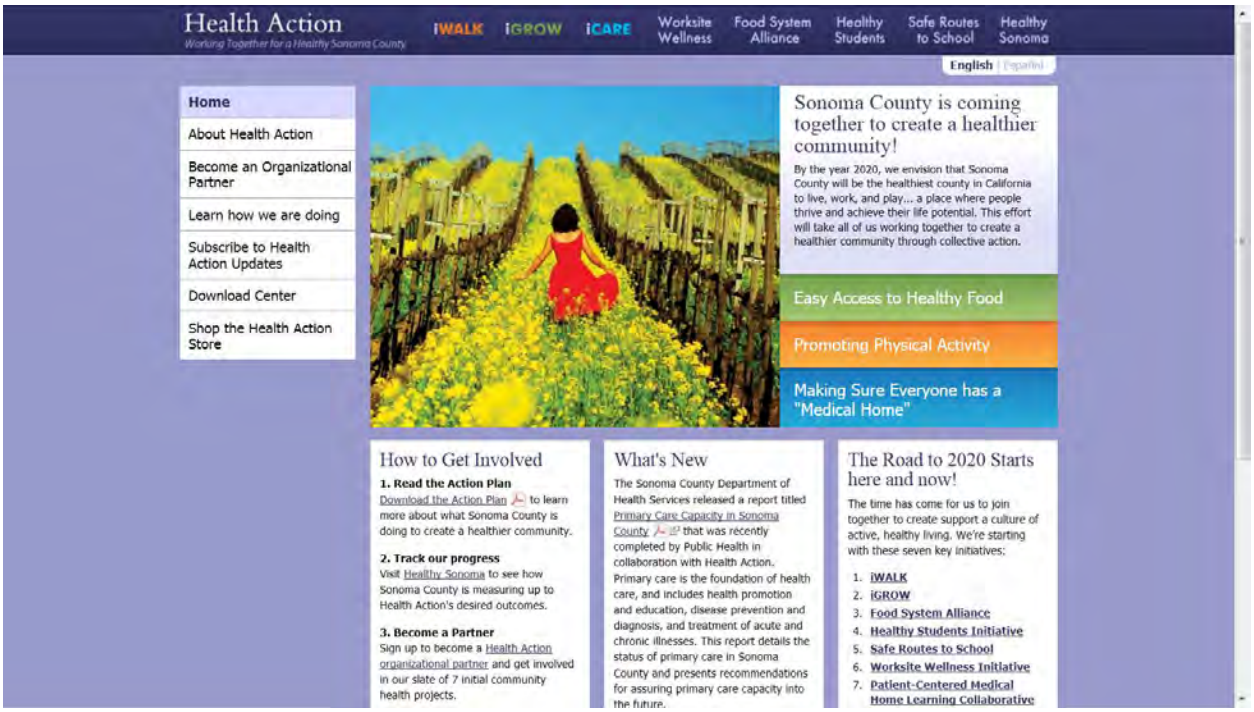
Online Fitness Tracker. You can now track your minutes online (or download the paper tracker). Details when you sign up.

HEALTH ACTION
A 2020 VISION FOR SONOMA COUNTY

Sign up at iWALKsonoma.org

IMPORTANT WEBSITES FOR THE HEALTH OF OUR COMMUNITY

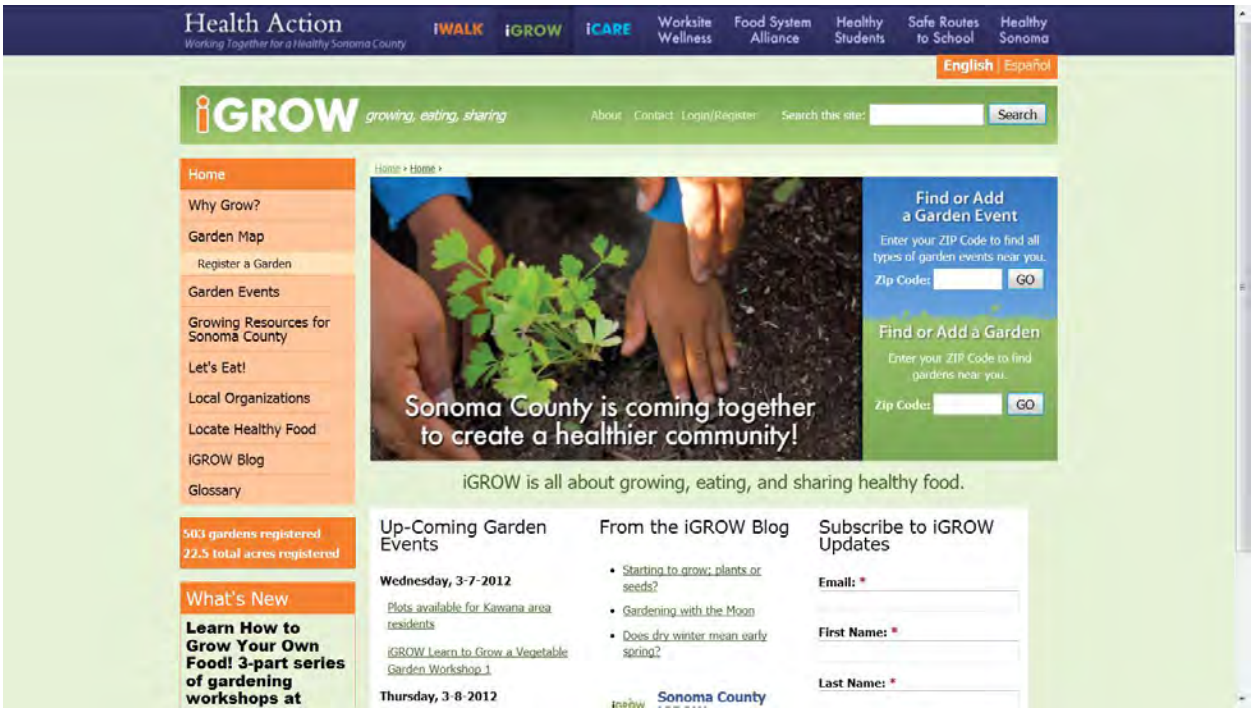
www.sonomahealthaction.org



www.healthysonoma.org

www.iwalksonoma.org

www.igrowsonoma.org



WEBSITE FOR SONOMA VALLEY Under construction

www.ihealthsonomavalley.org www.isaludsonomavalley.org

Contact: Patricia Talbot, RN at patricia@pmtalbot.com , 707 921-9922

Sonoma City Council's Representative to Sonoma County Health Action Coalition
Co-Chair Sonoma Valley Health Roundtable

City of Sonoma
City Council/Successor Agency
Agenda Item Summary

City Council Agenda Item: **5B**

Meeting Date: **03/19/2012**

Department	**Staff Contact**
Administration	Gay Johann, City Clerk

Agenda Item Title

Approval of the Minutes of the March 5, 2012 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

SPECIAL & REGULAR MEETINGS OF THE SONOMA CITY COUNCIL
&
CONCURRENT SPECIAL AND REGULAR MEETINGS OF SONOMA CITY COUNCIL AS THE SUCCESSOR AGENCY TO THE DISSOLVED SONOMA COMMUNITY DEVELOPMENT AGENCY

Community Meeting Room, 177 First Street West
Monday, March 5, 2012
5:30 p.m. Closed Session (Special Meeting)
6:00 p.m. Regular Session
****

MINUTES

City Council
Joanne Sanders, Mayor
Ken Brown, Mayor Pro Tem
Steve Barbose
Laurie Gallian
Tom Rouse

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

CONFERENCE WITH REAL PROPERTY NEGOTIATORS, pursuant to Government Code §54956.8. Property: Sebastiani Theater, 476 First Street East, Sonoma. Agency Negotiators: Councilmember Barbose, City Attorney Walter & City Manager Kelly. Negotiating Parties: Sebastiani Building Investors, Inc. Under Negotiation: Price and terms of lease.

This Closed Session was cancelled. A notice advising the public of the cancellation was posted on the door to the Community Meeting Room prior to 5:30 p.m.

6:00 P.M. – REGULAR MEETING

The City Council reconvened in open session and Mayor Sanders called the meeting to order at 6:05 p.m. Richard Schreuder led the Pledge of Allegiance.

PRESENT: Mayor Sanders and Councilmembers Barbose, Brown, Gallian, and Rouse
ABSENT: None

ALSO PRESENT: City Manager Kelly, Assistant City Manager Giovanatto, City Clerk Johann, City Attorney Walter, Public Works Director Bates, Planning Director Goodison, Police Chief Sackett, Fire Chief Garcia.

REPORT ON CLOSED SESSION

Mayor Sanders announced that the closed session had been canceled.

1. COMMENTS FROM THE PUBLIC

Herb Golenpaul reminisced about the “good ole’ days”.

American Legion members Richard Schreuder, Terry Leen, and Gary Magnani requested to be on a future agenda to present information regarding the Spirit Box program as a means of honoring war heroes. Councilmembers Brown and Gallian supported the request.

2. COUNCILMEMBERS’ COMMENTS AND ANNOUNCEMENTS

Item 2A: **Councilmembers’ Comments and Announcements**

Clm. Rouse mentioned that the Design Review Commission Alternate position was vacant and that two Councilmembers would be elected in November and he encouraged citizens to get involved and to volunteer for service to the community.

Clm. Barbose reported that the Alcalde reception, reformatted to an afternoon event, went very well.

Clm. Brown reported the Alcalde reception ended up in the black and he volunteered to organize it again next year. He reported that the Student Representative position on the Community Services and Environment Commission was vacant.

Clm. Gallian reported participation in Restaurant Week promotion and attendance at the Alcalde reception and Green Drinks which honored Supervisor Valerie Brown.

Mayor Sanders mentioned a newspaper article regarding a prospective sister city in Hungary and announced that the matter would come before the City Council for a decision in the near future.

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

City Manager & Successor Agency Staff Kelly reported the Oversight Board would need to meet prior to April 19 to adopt the payment schedule. At the request of Mayor Sanders, Public Works Director Bates reported that the Water Agency would conduct a feasibility study regarding fluoridation of the water supply.

4. PRESENTATIONS

Item 4A: **Proclamation recognizing the 100th Anniversary of Girls Scouts of the USA**

Mayor Sanders greeted Girl Scout Leader Jessa Ranks and a number of scouts and then presented them the proclamation. Ms. Ranks announced they would be commemorating the event with a ceremony on the Plaza.

Item 4B: **Proclamation Declaring March 2012 Community Center Month**

Mayor Sanders commended Executive Director Swett for her dedication to the Center and the community and then presented her the proclamation. Ms. Swett thanked the City Council for their ongoing support.

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: **Award of Contract to John Benward Company, Inc. for the Broadway Waterline Extension Project No. 1202 in the amount of $29,579.00**.

Item 5C: **Approve the Notice of Completion for the Comprehensive Bike Lane and Signing Project No. 0901 constructed by Chrisp Company and Direct the City Clerk to File the Document.**

Item 5D: **Approval and Ratification of the Appointment of Leslie Tippell to the Design Review Commission for a term ending March 5, 2014.**

Mayor Sanders removed Item 5B on behalf of staff and said the item would be carried over.

It was moved by Clm. Rouse, seconded by Clm. Brown, to approve the items remaining on the Consent Calendar. The motion carried unanimously. Councilmembers Brown, Barbose and Gallian acknowledged Leslie Tippell and thanked her for her continued service on the Design Review Commission.

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

7. PUBLIC HEARING

Item 7A: **a) Consider, discuss and possibly adopt a resolution making findings that, because of an existing fiscal emergency, an election on a proposed new sales tax must occur before the next regular municipal election.**

b) Consider, discuss and possibly adopt a resolution calling an election on June 5, 2012, to ask the voters to approve a one-half cent [or one-quarter cent] general transactions and use tax.

c) Consider, discuss and possibly adopt a resolution providing for the submittal of arguments and rebuttal arguments pertinent to the said one-half cent [or one-quarter cent] general transactions and use tax measure and identifying the author of said arguments and rebuttal arguments on behalf of the City of Sonoma.

City Manager Kelly explained that with the dissolution of redevelopment through the December 29, 2011 State Supreme Court decision, the City faced a post-redevelopment budget scenario and needed to consider funding and budget reduction alternatives. She said the City needed to develop a new financial model to continue to serve the community and meet government mandates. The new financial model should be considered as time-critical since continuing the current level of public services [post-redevelopment] required a significant drawdown on General Fund reserves on a monthly basis of approximately $85,000 per month at a minimum. She explained that amount was derived from the fact that the City has not yet received the $250,000 minimum Successor Agency payment or the anticipated new property tax share. She said that even when those amounts were received, the City would be in a deficit position, and the City's General Fund reserves could not fill the gap indefinitely.

Assistant City Manager Giovanatto presented a pro-forma budget detailing the line budget items immediately impacted by the loss of Sonoma Community Development Agency (CDA) funding. The minimum estimated annual shortfall in the General Fund (revenues versus expenses) as detailed was $434,926. She said that amount did not take into account $800,000 which has been expended annually from prior redevelopment funding on the City's roads, streets and related infrastructure. When added in, the annual projected deficit was $1,234,926.

City Manager Kelly reported that, per the February 22, 2012 City Council direction, staff had prepared the necessary documentation and findings for the City Council to consider taking

action to place a City sales tax measure on the June 5, 2012 election ballot. The first action would be the adoption of a resolution containing findings of a fiscal emergency based, among other things, on the elimination of redevelopment and the resulting General Fund deficit and the service and expenditure reductions which would be required if a new General Fund revenue source were not found. City Manager Kelly added that resolutions calling the election and establishing criteria for ballot arguments were also to be considered. Attorney Walter stated that prior to adoption of the emergency declaration resolution, Council needed to determine the amount and duration of the proposed sales tax.

Mayor Sanders commented that a ¼ percent would cover administration and ½ percent would begin to cover some of the capital. Clm. Rouse stated that a ½ percent was needed to keep the City whole. Mayor Sanders stated that they could pass ¼ percent now and go out with a general obligation bond to cover future road repairs. City Manager Kelly stated that other options included an assessment district, Transient Occupancy Tax (TOT) increase, parcel tax, or a dedicated sales tax.

Mayor Sanders opened the public hearing. Robert Parmelee inquired how much the election would cost and stated he felt it would be difficult to pass because of the complexity of issues put before the voters. Mayor Sanders responded the election could cost up to $32,000.

Robert Felder stated the resolutions needed to clarify that it would be ¼ or ½ percent tax; not ¼ or ½ cent tax. He added he would support ½ percent tax.

Ted Sexauer stated that Proposition 13 was the reason the tax was needed and mentioned that Veterans cost of living raise this year was 3.5%. He added that Council needed to consider the voice of Occupy Wall Street.

Bill Blum stated he had been on the City's prior Budget Committee and had been appointed by Supervisor Brown to serve on the Oversight Committee and that he strongly supported the proposal for a ½ percent sales tax. He said the City ran a tight ship and there was very little additional cutting that could be done without effecting quality of life issues. He pointed out that 75% of the City's sales tax revenue was generated by visitors.

Herb Golenpaul said he could support a ½ percent sales tax; suggested reducing the amount spent on roads to $400,000 a year, and suggested a 2% increase to the TOT.

Jennifer Yankovich, Executive Director Sonoma Valley Chamber of Commerce, stated the input she had received from the community had been positive and said the Chamber would partner with the City in support of the measure.

Dr. Kathy Hargett spoke in support of the measure sighting the potential impact on the City's support of key non-profit service providers without it.

David Cook supported ½ percent and stated the term was the most critical issue to decide.

John Kelly stated he had also served on the City's prior Budget Committee and he supported the ½ percent tax. He said the measure belonged on the November ballot which would allow Council candidates to debate the pros and cons of it and because the City had known about this for months which did not justify an emergency.

Dan Parks disagreed with Kelly and stated the time was now. He expressed support for the ½ percent tax. Seeing there were no additional comments, Mayor Sanders closed the public hearing.

It was moved by Clm. Barbose, seconded by Clm. Brown, to adopt the resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA FINDING AND DECLARING THAT AN EMERGENCY EXISTS THAT REQUIRES ASKING THE VOTERS TO APPROVE A TRANSACTIONS AND USE TAX BEFORE THE NEXT REGULAR ELECTION FOR THE CITY COUNCIL.

Clm. Barbose stated that waiting for the November election would be a train wreck in terms of competing tax measures on the ballot and the City would continue to suffer the $89,000 monthly deficit. He stated that it was not until the demise of the redevelopment agency that the City became aware of the gravity of its situation.

Clm. Gallian agreed this was the right time. She stated this was a way for the voters to choose how they want to resolve the budget shortfall.

Councilmembers Rouse and Brown agreed with Barbose regarding the reasoning for placing the measure on the June ballot.

Mayor Sanders pointed out she had not received one phone call against the proposal and she felt it was a good time to take the pulse of the public. She pointed out that the District One Supervisor contest provided plenty of opportunity for debate of the issue.

Mayor Sanders commented that property tax revenues would go up as property values increased. Clm. Rouse stated that he felt five years was fair to the residents. Mayor Sanders invited additional comments from the public regarding the term of the proposed tax.

Bill Blum and David Cook supported ten years. Jennifer Irving spoke in favor of the tax. Herb Golenpaul supported five years. John Kelly said the City had a long term budget issue and should be thinking of a long term solution he suggested putting a provision in to cease the tax at a time when a majority of Councilmembers felt the emergency no longer existed.

Clm. Brown felt a five year tax would have a better chance of passing and stated he would also support raising the TOT to 12%. Clm. Gallian agreed.

Clm. Barbose and Clm. Brown amended the previous motion to incorporate a ½ cent tax for a period of five years into the resolution. The motion carried unanimously.

City Manager Kelly reported the resolution calling the election, contained the following draft ballot measure wording: "To preserve the safety, public services and quality of life of Sonoma, and provide funding for essential services such as police, fire and emergency medical services, street and road maintenance and repairs, flood prevention, park and open space maintenance, graffiti abatement and other general community services, shall an ordinance be adopted temporarily increasing the City sales tax by one-half percent for a term of 5 years with all funds to be spent locally?"

She added that the local sales taxes throughout jurisdictions in Sonoma County were in the range of 5 years (Cities of Cotati and Rohnert Park), 8 years (City of Santa Rosa), 20 years (SMART, Transportation [Measure A], Open Space, City of Santa Rosa), and no sunset (City of

Sebastopol). Kelly added that the Council had the option of including provisions in the sales tax ordinance which call for the preparation of an annual report and establishment of a citizen's oversight committee that meets once each year to review the financial documentation showing how the additional tax revenues were spent and prepare a report of its findings to the Council.

It was moved by Clm. Rouse, seconded by Clm. Brown, to adopt the resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA, CALIFORNIA CALLING A SPECIAL ELECTION TO ASK THE VOTERS OF THE CITY OF SONOMA TO APPROVE A 5-YEAR GENERAL TRANSACTIONS AND USE TAX OF ONE HALF OF ONE PERCENT; AND REQUESTING THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA CONSOLIDATE THE ELECTION WITH THE ESTABLISHED ELECTION TO BE HELD ON TUESDAY, JUNE 5, 2012, AND DIRECT THE COUNTY ELECTIONS DEPARTMENT TO CONDUCT THE ELECTION ON THE CITY'S BEHALF.

Attorney Walter stated the Council needed to consider the proposed ballot language, and whether to add provisions to the ordinance relating to reporting requirements and an oversight committee.

Clm. Barbose stated he was not in favor of an oversight committee, noting there was no mystery where the money would be spent and he did not feel any reporting requirements outside the normal annual financial audits were necessary. Councilmembers indicated a concurrence and the motion being put to a vote carried unanimously.

City Manager Kelly reported that the City Council could designate the Mayor, the Council, or a number of Councilmembers to write the argument in favor of the measure and staff recommended that the same persons who are authorized to author and sign the original argument also be authorized to author and sign the rebuttal argument. Mayor Sanders stated that some members of the community were interested in signing the argument and she was interested in having all Councilmembers sign it.

Attorney Walter advised that no more than two Councilmembers could write the argument outside of a meeting. Council reached unanimous consensus that Councilmembers Rouse and Brown, in conjunction with staff, would draft the argument to be signed by two Councilmembers and three community members.

It was moved by Clm. Rouse, seconded by Clm. Brown to adopt the resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS RELATED TO THE JUNE 5, 2012 SPECIAL MUNICIPAL ELECTION. The motion carried unanimously.

8. REGULAR CALENDAR – CITY COUNCIL

Item 8A: **Discussion, consideration and possible ratification of Mayor's appointments to the Oversight Board of the Successor Agency to the dissolved Sonoma Community Development Agency.**

City Manager Kelly reported that, pursuant to Assembly Bill 1X 26, the Mayor could appoint two nominees to the Oversight Board of the Successor Agency to the dissolved Sonoma Community Development Agency. Pursuant to the City Council's standard practice for commission and

committee appointments, the Mayor would submit the names for consideration and request ratification of the nominees by the City Council.

Mayor Sanders announced that she was prepared to appoint herself but that she wanted to interview possible appointees representing the employee organization prior to making that appointment. She pointed out that Supervisors Brown and Carrillo had appointed themselves and that she felt very capable to represent the City. In response to the question by Clm. Barbose, Attorney Walter stated it was okay for the Mayor to appoint herself.

The public comment period was opened and closed with none received. It was moved by Clm. Brown, seconded by Clm. Rouse, to ratify the appointment of Mayor Sanders to the Oversight Board. The motion carried unanimously.

Item 8B: **Discussion, consideration and possible action on a draft ordinance establishing new regulations for Formula Businesses**.

Planning Director Goodison reported that on December 19, 2011, the City Council conducted an initial review of the recommendations of the Ad Hoc Committee on Formula Businesses, voting 3-2 to direct staff to develop and process ordinance language that would impose new regulations on formula businesses. In a subsequent discussion of a potential moratorium on formula businesses that occurred on January 18, 2012, the Council provided additional direction as follows: 1) the draft ordinance would be reviewed by the Council prior to being referred to the Planning Commission; and 2) option areas would be presented with respect to the various components of a formula business ordinance.

Goodison stated that the draft ordinance reflected the recommendations of the Ad Hoc committee and subsequent direction provided by the City Council, as follows: 1) Formula businesses (encompassing retail, personal services and restaurants) would be regulated by use permit through a two-tiered approach that would be more restrictive in the vicinity of the Plaza. 2) A business within a chain with 9 or fewer locations would not be classified as a “Formula Business” and would not be subject to any new form of review. 3) A business within a chain of 10-249 stores would be defined as a “Formula Business, Small” and would be allowed subject to use permit review (including within the Plaza Retail Overlay Zone), except that within specified large shopping centers, no use permit would be required. 4) Businesses within a chain of 250 or greater would be prohibited in the Plaza Retail Overlay zone, but allowed subject to use permit elsewhere (except, again, that there would be no use permit requirement in large shopping centers, as specified).

Mayor Sanders invited comments from the public.

Ben Boyce encouraged the Council to move forward with the ordinance. He stated that an important principal was at stake involving a commercial interest and culture and that he felt there was widespread support for some kind of regulation.

Bob Edwards agreed with Mr. Boyce stating that if the character of the Plaza retail zone was lost; the economic value would also be lost.

Roger Wright stated he owned property on the Plaza and wanted its value protected. He said he would support stronger restrictions than what was being proposed.

Jack Carter and Stuart Titlebaum spoke in support of the regulations.

Jennifer Yankovich stated that the Chamber would support utilization of the Use Permit process and a definition of Formula Business as one with 1000 or more stores.

Katie Bailey identified herself as a business owner. She supported limiting Formula Businesses to those with fewer stores to encourage boutique-type businesses.

Clm. Barbose stated this was not a novel idea and noted many cities that had adopted similar ordinances. He said he was open to discussing how to make it more effective and pointed out that, as written, the ordinance encompassed the entire City. He said the function of the ordinance was the preservation of the historic character of the City and pointed out that the committee had not considered using the Historic Overlay District as the boundary for the regulations. Barbose stated he was willing to reduce the covered area to the Historic Overlay District and would be amenable to limiting the restrictions on the Plaza to large scale restaurants only.

Clm. Rouse stated that he was still not in favor of a ban and felt they had dire consequences. Noting there were three votes in favor; he would support restricting the area to the Historic Overlay Zone.

Mayor Sanders stated she would like to utilize the design review process and would support requiring a use permit for any fast food restaurant chain. She said as it is written, the ordinance would not allow the Williams Sonoma store to return to its birthplace. Barbose pointed out that was why he was suggesting limiting the restrictions to restaurants.

Mayor Sanders asked if there were three votes to ban large scale (250 stores or more) formula restaurants on the Plaza. Clm. Gallian stated that 250 seemed too small. Clm. Brown said he could go along with it. Mayor Sanders stated there seemed to be support. Clm. Barbose stated that the 250 store limit would only apply to the Plaza and at any other location they would have to apply for a use permit.

Clm. Barbose inquired if all were in support of the geographic area being citywide. Clm. Gallian stated she wanted to address the issue that arose when Staples came to town. Clm. Barbose suggested that a use permit be required for formula businesses within the Historic Overlay District and for any business over 10,000 square feet. Councilmembers Brown and Gallian agreed.

Mayor Sanders said she wanted to go on record that she bowed out because there was no common ground. The Chamber's wishes had not been considered as much as she would have liked. She reminded everyone that a key commercial building on the Plaza had sat vacant for almost ten years and a vibrant community could not have a lot of vacant storefronts.

Clm. Barbose stated he had been collaborative in the compromises he came prepared to make.

Clm. Brown stated there were multiple reasons the Creamery building remained empty.

Goodison explained that the next step would be for the Planning Commission to conduct a public hearing on the ordinance and forward a recommendation to the City Council.

Item 8C: **Discussion, consideration and possible action on a presentation from Citizens United for a Sonoma Pool (CUSP) as directed at the City Council meeting of November 21, 2011.**

City Manager Kelly reported that on November 21, 2011, the City Council requested CUSP to move forward with the goal of reporting back to Council in three months; directed the City Manager serve as the liaison between CUSP and the School District; and authorized staff to spend more than an hour on the subject. She said the CUSP group had been meeting regularly and held a town hall forum regarding a community swimming pool on January 31, 2012.

Sam Coturri reported that they continue to seek donors and were still in the early stages of planning and fundraising. He said they had moved away from the High School property and had identified a few other possible locations. He said that potential donors wanted a feasibility study before moving ahead and they would like to continue their efforts for another three to six months.

Clm. Barbose inquired about the status of the Maxwell site. Coturri stated that they did not make much traction there and were looking at other County properties within the City. Clm. Brown added that Supervisor Brown had pointed out that Maxwell was not an ideal property for the swimming pool as it would diminish the existing playing fields.

Mayor Sanders asked why they moved away from the High School property. Coturri responded that they met with school representatives and determined that scheduling issues would limit the use of the pool and it would not raise enough revenue. He said the pool needed to be more available to the general public than what the school could accommodate.

Clm. Rouse stated that CUSP was going outside the box and seeking private dollars to get a pool built.

The public comment period was opened and closed with none received.

Mr. Coturri said they would report back to Council on June 5, 2012.

9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS

Item 10A: **Reports Regarding Committee Activities.**

Clm. Gallian reported attendance at the Open Space District and Water Advisory Committee meetings.

Mayor Sanders stated that the Legislative Committee changed its meeting dates fairly often and she had been unable to attend a meeting lately.

Item 10B: **Final Councilmembers' Remarks.**

Mayor Sanders stated she was pleased with the unanimous votes regarding the upcoming election and she appreciated the support of the hotel community and the Chamber.

10. COMMENTS FROM THE PUBLIC

Herb Golenpaul asked if restrictions of use on the Plaza amounted to restrain of trade. Attorney Walter responded it would not.

11. ADJOURNMENT

The meeting was adjourned at 9:39 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 2012.

_____
Gay Johann, MMC
City Clerk

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: **5C**

Meeting Date: **03/19/2012**

Department	**Staff Contact**
Public Works	Milenka Bates, Public Works Director

Agenda Item Title

Approve application by Speedway Children's Charities for temporary use of City streets for the Historic Racecar Festival on Saturday, June 2, 2012 and Adopt Resolution approving and consenting to the use of City streets for the Historic Racecar Festival Parade.

Summary

Speedway Children's Charities has requested temporary use of city streets for the Historic Racecar Festival Saturday June 2, 2012. Details of the event have been worked out with the Police and Public Works Departments. Because the event involves use of SR 12, the applicant must also obtain permission and an encroachment permit from Caltrans.

Recommended Council Action

Adopt the resolution approving the use of city streets and recommending Caltrans approval subject to the following conditions:

1. Applicant shall contact Police Department as soon as possible to review traffic control plan and contract for services.
2. Applicant shall provide a written request for special barricading to the Public Works Department at least two weeks prior to the event.
3. Applicant shall comply with City of Sonoma standard insurance requirements.

Alternative Actions

1) Delay action pending receipt of additional information
2) Deny the request

Financial Impact

The applicant is required to reimburse the City for additional personnel costs incurred as a result of this event.

Environmental Review

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

Status

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

Attachments:

1. Resolution
2. Street Use Application

cc:

Jerry Wheeler
Speedway Children Charities
Highway 121 & 37
Sonoma, CA 95476

CITY OF SONOMA

RESOLUTION NO. ____-2012

RESOLUTION APPROVING AND CONSENTING
TO THE USE OF CITY STREETS
Historic Racecar Festival Parade

WHERAS, The Speedway Children's Charities has made application to conduct the Historic Racecar Festival Parade, which will involve use of State Route 12; and

WHERAS, the Historic Racecar Festival Parade will temporarily impede and restrict the free passage of traffic over State Route 12 on June 2, 2012.

NOW THEREFORE be it resolved that the City Council of the City of Sonoma approves and consents to the proposed Vintage Racecar Festival Parade and recommends approval of and consents to the proposed restriction of State Route 12 upon terms and conditions deemed appropriate and necessary by the State of California, Department of Transportation.

The foregoing resolution was adopted the 19th day of March 2012, by the following vote:

Ayes:
Noes:
Absent:

_____
Joanne Sanders, Mayor

ATTEST:

_____
Gay Johann, City Clerk

City of Sonoma
No. 1 The Plaza
Sonoma CA 95476

PERMIT APPLICATION
FOR USE OF CITY STREETS

Application Fee: $373.00
(Encro 100 30203)

Note: Events utilizing any portion of Highway 12 must also obtain permission from Caltrans, District 4, 111 Grand Avenue, Oakland 94612, (510) 286-4404.

Name of Applicant: Speedway Children's Charities

Name of Sponsoring Organization: Speedway Children's Charities/Infineon Raceway

Address: Hwy 37 & 121, Sonoma, CA 95476

Telephone Numbers: Day: 933.3960 Night: 974.0216 Fax: 933.8091 Email: jwheeler@infineonraceway.com

Name of Event: Historic Race Car Festival

Type of Event – Mark Appropriate Box

☐ Run or Walk ☐ Rally or Assembly ☑ Parade

☒ Other lap around Plaza with Historic Race Cars - CHP escort from Infineon Raceway, up Broadway, around the Plaza

Date(s) of Event: June 2, 2012

Street Closure(s) Requested:

E. Napa between W. Napa and _____ from 5:20 am/pm to 5:40 am/pm

1st East between E. Spain and _____ from _____ am/pm to _____ am/pm

1st West between _____ and _____ from _____ am/pm to _____ am/pm

Complete Description of Event. Using additional sheets if necessary, describe the number of participants; duration of the event; the number, type, size and material of all entries including any floats or banners; the number and type of animals and a plan for cleaning up after them; any seating being provided; and Judges Tables. Attach a map of the route to be used and indicating the location of the staging area, announcer's stand, barricade placement, vendors, banners, signs and booths, etc.:

Approx 30-35 Vintage Race Cars staged at Infineon Raceway will travel under CHP escort from F.R. up Broadway, left on W. Napa, around the Plaza & Park on paved area of horseshoe for viewing.

Estimated Daily Attendance: 400

If a Sound Amplification is be used, describe the type, location, purpose and hours of use: Sound System (PA) used to announce winners (Best local & Best Race car) will also play "Car Songs" throughout the evening.

General Conditions of Approval:

Applicant is responsible for obtaining permission from Caltrans for use of any portion of Highway 12. All facilities placed upon a City street are subject to continuing safety approval and inspection by the appropriate City departments. A clear path of a minimum width of 20 feet through the length of the portion of roadway being used must be maintained for emergency vehicle access. Obstructions shall not be placed along the curb or the roadway within 10 feet of any fire hydrant. All facilities used for the event shall be removed from City streets immediately after the close of the event. All costs for barricading, traffic control, street sweeping and clean up shall be borne by the applicant. Applicant will be required to submit a deposit equal to the amount estimated by the City for services performed by City personnel in relation to the event. The deposit is due no later than two weeks before the first day of the event. If actual costs exceed the amount of the deposit, applicant will be required to pay the difference. If actual costs are less than the deposit, the excess will be returned to applicant or applied to any other fees or charges owed to the City. Applicant must provide a certificate of insurance and a policy endorsement naming the City of Sonoma as additional insured as described in the City of Sonoma Facility Use Insurance Requirements.

* * * * *

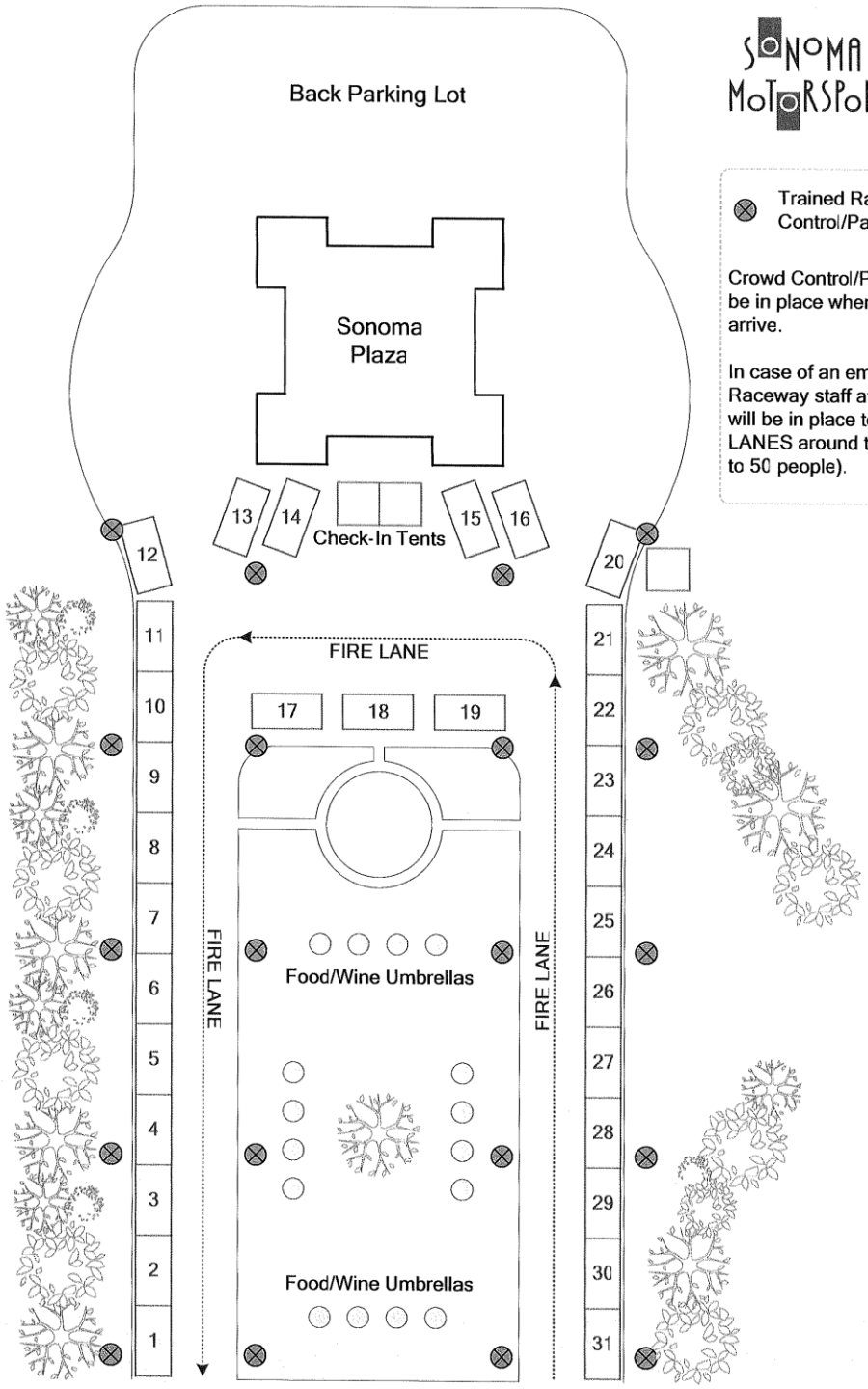
I do hereby acknowledge and affirm that all information contained herein is accurate to the best of my knowledge and agree to assume full responsibility and liability for and indemnify, and suits for or by reason of injury to any person or damages to any property of the parties hereto or of the third persons for any and all cause or causes whatsoever on in any way connected with the holding of said event or any act or omission or thing in any manner related to said event and its operation irrespective of negligence, actual or claimed, upon the part of the City, its agents or employees.

Jerry O'Neeleen 2/8/12

Applicant's Signature **Date**

For City Use Only
POLICE DEPARTMENT RECOMMENDATION: ☐ Approve ☐ Deny Amount of Deposit Required _____ COMMENTS: _____ Authorized Signature Date
PUBLIC WORKS DEPARTMENT RECOMMENDATION: ☐ Approve ☐ Deny Amount of Deposit Required _____ COMMENTS: _____ Authorized Signature Date
Date Approved by CSEC _____
Date Approved by City Council _____

SONOMA HISTORIC MOTORSPORTS FESTIVAL



Trained Raceway Crowd Control/Parking Staff

Crowd Control/Parking Staff will be in place when the race cars arrive.

In case of an emergency, Raceway staff attending the event will be in place to monitor FIRE LANES around the race cars (up to 50 people).

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: **5D**

Meeting Date: **03/19/2012**

Department	**Staff Contact**
Public Works	Toni Bertolero, City Engineer

Agenda Item Title

Approve the Notice of Completion for the Third Street West, Fourth Street West, and Hayes Street Rehabilitation Project No. 1106, constructed by Able General Engineering and Direct the City Clerk to File the Document.

Summary

The City Council awarded the contract to Able General Engineering on July 18, 2011. The work generally consisted of street rehabilitation and improvements to the listed street. The work included ADA ramp improvements including the ramp on the northwest corner of Andrieux and Second Street West. Able General Engineering has substantially completed the work in accordance with the contract. The Notice of Completion for the project is recommended for approval. There were four (4) contract change order for this project. A summary of the final contract amount, including approved contract change orders (CCO) to date are shown on the table on the following page. A copy of the 1-year maintenance bond is also attached.

On September 7, 2011, City forces responded to a call in regards to a high pressure gas main that was hit on Fourth Street West and Bettencourt during tree root removal by Atlas Tree Service. Atlas Tree Services was a sub-contractor hired by Able General Engineering. Costs associated with response from Sonoma Valley Fire Rescue Authority, Sonoma Police Department, City of Public Works and Winzler & Kelly was $5,457.60 to the City of Sonoma. This issue has not yet been resolved, therefore this amount will be deducted from the retention that will be released to Able General Engineering if payment has not been received when retention is released. See Gas Line Incident Response Invoice 11/9/11 (attached).

Recommended Council Action

It is recommended that the Council approve the Notice of Completion for the Third Street West, Fourth Street West, and Hayes Street Rehabilitation Project No. 1106 constructed by Able General Engineering and Direct the City Clerk to File the Document.

Alternative Actions

None proposed.

Financial Impact

Council approved the Community Development Agency-Tax Allocation Bond (TAB) budget for a total of $7.5 million for public works projects, including this project. The TAB monies were issued on March 2011. The CDA-TAB budget established for this project is $224,340.

Environmental Review	**Status**
☐ Environmental Impact Report	☐ Approved/Certified
☐ Negative Declaration	☒ No Action Required
☒ Exempt	☐ Action Requested
☐ Not Applicable	

Attachments:

Contract Summary Table

Notice of Completion

Gas Line Incident Response Invoice 11/9/11

1-year Maintenance Bond

Contract Summary Table

Third Street West, Fourth Street West, and Hayes Street Rehabilitation Project No. 1106

	General Description	**Amount**
	Approved Original Contract and Contract Pay Items	$191,709.06
CCO #1	Ramp design change at First Street West and West MacArthur, & Replacement of damaged storm drain lid at First Street West and West MacArthur	$2,833.38
CCO #2	Fire Hydrant relocation at First Street West and West MacArthur, Change railing to flexible delineators, Lid modification at Second Street West and Andrieux Street	$20,922.81
CCO #3	Hayes and Third Street West Compaction Issues	($6,000.00)
CCO#4	Paving for Fire Hydrant relocation, unknown construction conditions at box culvert at Second Street West and Andrieux Street.	$4,507.22
	Final Contract Amount	**$213,972.47**

When recorded, return to: City Clerk City of Sonoma No. 1 The Plaza Sonoma, CA 95476	

OFFICIAL BUSINESS: Exempt from Recording Fees Pursuant to California Government code §6103.

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. On the 19th day of March, 2012, the public project known as: Third Street West, Fourth Street West, and Hayes Street Rehabilitation Project No. 1106 was completed.

2. The name and address of the party filing this Notice is:
City of Sonoma, No. 1 The Plaza, Sonoma, CA 95476

3. The name and address of the Contractor responsible for the construction of said public project is: Able General Engineering, Inc, 1415 Fulton Road #205-434, Santa Rosa, CA 95403

4. The name and address of said Contractor's insurance carrier is:

   Sheppard & Associates Insurance Agency
   970 Reserve Drive, Ste 170
   Roseville, CA 95678

5. The general description of the public project was: street rehabilitation and improvements, including edge-grinding existing asphalt pavement, repair of localized pavement failures, crack sealing, placing asphalt pavement overlay, curb painting and pavement markings, adjusting utility structures to grade, removal and replacement of miscellaneous cross gutter, curb and gutter, and sidewalk, installing and repairing concrete cross gutter, upgrading existing curb ramps for ADA compliance, traffic control, minor storm drain improvements, and other related work, as set forth on the project Plans and Specifications.

6. The original contract amount was: $_191,709.06_____

Recording of this document is requested for **CITY OF SONOMA** and on behalf of the **City of Sonoma,** a Municipal Corporation, under Section 6103 of the Government Code.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

_____ Dated: _____, 2012
Linda Kelly, City Manager

ATTEST: _____
City Clerk

MERCHANTS
BONDING COMPANY

Bond Number: CAC92902

Premium: Incl in that of the Performance bond

MAINTENANCE BOND (1-YEAR)
(10%)

KNOW ALL PERSONS BY THESE PRESENTS, that the City of Sonoma hereinafter designated as "City"), a municipal corporation located in the County of Sonoma, State of California, and Able General Engineering, Inc. (hereinafter designated as "Principal") entered into a contract on the 26th day of July, 2011, whereby Principal agreed to complete the improvements more particularly described in all documents forming the complete contract entitled **THIRD STREET WEST, FOURTH STREET WEST, HAYES STREET REHABILITATION PROJECT NO. 1106**, which said contract is hereby referred to and made a part hereof; and

WHEREAS, said Principal is required under the terms of said contract to furnish a bond conditioned to guarantee the maintenance of those improvements ("said improvements") for a period of One year(s) from the date of acceptance of said improvements by the City, against all defects in workmanship and materials which may become apparent during said period.

NOW, THEREFORE, we, the Principal and Merchants Bonding Company (Mutual) as Surety, are held and firmly bound unto the City in the penal sum of Nineteen thousand one hundred seventy & .91/100, Dollars (19,170.91) lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, successors, executors and administrators, jointly and severally, firmly by these presents. This penal sum shall not be less than ten percent of the contract amount, meaning the entire amount paid by the City to the Contractor (Principal), including but not limited to the contract bid amount awarded and any change orders.

THE CONDITION of this obligation is such that if the said Principal shall faithfully carry out and perform said guaranty in accordance with the terms of said specifications and shall, on due notice, promptly repair and make good at its own expense all defects of material or workmanship in the said work which may develop or become apparent during the 1 year period beginning from the effective date of City acceptance of said improvements by the City Council, or shall pay over, make good and reimburse to the City all loss and damage which the City may sustain by reason of failure or defect of said Principal so to do, and shall indemnify and save harmless the City, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect.

AS PART OF THE OBLIGATION secured hereby and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

THE SURETY HEREBY STIPULATES AND AGREES that no change, extension of time, alteration or addition to the terms of the contract or the work to be performed thereunder of the specifications accompanying the same shall in any way effect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the contract or to the work or to the specifications.

2100 Fleur Drive • Des Moines, Iowa 50321-1158
515-243-8171 • 800-678-8171 • Fax 515-243-3854
www.merchantsbonding.com

MERCHANTS
BONDING COMPANY

IN WITNESS WHEREOF, the above bounden parties have executed this instrument under their seals this 26th day of July, 2011 the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

NOTE: To be signed by Principal and Surety and acknowledgment and notarial seal attached.

[Attach Notary Acknowledgment]

Able General Engineering, Inc.
Principal

By

Merchants Bonding Company (Mutual)
Surety

[Attach Notary Acknowledgment]

Jeff Young, Attorney-in-fact

Address of Surety

800 Edgewood Place
Windsor, CA 95492

2100 Fleur Drive • Des Moines, Iowa 50321-1158
515-243-8171 • 800-678-8171 • Fax 515-243-3854
www.merchantsbonding.com

MERCHANTS BONDING COMPANY

POWER OF ATTORNEY

Know All Persons By These Presents, that the MERCHANTS BONDING COMPANY (MUTUAL), a corporation duly organized under the laws of the State of Iowa, and having its principal office in the City of Des Moines, County of Polk, State of Iowa, hath made, constituted and appointed, and does by these presents make, constitute and appoint

Michelle Ellwanger, Michael K. Feeney, Steven Rogers, Jeff Young, Claudine Mason

of Windsor and State of California its true and lawful Attorney-in-Fact, with full power and authority hereby conferred in its name, place and stead, to sign, execute, acknowledge and deliver in its behalf as surety any and all bonds, undertakings, recognizances or other written obligations in the nature thereof, subject to the limitation that any such instrument shall not exceed the amount of:

FIVE MILLION ($5,000,000.00) DOLLARS

and to bind the MERCHANTS BONDING COMPANY (MUTUAL) thereby as fully and to the same extent as if such bond or undertaking was signed by the duly authorized officers of the MERCHANTS BONDING COMPANY (MUTUAL), and all the acts of said Attorney-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This Power-of-Attorney is made and executed pursuant to and by authority of the following Amended Substituted and Restated By-Laws adopted by the Board of Directors of the MERCHANTS BONDING COMPANY (MUTUAL) on November 16, 2002.

ARTICLE II, SECTION 8 - The Chairman of the Board or President or any Vice President or Secretary shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof.

ARTICLE II, SECTION 9 - The signature of any authorized officer and the Seal of the Company may be affixed by facsimile to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed.

In Witness Whereof, MERCHANTS BONDING COMPANY (MUTUAL) has caused these presents to be signed by its President and its corporate seal to be hereto affixed, this 1st day of June , 2011.

MERCHANTS BONDING COMPANY (MUTUAL) INCORPORATED -o- 1933

MERCHANTS BONDING COMPANY (MUTUAL)

By Larry Taylor
President

STATE OF IOWA
COUNTY OF POLK ss.

On this 1st day of June , 2011 , before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of the MERCHANTS BONDING COMPANY (MUTUAL), the corporation described in the foregoing instrument, and that the Seal affixed to the said instrument is the Corporate Seal of the said Corporation and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors.

In Testimony Whereof, I have hereunto set my hand and affixed my Official Seal at the City of Des Moines, Iowa, the day and year first above written.

NOTARIAL SEAL IOWA
CINDY SMYTH
Commission Number 173604
My Commission Expires
March 16, 2012

Cindy Smyth
Notary Public, Polk County, Iowa

STATE OF IOWA
COUNTY OF POLK ss.

I, William Warner, Jr., Secretary of the MERCHANTS BONDING COMPANY (MUTUAL), do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said MERCHANTS BONDING COMPANY (MUTUAL), which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Company on this 26th day of July 2011.

MERCHANTS BONDING COMPANY (MUTUAL) INCORPORATED -o- 1933

William Warner Jr.
Secretary

POA 0001 (1/09)

State of California)
County of Sonoma)

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

On July 26, 2011 before me, Claudine Mason, Notary Public,
(here insert name and title of the officer)

personally appeared Jeff Young,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

CLAUDINE MASON
COMM. #1902600
Notary Public - California
Sonoma County
My Comm. Expires Sep. 3, 2014
NRO1 NRO1

(Seal)

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Maintenance Bond,

containing 2 pages, and dated July 26, 2011.

The signer(s) capacity or authority is/are as:

- ☐ Individual(s)
- ☒ Attorney-in-Fact
- ☐ Corporate Officer(s) _____ Title(s)
- ☐ Guardian/Conservator
- ☐ Partner - Limited/General
- ☐ Trustee(s)
- ☐ Other: _____

representing: _____ Name(s) of Person(s) or Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:
- ○ form(s) of identification ○ credible witness(es)

Notarial event is detailed in notary journal on:
Page # _____ Entry # _____

Notary contact: _____

Other

- ☐ Additional Signer(s) ☐ Signer(s) Thumbprint(s)
- ☐ _____

© Copyright 2007 Notary Rotary, Inc. 925 29th St., Des Moines, IA 50312-3612 Form ACK03 10/07. To re-order, call toll-free 1-877-349-6580 or visit us on the Internet at http://www.notaryrotary.com

City Finance Department
No. 1 The Plaza
Sonoma CA 95476
(707) 938-3681
Fax (707) 938-8775

BUSINESS LICENSE APPLICATIO

OFFICE USE ONLY
Bus. License No.
Classification
Category
Amount Paid
Expiration Date

Original to Finance 7-29-11

Application for: ☑ New Business License ☐ Renewal ☐ Change of Ownership ☐ Update Records

PLEASE PRINT LEGIBLY

Business Name ABLE GENERAL ENGINEERING INC Business Phone 707·823·1580
Business Location 5715 SEBASTOPOL AVE Business Fax: 707·823·1586
City, State, Zip Code SEBASTOPOL CA 95492 Start Date
Mailing Address 1415 FULTON RD #205-434 City, State, Zip Code SANTA ROSA CA 95403
State Contractor Lic. No. 423148 Type A, B, C12 Expires 5/2012 FEIN No. 942701594
Seller's Permit No. N/A SEIN No. N/A

Ownership Type: ☑ Corporation ☐ Partnership ☐ Sole Proprietor ☐ Other
First Owner Name T. J. WILLIAMS JR Home Phone 707·753·1738
Address 1630 OLIVET RD SANTA ROSA CA 95401
Social Security # 555-75-9562 Driver's License # C6023303
Second Owner Name Home Phone
Address
Social Security # Driver's License #
Emergency Contact for Police and Fire TJ WILLIAMS Phone 707·753·1738.

Type of Business:

☐ Retail ☐ Services ☐ Professional. Number of Employees
☐ Real Estate Broker/Agent. Number of agents
☑ Contractor ☐ Manufacturing. Number of Employees 6 ON CREW
☐ Other: Number of Employees Number of Vehicles

Describe Business GENERAL CONTRACTOR SPECIALIZING IN UNDERGROUND & PAVING: DOING SPECIFIC CONTRACT FOR CITY OF SONOMA.

I declare under penalty of perjury, that to the best of my knowledge, the information provided herein on this application is true and correct. I understand that if issued a Business License, I will conduct business in a lawful manner and will obey the laws of the United States, the State of California and the City of Sonoma and that in conducting said business, said license is subject to suspension for violation of laws and/or ordinances.

I am aware of the provisions of Section 3700 of the Labor Code which requires every employer to be insured against liability for workmen's compensation.

Applicant's Signature Date 7/27/2011

57363

ABLE GENERAL ENGINEERING, INC.
CONT. LIC. NO. 423148 (707) 546-1508
1415 FULTON ROAD #205-434
SANTA ROSA, CALIFORNIA 95403

EXCHANGE BANK
CODDINGTOWN OFFICE
SANTA ROSA, CA 95403
90-198-1211

7/27/2011

PAY TO THE ORDER OF CITY OF SONOMA $ **229.00

Two Hundred Twenty-Nine and 00/100********** DOLLARS

Security features. Details on back.

CITY OF SONOMA
NO. 1, THE PLAZA
SONOMA, CA. 95476

MEMO PROJECT: THIRD STREET WEST.

AUTHORIZED SIGNATURE

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: **5E**

Meeting Date: **03/19/2012**

Department	**Staff Contact**
Administration	Jeff Walter, City Attorney

Agenda Item Title

Approval of Indemnity Agreement with Keller Canyon landfill indemnifying City for hazardous waste and landfill closure liability; and approval of Indemnification Agreement with Sonoma Garbage Collectors, Inc. ("SGC") in which SGC assumes liabilities of and indemnifies City for the City's obligations under the Keller Canyon agreement referenced herein

Summary

SGC has determined to deliver some of the City's municipal solid waste ("MSW") to the Devlin Road transfer station in Napa County. That MSW is then transported to the Keller Canyon landfill in Contra Costa County ("Keller Canyon"). Although in the 4th Amendment to the City's franchise agreement with SGC, SGC indemnifies the City for some of the landfill closure and other hazardous waste liabilities the City may be exposed to by virtue of its MSW going to Keller Canyon, the City Attorney sought from Keller Canyon and Keller Canyon agreed to provide a separate written landfill closure indemnification inuring to the City's benefit. That landfill indemnification agreement is attached.

However, under paragraph 2 of the landfill indemnification agreement ("Keller Agreement"), the City assumes certain liabilities and indemnifies Keller Canyon for those liabilities arising out of waste that SGC delivers to Devlin Road transfer station that does not originate in the City and for deliveries by SGC of waste that may not be lawfully delivered to Devlin Road transfer station. Because SGC has control over what waste it collects and delivers to Devlin Road, a second agreement is attached that requires SGC to assume the City's obligations under paragraph 2 of the Keller Agreement and to indemnify the City for any liabilities associated with those paragraph 2 obligations. The City-SGC indemnification agreement is attached.

Recommended Council Action

Approve Indemnity Agreement with Keller Canyon and the Agreement Indemnifying the City for Nonconforming Waste, and authorize the City Manager to execute same on behalf of the City and City Council.

Alternative Actions

1. Do not approve the agreements.
2. Approve the agreements with different or additional conditions.

Financial Impact

The decision to approve or not approve these agreements will probably not in itself have any immediate financial impacts, but declining to approve them could expose the City to future liabilities of unknown financial magnitude.

Environmental Review	**Status**
☐ Environmental Impact Report	☐ Approved/Certified
☐ Negative Declaration	☐ No Action Required
☐ Exempt	☒ Action Requested
☒ Not Applicable	

Attachments:

Indemnity Agreement with Keller Canyon

Agreement Indemnifying the City for Nonconforming Waste with SGC

cc:

Ken Wells

Tom Bruen

INDEMNITY AGREEMENT

THIS AGREEMENT is entered into on the _____day of January 2012 by and between the City of Sonoma, a general law city ("City") and Keller Canyon Landfill, Company, a California Corporation ("Keller Canyon").

RECITALS

A. The City has a franchise agreement with Sonoma Garbage Collectors, Inc. ("Waste Hauler" or "SGC") relating to the collection and disposal of non-hazardous municipal solid waste, green waste and recyclable materials (collectively "MSW") generated in the City. Under that agreement, SGC has the right to transport MSW to any disposal facility it chooses.

B. In the event that SGC elects to transport and dispose of MSW at the Keller Canyon Landfill ("Landfill"), the City desires to be indemnified for any closure, post-closure and other related liabilities arising therefrom.

Now, therefore, the parties hereto agree as follows:

AGREEMENT

1. Except as provided in section 2 below, Keller Canyon shall indemnify, defend with counsel selected by Keller Canyon but reasonably acceptable to the City, protect and hold harmless City, its elected representatives, officers and employees (collectively, "Indemnitees") from and against all claims, damages (including natural resources and punitive damages), injuries, costs (including any and all response, remediation and removal costs), losses, demands, debts, liens, liabilities, causes of action, suits, legal or administrative proceedings, interest, fines, charges, penalties and expenses (including attorneys' and expert witness fees and costs incurred in connection with defending against any of the foregoing or in enforcing this indemnity) (collectively, "Damages"), of any kind whatsoever paid, incurred or suffered by, or asserted against Indemnitees, arising from, or attributable to the acts or omissions of Keller Canyon or its officers, directors, employees or agents, in connection with, related to, or attributable to: (i) the negligent performance of any of their obligations, duties or acts arising from or related to Keller Canyon's acceptance for disposal and/or disposition of MSW (which is estimated to be between three thousand (3,000) and ten thousand (10,000) tons annually; however, said estimate shall have no effect on the indemnity given herein); (ii) the operation, maintenance, repair, cleanup, or detoxification of the Landfill; (iii) Keller Canyon's negligent acceptance, transporting, handling, storing and/or disposing of MSW; (iv) preparation and implementation of any removal, remedial, response, closure, post-closure or other plan (regardless of whether undertaken due to governmental action) concerning any Hazardous Waste, Hazardous Materials, Hazardous Substances or Toxic Materials or Substances (collectively, "Hazardous Waste") (as those terms may be defined in any law, regulation or code) received at the Landfill from parties other than the City or SGC; and/or (v) the violation of any environmental rule, law or regulation by Keller

Canyon. This indemnity afforded Indemnitees shall be limited to exclude coverage for intentionally wrongful acts and/or active negligence of Indemnitees. Keller Canon shall be solely responsible for, and shall defend and indemnity the Indemnitees from, all Damages associated with the closure, post-closure or corrective action at the Landfill due to its receipt of MSW from the City and/or SGC.

2. The provisions of paragraph 1 notwithstanding, Keller Canyon shall not assume ownership of or responsibility for any Damages associated with (a) the receipt from the City or SGC of waste other than MSW generated by or within the City or (b) the receipt from the City or SGC of other waste materials which may not lawfully be disposed of at the Landfill pursuant to its permits and approvals ("Nonconforming Waste"). City shall remove, or cause its franchised hauler to remove, all such Nonconforming Waste from the Landfill and City shall be solely responsible for the proper transportation and disposal of such Nonconforming Waste at a properly permitted disposal facility. City shall indemnity, defend with counsel selected by City but reasonably acceptable to Keller Canyon, and hold harmless Keller Canyon and its direct and indirect parent companies, subsidiaries and affiliates, and their respective officers, directors, agents and employees, from any and all Damages arising from the delivery to or disposal at the Landfill of Nonconforming Waste by City, SGC or its other franchised haulers or other agents.

3. The foregoing indemnities are intended to operate as an agreement pursuant to section 107(e) of CERCLA, 42 U.S.C. § 9607(e), and California Health & Safety Code § 25364, to defend, protect, hold harmless and indemnify City from liability.

4. Each individual executing this Agreement, or its counterpart, on behalf of a corporation or other entity, warrants that he/she is authorized to do so and that this Agreement constitutes the legally binding obligation of the entity which s/he represents.

5. All understandings and agreements heretofore made between the parties hereto are merged in this Agreement, which alone fully and completely expresses the agreement of the parties as to the subject matter addressed herein.

6. This Agreement shall be binding upon and inure to the parties hereto and to their respective successors and assigns.

IN WITNESS WHEREOF, the parties hereto execute this Agreement on the date first written above.

CITY OF SONOMA

By:_____
Linda Kelly, City Manager

KELLER CANYON LANDFILL COMPANY, a
California Corporation

By:_____
Name:
Its: Authorized Signatory

AGREEMENT INDEMNIFYING CITY FOR NONCONFORMING WASTE – KELLER CANYON

THIS AGREEMENT is entered into as of March 19, 2012, by and between the City of Sonoma, a California general law city ("City") and Sonoma Garbage Collectors, Inc., a California corporation ("SGC") with respect to the following recitals:

RECITALS

WHEREAS, SGC has determined to transport some of the City's municipal solid waste ("MSW") to the Devlin Road transfer station, which, in turn, transports that MSW to Keller Canyon Landfill ("Landfill");

WHEREAS, the City has entered into an Indemnity Agreement ("Indemnity Agreement") with the Landfill under which the Landfill agrees to indemnify the City for certain activities and the City agrees to indemnify the Landfill for other activities and take certain actions as set forth in paragraph 2 of said Indemnity Agreement ("City's Indemnification Obligations") a true and correct copy of which is attached as Exhibit A and incorporated herein;

WHEREAS, since the activities for which the City is agreeing to indemnify the Landfill are out of the City's control but are within the control of SGC, SGC has agreed to assume and indemnify the City for City's Indemnification Obligations under the terms and conditions of this Agreement:

NOW, THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

AGREEMENT

1. SGC shall assume and hereby agrees to discharge all of the City's Indemnification Obligations as though said obligations were and are SGC's to perform under the Indemnity Agreement in accordance with the terms and conditions set forth in the Indemnity Agreement.

2. SGC shall indemnify, defend with counsel selected by SGC but reasonably acceptable to the City, and hold harmless the City and its officers, councilmembers, employees, and agents ("Indemnitees"), from any and all Damages (as that term is defined in the Indemnity Agreement) of any kind whatsoever paid, incurred or suffered by, or asserted against Indemnitees, arising from, or attributable to the acts or omissions of the City and/or SGC in connection with, related to, or arising out of the performance or non-performance of the City's Indemnification Obligations.

IT WITNESS WHEREOF the parties hereto execute this Agreement as of the date first written above.

CITY OF SONOMA

By:_____
Linda Kelly, City Manager

SONOMA GARBAGE COLLECTORS, INC.

By:_____
Name:
Its President

By:_____
Name:
Its Chief Financial Officer

City of Sonoma
City Council/Successor Agency
Agenda Item Summary

City Council Agenda Item: 6A

Meeting Date: 03/19/2012

Department	**Staff Contact**
Administration	Gay Johann, City Clerk

Agenda Item Title

Approval of the portions of the Minutes of the March 5, 2012 City Council / Successor Agency Meetings 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 5B for minutes

City of Sonoma

City Council

Agenda Item Summary

City Council Agenda Item: **8A**

Meeting Date: **3/19/12**

Department	**Staff Contact**
Administration	Linda Kelly, City Manager

Agenda Item Title

Discussion, consideration and possible ratification of Mayor's appointments to the Oversight Board of the Successor Agency to the dissolved Sonoma Community Development Agency

Summary

At the City Council meeting of March 5, 2012, the City Council ratified the appointment of Mayor Joanne Sanders to serve on the Oversight Board to the dissolved Sonoma Community Development Agency.

This agenda item is to provide an opportunity for the Mayor to submit names for consideration as follows:

- Board Member to serve as the Alternate to Mayor Sanders
- Board Member to serve as the Employee appointment and Employee Alternate

Assembly Bill 1X 26, dissolving redevelopment agencies, calls for the creation of an Oversight Board to oversee each Successor Agency to a dissolved redevelopment agency. The City Council of Sonoma elected on January 12, 2012 to become the Successor Agency to the dissolved Sonoma Community Development Agency. Under a provision of AB1X 26, the Health and Safety Code allows the Mayor of the city which created the former redevelopment agency to appoint two nominees to the Oversight Board of the Successor Agency to the dissolved Sonoma Community Development Agency.

Pursuant to the City Council's standard practice for commission and committee appointments, the Mayor will submit the names for consideration and request ratification of the nominees by the City Council. The pertinent law reads as follows:

34179. (a) Each successor agency shall have an oversight board composed of seven members. The members shall elect one of their members as the chairperson and shall report the name of the chairperson and other members to the Department of Finance on or before January 1, 2012. Members shall be selected as follows:

(1) One member appointed by the county board of supervisors.

(2) One member appointed by the mayor for the city that formed the redevelopment agency.

(3) One member appointed by the largest special district, by property tax share, with territory in the territorial jurisdiction of the former redevelopment agency, which is of the type of special district that is eligible to receive property tax revenues pursuant to Section 34188.

(4) One member appointed by the county superintendent of education to represent schools if the superintendent is elected. If the county superintendent of education is appointed, then the appointment made pursuant to this paragraph shall be made by the county board of education.

(5) One member appointed by the Chancellor of the California Community Colleges to represent community college districts in the county.

(6) One member of the public appointed by the county board of supervisors.

(7) One member representing the employees of the former redevelopment agency appointed by the mayor or chair of the board of supervisors, as the case may be, from the recognized employee

organization representing the largest number of former redevelopment agency employees employed by the successor agency at that time.

Mayor Sanders will offer her nominees at or before the Council meeting of March 19th.

Recommended Council Action

Ratify Mayoral nominations to the Oversight Board of the Successor Agency to the dissolved Sonoma Community Development Agency; appointees will fill (1) the Alternate position to the Mayor, and (2) the Employee and Employee Alternate position.

Alternative Actions

Council discretion. Offer alternative nominees.

Financial Impact

N/A for appointments to the Board. The Oversight Board members serve without compensation and serve for a four-year term.

Environmental Review	**Status**
☐ Environmental Impact Report	☐ Approved/Certified
☐ Negative Declaration	☐ No Action Required
☐ Exempt	☐ Action Requested
☒ Not Applicable	

Attachments:

Health and Safety Code Section 34179

cc:

CHAPTER 4. OVERSIGHT BOARDS

34179. (a) Each successor agency shall have an oversight board composed of seven members. The members shall elect one of their members as the chairperson and shall report the name of the chairperson and other members to the Department of Finance on or before January 1, 2012. Members shall be selected as follows:

(1) One member appointed by the county board of supervisors.

(2) One member appointed by the mayor for the city that formed the redevelopment agency.

(3) One member appointed by the largest special district, by property tax share, with territory in the territorial jurisdiction of the former redevelopment agency, which is of the type of special district that is eligible to receive property tax revenues pursuant to Section 34188.

(4) One member appointed by the county superintendent of education to represent schools if the superintendent is elected. If the county superintendent of education is appointed, then the appointment made pursuant to this paragraph shall be made by the county board of education.

(5) One member appointed by the Chancellor of the California Community Colleges to represent community college districts in the county.

(6) One member of the public appointed by the county board of supervisors.

(7) One member representing the employees of the former redevelopment agency appointed by the mayor or chair of the board of supervisors, as the case may be, from the recognized employee organization representing the largest number of former redevelopment agency employees employed by the successor agency at that time.

(8) If the county or a joint powers agency formed the redevelopment agency, then the largest city by acreage in the territorial jurisdiction of the former redevelopment agency may select one member. If there are no cities with territory in a project area of the redevelopment agency, the county superintendent of education may appoint an additional member to represent the public.

(9) If there are no special districts of the type that are eligible to receive property tax pursuant to Section 34188, within the territorial jurisdiction of the former redevelopment agency, then the county may appoint one member to represent the public.

(10) Where a redevelopment agency was formed by an entity that is both a charter city and a county, the oversight board shall be composed of seven members selected as follows: three members appointed by the mayor of the city, where such appointment is subject to confirmation by the county board of supervisors, one member appointed by the largest special district, by property tax share, with territory in the territorial jurisdiction of the former redevelopment agency, which is the type of special district that is eligible to receive property tax revenues pursuant to Section 34188, one member appointed by the county superintendent of education to represent schools, one member appointed by the Chancellor of the California Community Colleges to represent community college districts, and one member representing employees of the former redevelopment agency appointed by the mayor of the city where such an appointment is subject to confirmation by the county board of supervisors, to represent the largest number of former redevelopment

agency employees employed by the successor agency at that time.

(b) The Governor may appoint individuals to fill any oversight board member position described in subdivision (a) that has not been filled by January 15, 2012, or any member position that remains vacant for more than 60 days.

(c) The oversight board may direct the staff of the successor agency to perform work in furtherance of the oversight board's duties and responsibilities under this part. The successor agency shall pay for all of the costs of meetings of the oversight board and may include such costs in its administrative budget. Oversight board members shall serve without compensation or reimbursement for expenses.

(d) Oversight board members shall have personal immunity from suit for their actions taken within the scope of their responsibilities as oversight board members.

(e) A majority of the total membership of the oversight board shall constitute a quorum for the transaction of business. A majority vote of the total membership of the oversight board is required for the oversight board to take action. The oversight board shall be deemed to be a local entity for purposes of the Ralph M. Brown Act, the California Public Records Act, and the Political Reform Act of 1974.

(f) All notices required by law for proposed oversight board actions shall also be posted on the successor agency's Internet Web site or the oversight board's Internet Web site.

(g) Each member of an oversight board shall serve at the pleasure of the entity that appointed such member.

(h) The Department of Finance may review an oversight board action taken pursuant to the act adding this part. As such, all oversight board actions shall not be effective for three business days, pending a request for review by the department. Each oversight board shall designate an official to whom the department may make such requests and who shall provide the department with the telephone number and e-mail contact information for the purpose of communicating with the department pursuant to this subdivision. In the event that the department requests a review of a given oversight board action, it shall have 10 days from the date of its request to approve the oversight board action or return it to the oversight board for reconsideration and such oversight board action shall not be effective until approved by the department. In the event that the department returns the oversight board action to the oversight board for reconsideration, the oversight board shall resubmit the modified action for department approval and the modified oversight board action shall not become effective until approved by the department.

(i) Oversight boards shall have fiduciary responsibilities to holders of enforceable obligations and the taxing entities that benefit from distributions of property tax and other revenues pursuant to Section 34188. Further, the provisions of Division 4 (commencing with Section 1000) of the Government Code shall apply to oversight boards. Notwithstanding Section 1099 of the Government Code, or any other law, any individual may simultaneously be appointed to up to five oversight boards and may hold an office in a city, county, city and county, special district, school district, or community college district.

(j) Commencing on and after July 1, 2016, in each county where more than one oversight board was created by operation of the act adding this part, there shall be only one oversight board appointed

as follows:

(1) One member may be appointed by the county board of supervisors.

(2) One member may be appointed by the city selection committee established pursuant to Section 50270 of the Government Code. In a city and county, the mayor may appoint one member.

(3) One member may be appointed by the independent special district selection committee established pursuant to Section 56332 of the Government Code, for the types of special districts that are eligible to receive property tax revenues pursuant to Section 34188.

(4) One member may be appointed by the county superintendent of education to represent schools if the superintendent is elected. If the county superintendent of education is appointed, then the appointment made pursuant to this paragraph shall be made by the county board of education.

(5) One member may be appointed by the Chancellor of the California Community Colleges to represent community college districts in the county.

(6) One member of the public may be appointed by the county board of supervisors.

(7) One member may be appointed by the recognized employee organization representing the largest number of successor agency employees in the county.

(k) The Governor may appoint individuals to fill any oversight board member position described in subdivision (j) that has not been filled by July 15, 2016, or any member position that remains vacant for more than 60 days.

(l) Commencing on and after July 1, 2016, in each county where only one oversight board was created by operation of the act adding this part, then there will be no change to the composition of that oversight board as a result of the operation of subdivision (b).

(m) Any oversight board for a given successor agency shall cease to exist when all of the indebtedness of the dissolved redevelopment agency has been repaid.

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: **8B**

Meeting Date: **03/19/2012**

Department	**Staff Contact**
Planning	David Goodison, Planning Director

Agenda Item Title

Discussion, consideration, and possible direction to staff concerning the recommendation of the Facilities Committee to investigate legal methods of altering the terms of the Maysonnave bequest with respect to the disposition of the Maysonnave Cottage and Barn.

Summary

At its meeting of November 7, 2011, the City Council voted 3-2 to direct staff to apply to the Design Review Commission (DRC) for a demolition permit for the Maysonnave Cottage and barn, located at 291 First Street East. The DRC held an initial discussion of the item at its meeting of December 20th, at which time additional information was requested of staff. A special meeting was held at the site on February 13, 2011 in order to allow the Commission to inspect the condition of the structure. The item was then heard at the regular meeting of February 21, 2012, at the conclusion of which the DRC voted 4-0 (Comm. Barnett recused due to proximity) to recommend to the City Council that the demolition of the structures be postponed for one year in order to allow options for preservation to be explored.

The Facilities Committee (Councilmembers Barbose and Brown) reviewed this recommendation at its meeting of March 8, 2012. While the Committee stated that they saw no opportunity for any significant expenditure of City funds to assist in the renovation of the cottage, they did express interest in exploring one of the ideas raised by concerned neighbors (including Anne Appleman and Joe Costello). Under this concept, the City would explore a legal process known as “equitable deviation” to amend the terms of the bequest (which currently limits the use of the property to a “memorial park or museum”) such that a separate parcel encompassing the cottage could be created and sold on the open market as a private residence, with a historic conservation easement recorded on the property to require the preservation and restoration of the cottage. Under this approach, while the cottage and a significant portion of the Maysonnave parcel would be removed from public ownership, the cottage itself would be preserved and the financial responsibility of restoring the cottage would be removed from the City. Clearly there are many planning and legal issues associated with concept, but the Facilities Committee felt that it had sufficient merit to warrant an initial review of the legal questions by the City Attorney.

Recommended Council Action

The Facilities Committee is recommending that that City Attorney be authorized to investigate the concept of equitable deviation from the terms of the Maysonnave bequest and related issues.

Alternative Actions

The recommendation of the Facilities Committee is quite narrow. If the City Council wishes to discuss other options, including proceeding with the demolition of the Cottage and Barn or exploring other options for its preservation, staff recommends that the discussion be placed on a future agenda so that additional background information may be presented.

Financial Impact

The cost of legal research would be billed by the City Attorney on an hourly basis and would represent a General Fund expense. If the concept discussed above proves feasible, there would be additional expenses required to implement it (e.g., processing a parcel map and a General Plan amendment/rezoning) that would also be charged to the General Fund, but staff has no estimate at this time. However, it is also possible--although quite speculative--that the sale of a parcel, if that occurs, would recoup those expenses and perhaps generate one-time General Fund revenue.

Environmental Review	Status
☐ Environmental Impact Report	☐ Approved/Certified
☐ Negative Declaration	☒ No Action Required
☐ Exempt	☐ Action Requested
☒ Not Applicable	

Attachments:

1. Maysonnave bequest
2. Excerpt from BNA Tax Management Memorandum

cc: Joe Costello

Anne Appleman

League for Historic Preservation

CITY OF SONOMA
RESOLUTION NO. 67-1997

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA CONCERNING THE USE OF THE PROPERTY BEQUEATHED TO THE CITY FROM HENRI MAYSONNAVE

WHEREAS, Henri Maysonnave died in 1989 and generously bequeathed two parcels of property to the City of Sonoma namely, APN: 018-131-06 and APN: 018-131-26 commonly known as 291 First Street East, Sonoma, California subject to a life estate in Hazel Carter and with certain restrictions on use;

WHEREAS, the life estate in Hazel Carter has now terminated with her death; and

WHEREAS, the City of Sonoma desires to accept the property and express its intent to use the property consistent with the desires of Henri Maysonnave as stated in his Last Will and Testament;

NOW, THEREFORE, the City Council of the City of Sonoma resolves that it accepts the property known as 291 First Street East, Sonoma, California, APN: 018-131-06 and APN: 018-131-26, as bequeathed from Henri Maysonnave, and declares that the City policy shall be to use the property consistently with the desires of Henri Maysonnave, to wit, "either for development as a memorial park or a museum facility."

The foregoing Resolution was duly adopted this 17th of September, 1997, by the following roll call

AYES: (4) Clm. Barnett, Dorf, Ramponi, Mayor Pro Tem Carter
NOES: (0) None
ABSENT: (1) Mayor Mazza
DISQUALIFIED: (0) None

Phyllis Carter
Mayor Pro Tem

SEAL OF THE CITY OF SONOMA · CALIFORNIA · JUNE 14, 1846

ATTEST:

Eleanor Berto
CITY CLERK

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Sonoma at a regular meeting thereon held September 17th, 1997

Eleanor Berto
CITY CLERK

67-1997.DOC

LAST WILL AND TESTAMENT

OF

HENRI MAYSONNAVE

I, HENRI MAYSONNAVE, a resident of Sonoma County, California, declare that this is my Will.

FIRST: I revoke all Wills and Codicils that I have previously made.

SECOND: I am an unmarried man and I have no children now living or deceased.

THIRD: I direct that my remains be disposed of in accordance with the provisions of an agreement with Bates, Evans & Ferhensen, funeral directors, Sonoma, California.

FOURTH: I give the following property to the following persons and entities:

1. The sum of Ten Thousand Dollars ($10,000.00) to the Sonoma Kiwanis Club for deposit into a restricted fund for the specific purpose of providing up to One Thousand Dollars ($1,000.00) per year for as long as the fund remains for the purpose of purchasing trees for a tree planting project on Arbor Day of each year.

2. To HAZEL LOUISE CARTER of 291 First Street East, Sonoma, California 95476, I bequeath a life estate in that certain real property located at 291 First Street East and in the property immediately west of 291 First Street East, Sonoma, California which parcels bear assessors parcel numbers 018-131-06 and 018-131-26. Upon the death of HAZEL LOUISE CARTER said parcels shall become the property of the City of Sonoma to be used specifically for development as a memorial park or a museum facility. In the event that the City of Sonoma is unwilling or

unable to develop said parcels for the specified purpose and the City of Sonoma so states, then the said parcels shall become the property of the State of California to be used in the expansion of the Sonoma State Historial Park.

3. The sum of Five Thousand Dollars ($5,000.00) to ANNE GRISHABER ~~AERSE~~ FORCE (HM), R.N. 980 Malick Avenue, Yuba City, California 95991.

FIFTH: I hereby instruct my executors to spend whatever sum in their discretion is needed to provide for a party for my friends. I have heretofore provided my executors with a list of friends that I choose to have invited thereto and I hereby grant to my executors the discretion to invite whomever else they choose.

SIXTH: I direct that my funeral and testamentary expense and all of my just debts, if any, which are due and payable, be paid as soon after my death as is practicable.

SEVENTH: I give all of the residue of my estate in the shares designated in the paragraphs below to be distributed as follows:

1. Fifteen percent (15%) thereof to the French Hospital Medical Center, La Societe Francaise de Bienfaisance Mutuelle, 4131 Geary Blvd., San Francisco, California 94118 to be applied in the discretion of the executors of this Will in memory of (a) PIERRE and MADELINE (HM) CHAHON and (b) FABIAN, MARGUERITE (HM), MARGARITE, and HENRI MAYSONNAVE.

2. Ten percent (10%) to the French Church, Notre Dame des Victoires at 566 Bush Street, San Francisco, California 94108, to be used for an appropriate memorial ~~for~~ PIERRE and MADELIENE (HM) MARGUERITE (HM)

ciated with the pledged assets. In this instance, it may be possible that the pledge be modified to a charitable gift annuity, which would allow for an income stream and still allow the donor to make the charitable gift.

TAX ISSUES

Because of the troubled economy currently facing many investment portfolios and businesses, some donors who want to honor their charitable pledges are looking for alternative ways to do so. One method that may be suggested is for a donor who has previously established a foundation to pay a donor's personal pledge to a third-party charity with the foundation's assets. For example, a donor contributes $1 million to a private foundation. Separately, the donor makes a $500,000 pledge to a different third-party charitable organization. The donor now would like to use the assets from private foundation to pay the pledge.

In this scenario, the donor likely is creating unintended negative tax consequences. When the donor makes a legally enforceable pledge to the third-party charitable organization, the pledge becomes a personal debt of the donor. The assets held in the private foundation, however, no longer belong to the donor. Therefore, if assets from the private foundation are used to pay the donor's personal pledge to the third-party charitable organization, unintended tax consequences will likely result.

First, if the donor is considered a "disqualified person" of the private foundation, the payment of the donor's pledge by the private foundation will likely be an act of self-dealing.[15] A disqualified person includes (1) an officer, director or trustee of the foundation, (2) a substantial contributor to the foundation, or (3) family members of another individual who qualifies as a disqualified person.[16] Self-dealing excise taxes can be imposed on both the donor and the foundation manager and are calculated using a tier tax system. If the self-dealing is not corrected, the penalty for a violation of self-dealing rules may include an excise tax imposed on the donor up to 200% of the amount of the benefit. Similar taxes are also imposed where a donor-advised fund pays the personal pledge of one of its donors.

Issues can also arise where a private foundation pays a pledge for an individual who is not considered a disqualified person to the foundation. In this instance, the donor's personal pledge is a debt to the donor and not the private foundation. A private foundation is prohibited from making grants to individuals expect in certain circumstances. If a private foundation pays the personal pledge of an individual who is not a disqualified person, the payment of the pledge will likely be considered a taxable expenditure of the foundation.[17] Again, for taxable expenditures significant excise taxes are imposed using a tier tax system if the expenditure is not corrected.

CY PRES AND EQUITABLE DEVIATION

Issues with charitable pledges are not solely caused by the inability or unwillingness of a donor to pay a pledge or the unwillingness of a charitable organization to follow through on an agreed-upon promise. Problems with charitable pledges may also result where it is impossible or illegal for the charitable organization to carry out the particular purpose behind the charitable pledge. In these situations the doctrines of *cy pres* and equitable deviation are applicable.

Cy Pres

The doctrine of *cy pres* applies when property is given to a charitable organization to be applied to a particular charitable purpose and it is or becomes impossible or impracticable or illegal to carry out that purpose. If the donor manifests a more general intention to devote the property to charitable purposes, the gift will not fail but the court will direct the application of the property to some charitable purpose that falls within the general charitable intention of the donor.[18] Essentially, there are two main requirements for the application of *cy pres*: (1) a failure of the specific charitable intent of the gift, and (2) a general charitable intent disclosed in the instrument creating the gift. *Cy pres* is founded on the notion that the charitable purpose of the donor should be respected when possible.

In many cases, a donor may make a charitable pledge to a specific purpose or fund within the charitable organization. Because charitable pledges are often fulfilled at some point in the future, however, the designated purpose or fund at the charitable organization may no longer exist. The doctrine of *cy pres* will allow the donor and the charitable organization to enforce the charitable pledge but redirect its use for another charitable purpose.

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[15] §4941. Unless otherwise stated, all "§" references herein are to the Internal Revenue Code, as amended, and the regulations promulgated thereunder.

[16] §4946.

[17] §4945.

[18] *First National Bank of Chicago v. Elliott*, 406 Ill. 44, 92 N.E.2d 66, 73 (1950).

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The Illinois case of *In re Estate of Tomlinson* [19] depicts the application of the *cy pres* doctrine. The donor's will directed that the residue of the donor's estate be distributed to the "Cancer Research Fund" and specifically directed that the donor's heirs-at-law be disinherited. At the time the pledge was to be distributed, there was no charitable organization in existence known as the Cancer Research Fund and the donor's will contained no provision to dispose of the remainder of the donor's estate if the charitable bequest failed. The Illinois Supreme Court advanced the doctrine of *cy pres* to the gift and held that the donor's charitable intent was evidenced in the will over the reversion to the heirs-at-law and directed that the gift be made to the American Cancer Society.

Equitable Deviation

In addition to the doctrine of *cy pres*, courts have also recognized the doctrine of equitable deviation as a means to interpret otherwise ambiguous or restrictive pledges. The doctrine of equitable deviation permits a court to deviate from a restricted charitable purpose if it appears to the court that compliance is impossible or illegal, or that, due to circumstances neither known nor anticipated by the settlor, compliance would defeat or substantially impair the accomplishment or the purpose of the gift. Although equitable deviation on its face seems similar to *cy pres*, there are distinct differences. Equitable deviation allows a court to deviate from a purpose that, while still available, would substantially impair or defeat the pledge. *Cy pres*, on the other hand, deals more with the absolute failure of the pledge absent another charitable direction. A good example of equitable deviation appeared in the arguments made by the interested parties in the case of the Buck Trust.

In 1975, the Buck Trust was created by a bequest from Beryl Buck. The language associated with the Buck Trust stated that the money was to be used for charitable, religious or educational purposes in providing care for the needy in Marin County, California. When the Buck Trust was created, it was worth less than $10 million. By the mid-1980's, however, the Trust multiplied in value to more than $400 million. Marin County is one of the wealthiest counties in California, so many individuals in California have argued that equitable deviation should be applied to the Buck Trust so the assets (while still used for a charitable purpose) can be used in counties outside of Marin.[20]

THE GIFT ACCEPTANCE / PLEDGE AGREEMENT

Donors and charitable organizations are becoming more sophisticated in their thought processes about charitable pledges. Many donors do not want simply to give unconditional gifts to charity. Instead, donors are looking to attach more strings to their gifts and also obtain some type of recognition. On the other hand, the charitable organizations are looking to protect themselves and provide for flexibility. As a result, donors and charities can have competing views about a charitable gift, resulting in unforeseen litigation. Both the donor and charitable organization almost always agree that both want "positive gifts" rather than "troubled gifts." The issue, therefore, becomes what steps can be taken to prevent a "positive pledge" from becoming a "troubled pledge"?

The answer to the question may be relatively simple: the gift acceptance or pledge agreement.[21] A gift acceptance agreement, in its most basic form, outlines the terms of a gift so that the donor and the charitable organization agree on the manner in which the gift is to be administered. By working through the terms of a gift acceptance agreement, a charitable organization and a donor will be able to anticipate the future problems of a gift and correct them at the beginning.

The first step to a successful gift acceptance agreement is to have a clear understanding of the motivations of the donor and the charitable organization. Understanding the donor involves determining the donor's ultimate goals and maintaining constant communication with the donor.[22] Understanding the charitable organization involves determining the organization's capacity to comply with the terms of a gift and structuring the gift acceptance agreement to fit both the donor's purpose and the organization's requirements. With a gift acceptance agreement, whether in troubled or good times, many of the issues associated with charitable pledges can be resolved at the outset and future problems may be avoided.

From the standpoint of the donor, the following factors are likely important to the donor and should be incorporated in a pledge agreement: (1) a complete and accurate description of what the pledge is to be used for; and (2) a determination as to whether flexibility will be built into the agreement to redetermine the charitable purpose if contingencies occur that

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[19] 65 Ill. 2d 382, 359 N.E.2d 109, 111 (1976).

[20] Peter Fimrite, "S.F. supervisors lack faith in trust. Buck Fund attacked for restructuring aid to poor in Marin," *San Francisco Chronicle* (March 2002).

[21] Richard M. Horwood and John R. Wiktor, "Gift Acceptance Agreements: Accentuating the Positive," *J. of Tax'n of Investments* (2009).

[22] Richard M. Horwood and John R. Wiktor, "Knowledge Is Power: Understanding Your Donor's Personality and Motivations," *Family Foundation Advisor* (Jan./Feb. 2008).

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City of Sonoma

City Council

Agenda Item Summary

City Council Agenda Item: **8C**

Meeting Date: **3/19/12**

Department	**Staff Contact**
Administration	Linda Kelly, City Manager

Agenda Item Title

Discussion, consideration and possible action regarding a request for a letter of support for the Spirit Boxes project from the American Legion, requested by Mayor Pro Tem Brown and Councilmember Gallian

Summary

The American Legion representatives spoke at the City Council meeting of March 5, 2012 regarding a new project to honor fallen soldiers, "Spirit Boxes." Mayor Pro Tem Brown and Councilmember Gallian have requested a presentation to the City Council regarding the Spirit Boxes. As noted on the attached statement, the American Legion is requesting that the City Council support the Spirit Boxes project with a letter that will allow them to approach the other cities of Sonoma County and the State of California to follow Sonoma's lead.

Recommended Council Action

Council discretion.

Alternative Actions

Council discretion.

Financial Impact

If approved, the requested letter could be drafted within the normal workload of staff.

Environmental Review	**Status**
☐ Environmental Impact Report	☐ Approved/Certified
☐ Negative Declaration	☐ No Action Required
☐ Exempt	☐ Action Requested
☒ Not Applicable	

Attachments:

Statement from American Legion

cc:

Sprit Boxes

American Legion Post 489 presentation on the work of Andre Ferrella, Artist & Creator of Spirit Box: the Rise of the Fallen Memorial is intended to inform the council of the work our Post has undertaken. Our Post believes in the merit of this national project to understand and create a way to deal with the issues and concerns of our troops in Afghanistan and Iraq, and to honor the memories of those who have fallen in the line of duty. It is our hope that following the presentation the Sonoma City Council will support our project with a letter that will allow us to go out to the other cities of Sonoma County and the State of California to follow Sonoma's lead. This project has the full support of American Legion Post 489 and we strongly hope for the full and unanimous support from the Sonoma City Council.

Respectfully submitted:
Gary Magnani, Commander, American Legion Post 489

City of Sonoma

City Council

Agenda Item Summary

City Council Agenda Item: **8D**

Meeting Date: **3/19/12**

Department	**Staff Contact**
Administration	Linda Kelly, City Manager

Agenda Item Title

Discussion, consideration and possible action regarding a review of the process for City proclamation requests, requested by Mayor Pro Tem Brown and Councilmember Gallian

Summary

Mayor Pro Tem Brown and Councilmember Gallian have requested a Council discussion of the process for City proclamation requests. They have submitted the following statement:

Review process for Proclamation Requests:
Who can request Proclamations?
Who approves the Proclamation request and content?
If Proclamation is not approved - process and reason for denial.

Recommended Council Action

Council discretion.

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:

None

cc:

City of Sonoma
City Council
Agenda Item Summary

Agenda Item: 10A
Meeting Date: 03/05/2012

Department	**Staff Contact**
Administration	Mayor and Council Members

Agenda Item Title

Council Members Report on Committee Activities.

Summary

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

MAYOR SANDERS	MPT. BROWN	CLM. BARBOSE	CLM. GALLIAN	CLM. ROUSE
ABAG Alternate	AB939 Local Task Force	City Facilities Committee	ABAG Delegate	City Audit Committee
Community Dev. Agency Loan Subcommittee	Cemetery Subcommittee	Community Dev. Agency Loan Subcommittee, Alt.	Cemetery Subcommittee	Community Dev. Agency Loan Subcommittee
LOCC North Bay Division Liaison, Alternate	Cittaslow Sonoma Valley Advisory Council, Alt.	Community Choice Aggregation Focus Grp.	Cittaslow Sonoma Valley Advisory Council	LOCC North Bay Division Liaison
Sonoma County Mayors & Clm. Assoc. BOD	City Facilities Committee	North Bay Watershed Association	City Audit Committee	Sonoma County M & C Assoc. Legislative Committee, Alt.
Sonoma County M & C Assoc. Legislative Committee	Sonoma Community Center Subcommittee	Sonoma Community Center Subcommittee	Sonoma County Transportation Authority	Sonoma Valley Citizens Advisory Comm. Alt.
Sonoma Disaster Council	Sonoma County Health Action, Alternate	Sonoma County Transportation Authority, Alt.	(SCTA) Regional Climate Protection Authority	S.V. Economic Development Steering Committee, Alt.
Sonoma Housing Corporation	Sonoma County Mayors & Clm. Assoc. BOD	(SCTA) Regional Climate Protection Authority, Alt.	LOCC North Bay Division, LOCC E-Board, Alternate (M & C Appointment)	
S.V.C. Sanitation District BOD	Sonoma Disaster Council, Alternate	Sonoma County Waste Management Agency	Sonoma County/City Solid Waste Advisory Group (SWAG), Alt.	
S.V. Economic Development Steering Committee	Sonoma Housing Corporation	Sonoma County/City Solid Waste Advisory Group (SWAG)	Sonoma County Ag Preservation and Open Space Advisory Committee (M & C Appointment)	
S.V. Fire & Rescue Authority Oversight Committee	S. V. Citizens Advisory Commission	VOM Water District Ad Hoc Committee	VOM Water District Ad Hoc Committee	
S. V. Library Advisory Committee	S.V.C. Sanitation District BOD, Alt.	Water Advisory Committee, Alternate	Water Advisory Committee	
Successor Agency Oversight Board	S.V. Fire & Rescue Authority Oversight Committee			
	S. V. Library Advisory Committee, Alternate			
	Substance Abuse Prevention Coalition			

Recommended Council Action – Receive Reports

Attachments: None