

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

**Monday, April 16, 2012
6:00 p.m.**



Community Meeting Room, 177 First Street West

AGENDA

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

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

OPENING

CALL TO ORDER & PLEDGE OF ALLEGIANCE
ROLL CALL (Rouse, Brown, Gallian, Barbose, Sanders)
REPORT ON CLOSED SESSION (if any)

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 the fourth Friday in April 2012 Children's Memorial Day

Item 4B: Proclamation Declaring April 22-28, 2012 National Crime Victims' Rights Week

Item 4C: Presentation of the Police Department's 2011 Annual Report

Item 4D: Proclamation declaring the May 12-13, 2012 350 Home and Garden Challenge Weekend.

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)

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

- Item 5B:** **Approval and ratification of the appointment of Micaelia Randolph as the alternate commissioner on the Design Review Commission for a two-year term.**
Staff Recommendation: Nomination by the Mayor with ratification by the Council.
- Item 5C:** **Request by the Timoun d’Haiti (Children of Haiti) for City-subsidized use of the Sonoma Valley Veterans Memorial Building on January 12, 2013.**
Staff Recommendation: Approve the request subject to applicant’s compliance with the City’s standard insurance requirements.
- Item 5D:** **City Council Approval of reimbursement and operating agreement between the City of Sonoma and the City of Sonoma as Successor Agency. (City Manager)**
Staff Recommendation: Approve Agreement.
- Item 5E:** **Authorization to execute and file a Notice of Completion for the Sonoma Valley Regional Library Improvement Project.**
Staff Recommendation: Authorize the City’s Development Services Director to execute and file a Notice of Completion for the project.
- Item 5F:** **Approval of the Minutes of the March 19 and April 2, 2012 Meetings.**
Staff Recommendation: Approve the minutes.

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:** **City Council as Successor Agency Approval of reimbursement and operating agreement between the City of Sonoma and the City of Sonoma as Successor Agency.**
Staff Recommendation: Approve agreement.
- Item 6B:** **Ratify Actions of the Oversight Board for the Recognized Obligation Payment Schedule [ROPS] for the Period of January 1, 2012 through June 30, 2012.**
Staff Recommendation: Acting as the Successor Agency, approve the amended ROPS approved by the Oversight Board.
- Item 6C:** **Approval of the portions of the Minutes of the March 19 and April 2, 2012 City Council / Successor Agency Meetings pertaining to the Successor Agency.**
Staff Recommendation: Approve the minutes.
- Item 6D:** **Discussion, Consideration and Possible Action on Adoption of the Second Recognized Obligation Payment Schedule [ROPS] for the period July 1, 2012 through December 31, 2012.**
Staff Recommendation: Acting as the Successor Agency, approve the ROPS for the period July 1, 2012 through December 31, 2012 as submitted for presentation to the Oversight Board on May 9th.

7. PUBLIC HEARING

Item 7A: Discussion, consideration, and possible action on the appeal of Kevin and Bernadette Calhoun regarding Planning staff's interpretation of the provisions of an easement pertaining to 19725 Seventh Street East. (Planning Director)
Staff Recommendation: Deny the appeal.

8. REGULAR CALENDAR – CITY COUNCIL

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

Item 8A: Discussion, consideration and possible action regarding establishment of a Sister City relationship with Tokaj, Hungary, requested by Mayor Pro Tem Brown. (City Manager)
Staff Recommendation: Council discretion.

Item 8B: Discussion, consideration and possible action regarding the disposition of funds raised at the 2012 Alcalde event, requested by Mayor Pro Tem Brown. (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. ADJOURNMENT

I do hereby certify that a copy of the foregoing agenda was posted on the City Hall bulletin board on April 10, 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: 04/16/2012

Department

Administration

Staff Contact

Gay Johann, City Clerk

Agenda Item Title

Proclamation declaring the fourth Friday in April 2012 Children's Memorial Day.

Summary

The committee to Minimize Occurrences of Violence in Everyday Society (MOVES) has requested recognition of Children's Memorial Day by a proclamation declaring the fourth Friday of April 2012 Children's Memorial Day and by flying the Children's Memorial Flag at City Hall on April 27, 2012 as has been done in previous years.

In keeping with City practice, the proclamation recipient has 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 Pro Tem Brown to present the Proclamation to John Goehring, a MOVES representative.

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
2. MOVES brochure

cc: John Goehring via email

City of Sonoma



Proclamation

CHILDREN'S MEMORIAL DAY

Whereas, throughout America, tragic cases of violence against children are occurring with increasing frequency and senselessness, destroying innocent lives and devastating families; and

Whereas, Sonoma County has had violent preventable child deaths by guns, knives, automobiles, physical abuse, and suicide; and

Whereas, the people of the City of Sonoma believe in the celebration of life, diversity, and hope for the future through our children, and deplore and condemn acts of violence committed upon the children of our community; and

Whereas, the Board of MOVES (Minimize Occurrences of Violence in Everyday Society) is committed to raising individual and public consciousness of the need to care for all our children and to honor young lives lost; and

Whereas, MOVES has acquired a Children's Memorial Flag from the Child Welfare League of America, which has become a recognizable symbol of the need to do a better job of protecting children, and which is sponsoring a national effort to memorialize child victims, and which has been adopted in other California communities; and

Whereas, the Children's Memorial Flag will be flown at City Hall on April 27, 2012 in memory of the children who have died by violence.

NOW, THEREFORE, I, Joanne Sanders, Mayor of the City of Sonoma, do hereby proclaim the fourth Friday of April 2012

CHILDREN'S MEMORIAL DAY

In the City of Sonoma and I urge all citizens to increase their participation in efforts to prevent child abuse and child death, thereby strengthening the community in which we live.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Sonoma to be affixed this 16th day of April 2012.

JOANNE SANDERS, MAYOR



**Nonviolent Methods
of Conflict Resolution**

- **Identify the problem.** Focus on the problem, not the person involved.
- **Keep an open mind.** Things aren't always the way you think they are.
- **Listen.** Take time to really hear what the other person is saying.
- **Use humor.**
- **Anticipate a difficult situation.** Plan ahead and think of several alternative ways to peacefully resolve the dispute.
- **Postpone decisions.** Give yourself time to calm down and avoid overreacting. Be open to compromise.
- **Avoid the conflict.** Sometimes it's not worth it to argue.
- **Compromise.** Flip a coin, take turns, share, get someone else to listen to both sides and to help work out a peaceful resolution.

*Join us in
observing
the Annual*

Day of Nonviolence

*Share your ideas about reducing
violence in our community and in
the media with:*

- Schools
- Youth
- Law enforcement
- Local government
- Faith and ethnic communities
- Peace and nonviolent groups
- Your neighbors
- Media sponsors

*To become a member of MOVES or to
find out more about us and our
programs, please contact:*

MOVES – (707) 524-1900
www.minimizingviolence.org
Sonoma County, California

Minimizing

Occurrences of

Violence in

Everyday

Society

What Sonoma County
citizens can do *every day*
to lessen violence in our
community

MOVES

is a **positive** campaign
with two goals:

1. *To make people aware of what we can do to minimize occurrences of violence in our everyday lives.*
2. *To get people to actively participate in the process of making our community less violent.*

To achieve these goals, it is important for people to learn that each of us can control the amount of violence in the community. Part of the answer can be achieved through educating ourselves about the causes of violence. We can also express our views on how to change both the way violence is portrayed in the media and the way our children learn how to understand and deal with violence.

Part of MOVES is to make the community aware of what help is available in learning to deal with anger and conflict in nonviolent ways and how to take steps on your own to reduce your exposure to violence.

Tips for Families Who Watch Television

- **Plan your family viewing.** Include your children in deciding what they will watch by using a television listing. Give your children choices from a list of shows that you know are nonviolent, informative, or entertaining.
- **Watch television with your child and talk about the show you view together.** Point out when you disapprove of a character's violent acts and when you think there are better ways to solve a problem. Talk about what is real and pretend.
- **Monitor your child's television viewing.** Limit children's viewing time to one or two hours daily.
- **View programs through the eyes of a child.** Watch every program your child watches at least once.
- **Don't assume that a show isn't violent.** Some programs that seem innocent still give violent messages.
- **Other Alternatives.** Use a video player and quality children's videos as an alternative to television. Substitute activities such as playing games, reading books, discussing current events, or helping with household projects that offer opportunity for thinking creatively.
- **Help children understand commercials.** Discuss commercials with your children. Point out when advertisers make false or exaggerated claims.
- **Support regulation of children's television.** Encourage your legislators to support legislation that promotes nonviolent television programming and restricts advertising on children's television.
- **Call or write television stations (network and cable) and advertising sponsors to express your opinions about programming.** Inform them when you are offended and also when you are pleased by a program.
- **Request media literacy programs in schools.** It is important that children learn to analyze and evaluate the information provided by media.

We Can Change Ourselves And Our Communities and

- *We can* practice listening.
- *We can* learn positive communication techniques.
- *We can* take a deep breath to lower stress.
- *We can* learn to control our anger.
- *We can* find safe outlets for anger.
- *We can* learn techniques to diffuse anger in others.
- *We can* leave to resolve conflicts without a physical fight.
- *We can* learn laws and guidelines to eliminate sexual harassment.
- *We can* show respect for police officers. They are real people like us.
- *If we have* a history of violent behavior, *we can* join a support or counseling group.
- *We can* acknowledge and reward nonviolent behavior when we see it.
- *We are* peace-makers.



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 4B

Meeting Date: 04/16/12

Department

Administration

Staff Contact

Gay Johann, City Clerk

Agenda Item Title

Proclamation Declaring April 22-28, 2012 National Crime Victims' Rights Week.

Summary

The Sonoma County District Attorney's office requested a proclamation declaring April 22-28, 2012 National Crime Victims' Rights Week. Chief Deputy District Attorney Bud McMahon will be present to accept the proclamation.

In keeping with City practice, the proclamation recipient has 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 Pro Tem Brown to present the proclamation.

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
2. National Crime Victims' Rights Week flyer

cc: Terry Menshek - via email

City of Sonoma



Proclamation

National Crime Victims' Rights Week

Whereas, 18.7 million Americans are directly harmed by crime each year, and each crime affects many more family members, friends, neighbors, and co-workers; and

Whereas, today, thousands of victim assistance programs provide help and support to child victims of violence and sexual abuse; stalking victims; surviving family members of homicide victims; victims of drunk-driving crashes; and victims of domestic, dating, and sexual violence and other crimes; and

Whereas, now is the time to "Extend the Vision" through a comprehensive strategy for reaching and serving every victim of crime, especially traditionally underserved victims such as those with disabilities and victims from diverse cultures; and

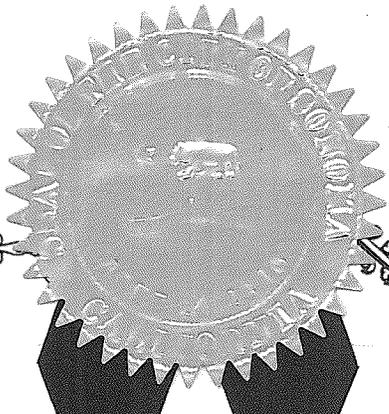
Whereas, the United States Department of Justice has launched the *Vision 21* initiative to renew our nation's commitment to serving all victims of crime in the 21st Century; and

Whereas, National Crime Victims' Rights Week, April 22–28, 2012, provides an opportunity to extend that vision to every victim of crime in the United States—to help ensure their access to the help they deserve and the rights they are promised.

Now, therefore I, Joanne Sanders, Mayor of the City of Sonoma, do hereby proclaim the week of April 22-28, 2012 as National Crime Victims' Rights Week in the City of Sonoma and reaffirm the commitment of the City of Sonoma to respect and enforce victims' rights and address their needs during Crime Victims' Rights Week and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Sonoma to be affixed this 16th day of April 2012.

JOANNE SANDERS, MAYOR





City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 4C

Meeting Date: 04/16/2012

Department

Police

Staff Contact

Chief Bret Sackett

Agenda Item Title

Presentation of the Police Department's 2011 Annual Report

Summary

In accordance with the Agreement for Law Enforcement Services between the City and the County, the County is required to provide the City with an annual report. The report will include an overview of police operations, along with results of the Performance Objectives identified in the agreement.

Recommended Council Action

Receive Police Department's 2011 Annual Report

Alternative Actions

N/A

Financial Impact

None

Environmental Review

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

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

Sonoma Police Department's 2011 Annual Report

cc:

2011 Annual Report

Sonoma Police Department



Sonoma Police Department

175 First Street West, Sonoma, Ca 95476

Message from the Chief



On behalf of the Sonoma Police Department, I am pleased to present our annual report for 2011. This report reflects the hard work, dedication, and tireless effort of the men and women of the Sonoma Police Department, and is representative of their commitment to the core values of our department.

As you know, 2011 was another difficult year in terms of economic recovery, but the City of Sonoma was able to navigate the uncertainty due to the strong leadership of the City Council and staff. Despite the budgetary constraints, we are able to provide some of the most innovative programs in the county, including our Youth and Family Services diversion program and our strong partnership with the Office of the City Prosecutor.

The men and women of the Sonoma Police Department are committed to making our city a safe place to live, work, and visit, and on behalf of our dedicated staff of professionals, I would like to thank you for the support you've provided this past year. The department looks forward to proactively build and strengthen community partnerships through the delivery of high quality, efficient, and professional law enforcement services.

Mission Statement and Core Values

In partnership with our communities, we commit to provide professional, firm, fair and compassionate law enforcement and detention services with integrity and respect.

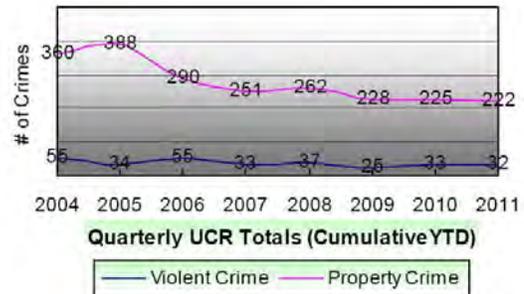
<i>Principles of Excellence</i>	<i>Effective Enforcement of the Law Sense of Team Community Oriented Philosophy Organizational Efficiency Commitment to Duty and Tradition</i>
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Community Oriented Policing

Community Oriented Policing is a philosophy, management style, and organizational design that promotes proactive problem solving and police-community partnerships to address the causes of crime and fear, as well as other community issues. Community Oriented Policing redefines the roles and relationships between the community and the police by recognizing that the community shares responsibility with the police for social order. Both must work cooperatively to identify problems and develop proactive community-wide solutions.

Year in Review

Over the past several years, we've enjoyed a downward trend in our overall crime rate based upon data available from the FBI's Uniform Crime Reporting program. In 2011, we again saw a decrease in both our violent crime and property crime rate. Although crime rates provide a quick "snapshot" of our community, they often provide a very simplistic view the community and don't take into consideration the many factors that influence crime. However, I think this snapshot reflects what we all know – Sonoma is a safe place to live, work, and raise a family.



In our continuing effort to reduce underage drinking and alcohol related problems in our community, the Sonoma Police Department was awarded a grant from the California Department of Alcohol Beverage Control in FY 2011-12. The grant focused on both education and enforcement operations with our licensed establishments. Working collaboratively with ABC investigators, we conducted undercover decoy operations at 50 locations throughout the city and Sonoma Valley area. We visited both on-sale and off-sale establishments and discovered the youth were able to purchase alcohol at 12 locations, which resulted in a violation rate of 24%. In essence, one in four youth are able to purchase alcohol from a licensed establishment or have an adult purchase it for them on a fairly regular basis. Obviously, this violation rate is unacceptable, so we have provided free training to all our licensed establishments and work closely with City Prosecutor to address violations. To date, we've provided LEADS training to 72 people, which far exceed the goals and objectives of the grant in terms of both education and enforcement efforts. I strongly believe in being a partner with the State of California ABC and support their mission of reducing alcohol related sales to minors.

Unfortunately, due to a lack of state funding, the YWCA's Domestic Violence Advocacy Program at the police department was eliminated at the end of 2010. In exchange, victims of domestic violence are now served by the new Family Justice Center, which is located near the county court complex in Santa Rosa. The Family Justice Center of Sonoma County empowers family violence victims to live free from violence and abuse by providing comprehensive services, centered on and around the victim, through a single point of access. They follow best practices in the field, track their outcomes, and meet the needs of the entire community with culturally competent services and links to remote neighborhoods.

We've continued our strong tradition of community outreach and have participated in a variety of community events. Some of those events include tours of our facility, neighborhood watch meetings, as well as participation in events such as the Farmer's Market, Vintage Festival, and the Independence Day celebration.

Special Programs and Partnerships

School Resource Officer

The School Resource Officer continues to be an integral part of our community oriented policing philosophy. While initially funded by a grant from the US Department of Justice, the Sonoma County Sheriff's Office and the Sonoma Valley Unified School District entered into a subsequent 5 year partnership to continue funding for the program. The Sheriff, understanding the vital role the SRO plays in his crime prevention efforts, along with his commitment to keep costs down for the City of Sonoma, agreed to fund the SRO position through his patrol budget since the SRO serves the entire Sonoma Valley.

Deputy Matt Regan, our School Resource Officer, monitors campus activity and provides security at various school functions, such as sporting events and dances. He sits on the district's Student Review Team, provides instruction for driver's education, and speaks at numerous school functions.

Animal Control

The police department provides animal control services for the City, which includes annual licensing, permit review, enforcement of city, county, and state laws, animal related investigations, and care of impounded animals. Our Community Services Officers primarily fill this role, but in their absence, the patrol staff responds to animal related calls. Working closely with Pet's Lifeline, our community partner, and Sonoma County Animal Care and Control, we strive to provide exemplary service in terms of enforcement, reunification of stray pets, and appropriate adoption services. In 2011, we saw an increase in both the number of animal related calls for service and animal impounds. At the end of 2011, the City Council requested a review of many of our animal regulation ordinances, specifically related to dangerous and/or vicious dogs, and I hope to report on those changes in next year's annual report.

Explorers and Volunteers in Police Service

The police department is proud to have such a strong cadre of volunteers to assist us in the service to our community. Our Explorer Program, which is designed for youth from the ages of 14-21 years old, is a career-oriented program that gives young adults the opportunity to a career in law enforcement. Under the guidance of sworn personnel, they meet on a regular basis to discuss the law enforcement profession, participate in the ride along program, and to assist with community events. Recently, our Explorers received recognition for their strong showing in several State-wide Explorer competitions.

We continue to have strong Volunteers in Police Service (VIPS) program to better serve our community. Currently seven (7) volunteers donate their time on a weekly basis, assisting with office work, parking enforcement, security checks, Plaza patrols, and traffic control for

parades. During 2011, our volunteers donated well over 2,000 hours to the police department in an amazing sign of community service and community spirit.

Sonoma Valley Youth and Family Services

Under the auspices of the Sonoma Police Department, Sonoma Valley Youth and Family Services (SVYFS) provides an alternative to juvenile probation for youth who are cited for criminal activity. The program provides services for families who live within the boundaries of the Sonoma Valley Unified School District (SVUSD), although they may be attending schools out of this District.

SVYFS also works with families and youth who have not yet committed a crime, but are at risk of being involved in criminal behavior, to redirect them through meaningful alternatives.

In 2011, SVYFS provided services to 102 youthful offenders. As in prior years, the majority of the referrals were for substance abuse violations – primarily marijuana. Tobacco related violations accounted for the second largest number of referrals. Tobacco use by minors cannot be overlooked since nearly 90% of all adult smokers started before the age of 18. Referrals for alcohol and substance abuse have increase by 40% over the past two years. According to the program coordinator, “There seems to be much more availability and access to marijuana...” Other notable referrals include theft and bike/skate violations.

In 2011, SVFYFS assigned community service hours to 28 youth, who completed a total of 640 hours at various non-profit providers in the Sonoma Valley. The complete annual report of Sonoma Valley Youth and Family Services program is available upon request at the City Prosecutor’s Office.

City Prosecutor’s Office

The City Prosecutor’s Office continues to prosecute misdemeanor offenses and municipal code infractions that occur within the City limits, and mitigate conflicts within the City of Sonoma through cooperation with the Sonoma Police Department.

The police department refers all appropriate misdemeanor and municipal code violations to the City Prosecutor’s Office. DUI and traffic related cases continued to account for the largest majority of referrals, followed by domestic related crimes, drug violations, and city ordinance violations.

The police department feels this program has been beneficial, since the City Prosecutor has a clear understanding of quality of life issues occurring within Sonoma. In addition, the ability to interact with the local prosecutor on specific cases has been invaluable.

The complete annual report of City Prosecutor’s Office is available upon request at the City Prosecutor’s Office.

Performance Objectives and Statistics

It is incumbent upon the Sonoma Police Department to provide a safe community and a sense of security to the citizens of the City of Sonoma. This will be accomplished by providing professional law enforcement services with the highest degree of integrity and respect, while adhering to the Sheriff's Office Mission Statement, Core Values, and Principles of Excellence of Sheriff's Office.

There are four primary Performance Objectives identified in the law enforcement services contract. Performance measures, when conceived as part of a broad management perspective, can provide an increased level of understanding that can result in more effective and efficient services. These Performance Objectives are intended to provide insight that can be used to make improvements to individual programs and initiatives, and to improve the effectiveness of our department's overall operations. The four primary Performance Objectives are:

Deter and Prevent Crime

Apprehend and Prosecute Offenders

Maintain and Resolve Conflict

Promptly Respond to Incidents Requiring Immediate Attention

Each of these Performance Objectives is measured by statistical data that relate directly to primary Performance Objective. While these Performance Objectives have the potential to provide a "snapshot" of the impact of our policing efforts, it is important to remember these statistics can be influenced by a wide variety of factors. For instance, a rise in reported crime may not necessarily reflect a decrease in public safety, but an instead it could reflect a strong working relationship between the community and the police department which results in the community feeling comfortable reporting criminal behavior.

Objective 1: Deter and Prevent Crime

This performance objective shall be measured by comparing the following data:

- a. Uniform Crime Reporting data will be used to determine crime patterns occurring in the City.
- b. State of California crime rates will be compared with crime rates for the City of Sonoma.

UCR Summary Data¹	2008	2009	2010	2011	% Change²
Homicide	0	0	2	0	-100%
Rape	5	2	3	1	-67%
Robbery	6	5	1	0	-100%
Aggravated Assault	26	18	27	31	15%
Simple Assault ³	75	58	50	43	-14%
Total Violent Crime⁴	37	25	33	32	-3%
Burglary	57	63	61	57	-7%
Larceny	196	148	159	158	1%
Auto Theft	9	17	5	7	40%
Total Property Crime⁵	262	228	225	222	-1%

California Crime Rates⁶		Violent Crime	Property Crime
	Area	Rate per 100,000	Rate per 100,000
2011	State	N/A	N/A
	Sonoma	299	2,073
2010	State	422	1,507
	Sonoma	327	2,232
2009	State	454	1,548
	Sonoma	250	2,284
2008	State	486	1,722
	Sonoma	374	2,646

¹ UCR data per California Department of Justice Table 11

² From prior year

³ Simple assault not included in Violent Crime total

⁴ Violent crime includes homicide, forcible rape, robbery, and aggravated assault

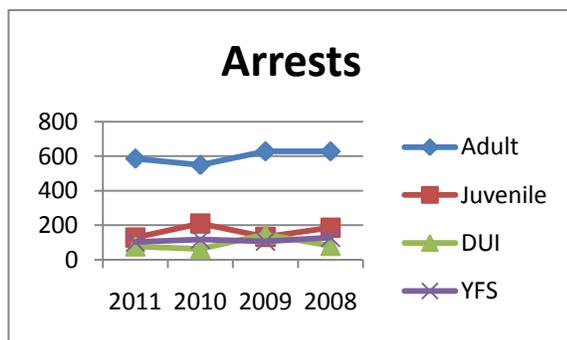
⁵ Property crime includes burglary, larceny-theft, motor vehicle theft, and arson

⁶

Objective 2: Apprehend and Prosecute Offenders

This performance objective shall be measured by comparing the following data:

- The number of arrests for adults and juveniles will be compared to determine arrest patterns.
- The number of DUI arrests will be compared to determine DUI arrest patterns.
- The number of referrals to the Sonoma Valley Youth and Family Services Program will be compared to determine juvenile crime patterns.
- Clearance rates for the City of Sonoma and the Pacific Region (Uniform Crime Reporting) will be compared to determine number of crimes solved.



Arrest Data	2008	2009	2010	2011	% change
Adult	628	628	549	586	7%
Juvenile	186	132	210	129	-39%
Total Arrests	814	760	759	715	-6%
DUI Arrests ⁷	80	147	62	77	24%
Referrals to YFS ⁸	128	107	117	102	-13%

UCR Clearance Data ⁹	Area	Violent Crime	Property Crime
2011	Pacific Region ¹⁰	Data not available	
	Sonoma	Data not available	
2010	Pacific Region	44%	15%
	Sonoma	64%	25%
2009	Pacific Region	45%	15%
	Sonoma	64%	25%
2008	Pacific Region	44%	14%
	Sonoma	65%	22%

⁷ Included in the figure for total arrests

⁸ These figures are reported on a fiscal calendar and are included in figure for total arrests

⁹ Clearance rates indicate the percent of crimes that are solved or otherwise cleared and are calculated by dividing the number of crimes cleared by the total number of crimes. The FBI's UCR program considers a crime cleared when at least one person is arrested, charged with a crime, and turned over to the court for prosecution or referred to juvenile authorities. In certain circumstances, a crime can be cleared by "exceptional means."

¹⁰ Pacific region includes California, Oregon, Washington, Alaska, and Hawaii

Objective 3: Maintain Order and Resolve Conflict

This performance objective shall be measured by comparing the following data:

- a. Traffic accident data in the Statewide Integrated Traffic Records System (SWITRS) for fatal, injury, and non-injury accidents will be compared to determine the effectiveness of the Agreement's Traffic Enforcement Program.
- b. Parking citation data will be compared to determine the effectiveness of the Agreement's Parking Enforcement Program.
- c. Animal Control statistics (animal complaints and impounds) will be compared for the previous 3 years to determine patterns.

Traffic Accident Data¹¹				
	2008	2009	2010	2011
Fatal	0	0	0	0
Injury	30	27	32	N/A
Non-injury	99	82	71	N/A
Total	129	109	103	N/A¹²
Parking Citations				
	2007	2008	2009	2010
	1,829	1,681	3,043	2,639
Animal Control				
	2008	2009	2010	2011
Calls for service	496	441	510	628
Impounds	75	72	83	87

¹¹ Data provided by the California Statewide Integrated Traffic Reporting System (SWITRS) Report #3.

¹² Due to delays in State reporting, 2011 data is not available.

Objective 3: Maintain Order and Resolve Conflict, cont

- d. Citizen perception of safety and the maintenance of order as reported in citizen surveys shall be compared when such survey data is available.

Periodically, the Sheriff's Office will commission a private company to conduct a Community Survey to assess the community's perceptions of services, and develop communication and collaborative problem-solving approaches to address concerns surfaced in these evaluations.

In 2008, the Sonoma Police Department was included in this survey. The survey results were provided to the City Council when the original Law Enforcement Services contract was due for renewal. Overall, the survey revealed strong community support, a feeling of safety within our community, and satisfaction with our service. Some of the survey responses include:

- *87% of respondents rate our overall performance as Good or Excellent*
- *95% feel Safe or Very Safe*
- *Compared to a year ago, 76% feel our community is as Safe or Safer*
- *Of those who victims of crime, 93% were Very Satisfied or Satisfied*
- *97% felt our crime prevention programs were Effective or Very Effective*

In addition, the community identified gangs, violent crime, and drugs/alcohol as our most pressing concerns, while indicating more crime prevention programs as a possible area of improvement.

Overall, the survey revealed the police department has the "ear" of the community and has established a solid partnership with our citizens.

Objective 4: Promptly Respond to Incidents Requiring Immediate Attention

This performance objective shall be measured by comparing the average response time to "Priority 1" calls over the previous 3 years.

Median Response Time to Priority 1 Calls for Service		
Year	Number of calls	Response Time
2011	212	4 Min 55 secs
2010	224	5 Min 0 secs
2009	204	4 Min 34 secs
2008	218	4 Min 43 secs



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 4D

Meeting Date: 04/16/2012

Department

Administration

Staff Contact

Gay Johann, City Clerk

Agenda Item Title

Proclamation declaring the May 12-13, 2012 350 Home and Garden Challenge Weekend.

Summary

Patricia Talbot, the City's representative on the Sonoma County Health Action committee, submitted a request for recognition of the 350 Home and Garden Challenge Weekend.

In keeping with City practice, the proclamation recipient has 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 Pro Tem Brown to present the Proclamation.

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
2. 350 Home and Garden Challenge Overview

cc: Patricia Talbot via email

City of Sonoma



Proclamation

350 HOME AND GARDEN CHALLENGE WEEKEND

WHEREAS, the City of Sonoma is concerned about the health and well-being of its residents and seeks to create a healthy, sustainable, and livable community and in 2005, all Sonoma County cities and the County in adopted the boldest community greenhouse gas emissions reduction target in the United States – 25 percent below 1990 levels by 2015; and

WHEREAS, last year, the second annual 350 Home & Garden Challenge inspired thousands of people across Sonoma County to complete 1,044 actions to grow food, save water, and conserve energy; and

WHEREAS, Sonoma County can achieve its climate goals by growing and eating fresh, local garden produce and creating energy and water-efficient homes, businesses, and communities; and

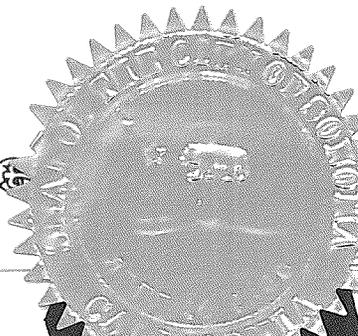
NOW, THEREFORE, BE IT RESOLVED that the City of Sonoma commits to actively support the 350 Home and Garden Challenge and its goal to inspire 2,012 actions to grow food, conserve water, and save energy, and as a partner pledges to:

- Support the 350 Home and Garden Challenge activities within the City of Sonoma and use City communications media to promote the growing, eating and sharing of healthy food and energy and water-efficiency
- Support City programming (recreation programs, parks, and open spaces) that encourages the growing, eating and sharing of healthy food and energy and water-efficiency
- Take steps to improve the opportunities for food gardening by assessing community infrastructure and looking for ways to facilitate the growing, eating and sharing of healthy food
- Take steps to improve the opportunities for energy and water-efficiency in community planning by supporting the programs that facilitate home retrofits

NOW, THEREFORE, I, Joanne Sanders, Mayor of the City of Sonoma, do hereby proclaim the weekend of May 12-13, 2012 350 HOME AND GARDEN CHALLENGE WEEKEND in the City of Sonoma as we work together for a healthier, more vibrant and viable future.

IN WITNESS WHEREOF, I hereby set my hand and cause the seal of the City of Sonoma to be affixed this 16th day of April 2012.

JOANNE SANDERS, MAYOR



350 home & garden challenge

MAY 12-13, 2012

Overview

Grow Food, Save Water, Conserve Energy, Build Community!

Overview

On May 12th and 13th, thousands of people across Sonoma County will rise to the challenge of creating a more sustainable community. Building upon the incredible success of 628 garden actions in 2010 and 1,044 home and garden actions in 2011, our goal this year is to inspire 2,012 actions to grow food, conserve water, and save energy. From small to large, every action counts. Together, we can become more food and energy independent, and build our communities stronger, healthier, more beautiful, and more resilient!

Why 350?

It is possibly the most important number in the world and so we want to draw attention to it. Top climate scientists say this is the safe upper limit of carbon dioxide in the atmosphere to keep a stable climate. Together our actions and alliances add up and create real solutions to the climate crisis.

Stand up and be counted!

Big challenges require inspired vision and bold action. Spread the word; engage your friends, neighbors and coworkers; and REGISTER! Go to www.dailyacts.org/350-challenge.

Find us on Facebook at www.facebook.com/dailyacts.

Get involved!

Join this amazing community-wide effort by registering your action or multiple actions today! Doing a lot already? Help others. Inspire a neighbor and help them transform their lawn. Plant extra food and share the bounty. As lead organizers for the 350 Home and Garden Challenge, Daily Acts and iGrow will provide ideas, educational opportunities, community connections, and resources to inspire and support your efforts!

Grow Food...

- * plant fruit trees
- * join or start a community garden
- * grow a row for a local food bank

Conserve Water...

- * transform your thirsty lawn by sheet mulching it!
- * switch to drip irrigation
- * install a greywater system (yes! it's legal) or a rainwater garden
- * install water conserving appliances (toilet, shower heads, faucets)

Save Energy...

- * unplug energy-zapping appliances, computers, games
- * pledge to "line-dry"
- * weatherize your home, apartment or office

We can make Sonoma County more sustainable and locally self-reliant. It's our community and WE make a difference ... especially when we work and play together. Tell your friends, family, co-workers, and neighbors – inspire and invite them to join the 350 Home & Garden Challenge!

REGISTER TODAY at www.dailyacts.org/350-challenge

Or contact us at 707.789.9664, 350-challenge@dailyacts.org





**City of Sonoma
City Council**
Agenda Item Summary

City Council Agenda Item: 5B

Meeting Date: 04/16/12

Department

Administration

Staff Contact

Gay Rainsbarger, City Clerk

Agenda Item Title

Approval and ratification of the appointment of Micaelia Randolph as the alternate commissioner on the Design Review Commission for a two-year term.

Summary

The Design Review Commission consists of 5 members and one alternate who serve at the pleasure of the City Council. At least four of the members and the alternate must be City residents. Appointments are made when a nomination made by the Mayor is ratified by the City Council. Mayor Sanders interviewed Ms. Randolph on April 4, 2012 and is nominating her for appointment to the Design Review Commission to serve as the Alternate for a two-year term.

Recommended Council Action

Nomination by the Mayor with ratification by the Council.

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:

Micaelia Randolph's Application

Copy to: Micaelia Randolph, via email



CITY OF SONOMA

COMMISSION APPLICATION

NAME: Micaelia Randolph

ADDRESS: 730 Second St East

MAILING ADDRESS: Same as above

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

707 933 7332 micaelia@comcast.net

COMMISSION OF INTEREST: Design Review Commission

HAVE YOU EVER ATTENDED A MEETING OF THIS COMMISSION? No HOW MANY?

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

HOW MANY YEARS HAVE YOU RESIDED IN SONOMA? 10

PRESENT OCCUPATION: VP, Content Development, Red Rock Reports

EDUCATION

SCHOOL	MAJOR	GRADUATION DATE & DEGREE
U of the Pacific		Ed.D.
SFSU	BA English MA Cognitive Development	BA & MA

COMMUNITY SERVICE EXPERIENCE

ORGANIZATION	DATES SERVED	POSITION
Sonoma League for Historic Preservation	2003-present	Member, Board Member, Web Editor, Publicity Chair, Co-chair Cottage & Garden Tour

(Use additional paper if necessary)

OTHER RELEVANT EXPERIENCE OR EXPERTISE: _____

Attached

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

WHICH ACTIVITIES OF THIS COMMISSION INTEREST YOU THE MOST? _____

WHICH ACTIVITIES INTEREST YOU THE LEAST? _____

WHAT WOULD BE YOUR GOAL AS A COMMISSIONER? _____

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

PLEASE LIST TWO LOCAL REFERENCES AND THEIR PHONE NUMBERS: *Wendy Peterson*

Tom Anderson 707 480 7840 / Yvonne Bowers 707 935 5815 / Nancy Simpson 707 217 2480

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

ARE YOU A QUALIFIED ELECTOR OF THE CITY OF SONOMA?

YES

NO

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

Micelia Raudolph
Applicant Signature

7.01.11
Date

All submitted applications are available for public inspection.

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

Micaelia Randolph
Application for Design Review Commission

Other relevant experience or expertise:

My career has been centered around product development for the education market, both print and web. I have been the web editor for the Sonoma League for Historic Preservation since 2007.

Since 2004, I have written the short histories of each of the houses that appeared on the Sonoma Cottage and Garden Tour since 2004. (Samples included) This has involved interviewing homeowners, learning about the history of their homes and gardens and writing a story. This experience has given me a deep and visceral appreciation of the history, charm and precious nature of our town and its residents.

I served as co-chair of the Cottage and Garden Tour for the Sonoma League for Historic Preservation in 2010 and have worked with the tour since 2004.

What is your understanding of the role and responsibility of this commission?

I believe that this commission is charged with preserving of the architectural landscape and heritage of the City of Sonoma and supporting and encouraging excellent design for new projects.

Which activities of this commission interest you most?

I am very interested in the preservation of the town of Sonoma as a visual, cultural and historical entity and would welcome participation in a group that has this as its official mission.

Which activities interest you least?

What would be your goal as a commissioner?

- ✓ Support efforts to encourage excellent design that is in keeping with the character of Sonoma
- ✓ Support efforts to help Sonoma become a Certified Local Government
- ✓ Become as informed as possible
- ✓ Be a helpful team member

What do you feel you could contribute to see these goals realized?

Experience and relationship network with Sonoma League, and its members and with the town of Sonoma.

Energy level

Listening

Learning

Love of Sonoma.



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5C

Meeting Date: 04/16/2012

Department

Administration

Staff Contact

Gay Johann, City Clerk

Agenda Item Title

Request by the Timoun d'Haiti (Children of Haiti) for City-subsidized use of the Sonoma Valley Veterans Memorial Building on January 12, 2013.

Summary

In 1991 the City entered into a Development and Use Agreement with Sonoma County to undertake a major renovation of the Sonoma Valley Veterans Memorial Building. The agreement also provided that the City would pay the County \$10,000 annually to offset operational expenses and in return the City would be allowed use of the facility up to twenty times per fiscal year. Through the years, the City developed a program whereby many, if not all, the City's allocated days were assigned to local students and non-profit or charitable organizations. In June 2010, the City Council approved a three-year extension of the agreement.

The Timoun d'Haiti (Children of Haiti) has requested City-subsidized use of the Veteran's Building on January 12, 2013 for a Haitian Culture and Music Festival fundraising event.

If this request is approved, the City will have seventeen allocated days remaining for the fiscal year ending June 30, 2013.

Recommended Council Action

Approve the request subject to applicant's compliance with the City's standard insurance requirements.

Alternative Actions

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

Financial Impact

The City pays \$10,000 annually to the County in return for the use of the Veteran's Building for twenty days throughout the year. The value of each City-subsidized day provided to an outside organization is \$500.

Environmental Review

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

Status

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

Attachments:

Request from Guilaine Salomon and Sara Hammett

cc:

Timoun d'Haiti (Children of Haiti)
P.O. Box 756
Sonoma CA 95476



Children of Haiti

City Council
City of Sonoma
#1 The Plaza
Sonoma CA 95476



March 31, 2012

Dear City Council Members,

Executive Director
Guilaine Salomon

Board of Directors
Sara Hammett
Jean Morucci
Sara Hews

Advisors
Patty Westerbeke
Anne Derryberry
Ken Brown
Dale Zink

Mission Statement

The mission of Timoun d'Haiti is to help Haitian children receive food, clothing, shelter, education, health care, and a sense of family in a safe, sanitary, and loving environment

Fiscal Sponsor
Center for Haitian Studies
Tax ID# 65-0136723

Timoun d'Haiti
Children of Haiti
P.O. Box 756
Sonoma, CA 95476

info@timoundhaiti.org
www.timoundhaiti.org

Timoun d'Haiti (Children of Haiti), a California Public Benefit Corporation (ID# 45-4387064) based in Sonoma, is sponsoring a Haitian Culture and Music Festival scheduled for January 12th, 2013, the third anniversary of Haiti's devastating earthquake.

We have booked the Sonoma Veteran's Memorial Building for our event. We wish to ask that our request for the use of a Community Day at the Veteran's Hall for our event be added to the April 16th City Council agenda.

Our beneficiary for this event is an orphanage in Port-au-Prince called La Maison des Petits de Diquini (Children's Home of Diquini). Money raised in 2010 by some of us now involved in Timoun d'Haiti, including Guilaine Salomon, whose brother runs the orphanage, was spent on repairs and renovations of the orphanage, securing safe drinking water, and preventive measures for the cholera epidemic now ravaging Haiti. Since the quake, the population at the orphanage has more than doubled, so the need for support is greater than ever.

Currently, money to provide enough food for the children is the greatest need. Also, appliances are needed to store and prepare food more efficiently. There are ongoing expenses for health and education, staff, and transportation to school. Another goal is to expand capacity at the orphanage so that more children can be rescued from devastating poverty.

Our event will feature local jazz musicians together with a group of nationally known Haitian master drummers, dancers, and singers. There will be a silent auction of Haitian art and other local items. Patrons will enjoy Haitian cuisine created with food donated by local food purveyors, paired with wines donated by Sonoma Valley wineries.

We believe that our event will enrich our Sonoma community by bringing a taste of the vibrant culture of Haiti to the Valley, reminding people of the continuing dire need of our neighbors in Haiti, and providing a means to send direct aid to children in need.

Thank you for considering our request.

Sincerely,

Guilaine Salomon
Executive Director
707-293-7341

Sara Hammett
President
707-953-5985



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5D

Meeting Date: 4/16/12

Department

Administration

Staff Contact

Linda Kelly, City Manager

Agenda Item Title

City Council Approval of reimbursement and operating agreement between the City of Sonoma and the City of Sonoma as Successor Agency

Summary

The Successor Agency (SA) administrative costs began to be incurred on February 1, 2012 (the redevelopment dissolution date); however, the Successor Agency will not be paid its administrative cost allowance until the Successor Agency administrative budget has been approved by the Oversight Board (which took place at the Oversight Board meeting of April 4, 2012) and the County Auditor-Controller releases the funds. The City's General Fund has had to advance funds to the Successor Agency to cover the Successor Agency's administrative costs because those costs are being incurred prior to the County Auditor-Controller's scheduled payment to the Successor Agency.

There is a gap between the February 1, 2012 dissolution date and the date when the SA can expect to receive its administrative cost allowance payment and during this period the City has had to advance funds to meet the SA's administrative expenses. The proposed agreement documents the City's advance of funds for the SA's administrative expenses and the obligation of the SA to reimburse the City's General Fund those amounts from the administrative cost allowance payment received by the SA.

Recommended Council Action

Approve agreement.

Alternative Actions

None.

Financial Impact

The agreement provides a reimbursement mechanism for the City to recoup the funds advanced to the Successor Agency prior to the Successor Agency administrative allowance being provided by the County Auditor-Controller.

Environmental Review

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

Status

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

Attachments:

Agreement

cc:

REIMBURSEMENT AND OPERATING AGREEMENT

This Reimbursement and Operating Agreement (“Agreement”) is made and entered into this ____ day of _____, 2012, by and between the CITY OF SONOMA, a municipal corporation (“City”), and the CITY OF SONOMA AS SUCCESSOR AGENCY TO THE DISSOLVED SONOMA COMMUNITY DEVELOPMENT AGENCY, a public body, acting under the authority of Part 1.85 of the California Health and Safety Code (“Successor Agency”).

RECITALS

- A. The City Council of the City of Sonoma, acting pursuant to the provisions of Part 1.85 of the Health and Safety Code (Part 1.85), has declared itself as the Successor Agency within the meaning of Part 1.85. Any capitalized terms that are not specifically defined in this Agreement shall have the same meaning as set forth in Part 1.85.
- B. In accordance with Section 34171 of Part 1.85, the Successor Agency is entitled to an Administrative Cost Allowance that is payable from property tax revenues allocated to the Redevelopment Obligation Retirement Fund (RORF) by the County Auditor-Controller.
- C. In order to ensure the effective implementation of Part 1.85, City and Successor Agency desire to enter into this Agreement to allow the Successor’s Agency’s utilization of City staff, facilities, and administrative resources (collectively, “City Services”) in consideration for the Successor Agency’s timely payment to City of the Administrative Cost Allowance. The Successor Agency’s payment for City Services shall not include the City’s project management or staff costs associated with specified Enforceable Obligations listed on either the Enforcement Obligation Payment Schedule or Recognized Obligation Payment Schedule (collectively, “Project Costs”), which shall be charged separately to the Successor Agency and reimbursed separately by the Successor Agency from the property taxes deposited into the RORF.
- D. Although the Successor Agency is not a separate public agency from the City, the City As Successor Agency, has established accounts for the Successor Agency separate from City accounts, including separate from the City’s General Fund, and therefore this Agreement is intended to document the financial relationship between the City and the Successor Agency.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and promises hereinafter contained, City and Successor Agency agree as follows:

Section 1. Access to City Personnel and Facilities. Effective February 1, 2012, the Successor Agency shall be authorized to use City Services to implement the Successor Agency’s

duties under Part 1.85. City shall maintain an accounting of the costs of providing such services to the Successor Agency.

Section 2. Reimbursement for Use of City Services. In consideration for the Successor Agency's utilization of City Services, Successor Agency shall pay to the City the Administrative Cost Allowance allocated to the Successor Agency under Part 1.85. The Administrative Cost Allowance shall be paid to the City no later than ten (10) business days from the deposit of property taxes into the RORF by the County Auditor-Controller.

Section 3. Project Costs. Project Costs shall be charged separately to the Successor Agency and reimbursed separately by the Successor Agency from the property taxes deposited into the RORF.

Section 4. Notice of Default. If either party defaults with regard to the provisions of this Agreement, the non-defaulting party shall serve written notice of such default upon the defaulting party. If the default is not cured by the defaulting party within ninety (90) days after services of the notice of default, or if the default is not commenced to be cured within thirty (30) days after service of the notice of default and is not cured promptly within a reasonable period of time after commencement, the defaulting party shall be liable to the other party in accordance with applicable law; provided, however, that nothing herein shall obligate the City to make any payments or transfer of any assets from the City's General Fund, except in the form of City Services provided to the Successor Agency, and nothing herein shall obligate the Successor Agency to make any payments or transfer of assets from any source other than the RORF.

Section 5. No Waiver of Reservation of Rights or Limitation of Liability. Notwithstanding anything to the contrary herein, nothing herein shall be deemed as a waiver by City or Successor Agency of any reservation of rights to challenge the application or effectiveness of Assembly Bill No. 26 (2011-2012 1st Ex. Sess.), or any portions thereof, or as a waiver of any limitations of liability granted to City and Successor Agency under AB 1x 26.

IN WITNESS THEREOF, the parties have executed this Agreement as of the date first above written.

CITY OF SONOMA

By: _____
Joanne Sanders, Mayor

ATTEST:

Gay Johann
City Clerk

APPROVED AS TO FORM:

Jeffrey A. Walter
City Attorney

CITY OF SONOMA, AS SUCCESSOR AGENCY
TO THE DISSOLVED SONOMA COMMUNITY
DEVELOPMENT AGENCY

By: _____
Joanne Sanders, Mayor, for City of Sonoma As
Successor Agency

ATTEST:

Gay Johann
Secretary

APPROVED AS TO FORM:

Jeffrey A. Walter
Successor Agency Counsel



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5E

Meeting Date: 4/16/2012

Department

Building

Staff Contact

Wayne Wirick, Development Services Director / Building Official

Agenda Item Title

Authorization to execute and file a Notice of Completion for the Sonoma Valley Regional Library Improvement Project.

Summary

S.W Allen, Inc. of Sacramento has completed work on the Sonoma Valley Regional Library Improvement Project. The work has been inspected and approved by the project architect and City staff. The City should now record a Notice of Completion for the project so as to begin the 35-day time frame by which stop-notices can be filed on the project. Following the 35-day stop-notice period, the City may make final payment to the contractor.

Recommended Council Action

Authorize the City's Development Services Director to execute and file a Notice of Completion (attached) for the project.

Alternative Actions

None proposed

Financial Impact

The final project costs have not been determined however the anticipated total costs for the project is expected to be approximately \$2,345,000. The Council approved project budget was \$2,530,000; the funding source being \$2,330,000 from the CDA 2011 Tax Allocation Bond and \$200,000 from the Sonoma County Library \$100,000 of which was donated by the Friends of the Library.

Environmental Review

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

Status

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

Attachments:

- SVRL Notice of Completion
 - SVRL Improvement Project Cost Summary
-

cc:

Recorded at Request of and
When Recorded Return to:

CITY OF SONOMA
No. 1 – The Plaza
Sonoma, CA 95476
ATTN: Wayne Wirick, Jr.

This document is exempt from Recording Fees pursuant to Government Code Section 6103 and 27383

NOTICE OF COMPLETION
(Civil Code Section 3093)

NOTICE IS HEREBY GIVEN THAT:

1. On April 16, 2012, the work of improvement described as the **Sonoma Valley Regional Library Improvement Project** was completed.
2. The full name and address of the undersigned owner is the City of Sonoma, No. 1 The Plaza, Sonoma, CA 95476
3. The City of Sonoma is the sole owner in fee simple absolute of the real property described below.
4. The real property herein referred to is situated in the City of Sonoma, County of Sonoma, State of California, and located at **755 West Napa Street**.
5. The name of the original contractor for the work of improvement was **S.W. Allen Construction, Inc.**
6. The work performed under the Sonoma Valley Regional Library Improvement Project included, but was not limited to, the following work in accordance with the contract documents:

Partial site demolition, excavation, utilities, interior and exterior selective demolition, hazardous material abatement, site improvements, paving, site drainage, landscaping, exterior building improvements, minor additions, interior remodeling, including structural work, new finishes, adaptive re-use, accessibility modernization, adding or modifying HVAC, changing and expanding selected infrastructure utilities and other associated modifications to mechanical, electrical, plumbing, fire suppression, low voltage, and other building elements.

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

City of Sonoma

By: _____
Wayne Wirick, Jr.
Development Services Director / Building Official

Dated: _____

Attest City Clerk

Sonoma Valley Regional Library Improvement Project Cost Summary

4/5/2012

Anticipated Total Expenses	Anticipated Final Cost
Architect and Architect's Consultant Fees (AXIA)	239,400
Asbestos Abatement Consultant (Millennium Consulting)	8,615
Other Owner Hired Consultants/Contractors (i.e. communications, data, phone)	750
Construction Testing & Inspection (Construction Testing Services (CTS))	3,357
City Project Management	51,264
Public Art Fund Contribution	-
Misc. Expenses and Invoices	49,029
Total Original Construction Contract Amount	1,762,681
Approved Change Orders	197,557
Projected Change Orders (not yet processed)	31,849
Current Anticipated Project Costs	\$ 2,344,502

Funding Sources

Council Approved CIP Budget – (CDA)	2,330,000
Sonoma County Library (\$100K by Library and \$100K by Friends of the Library)	200,000
Total Available Funding	\$ 2,530,000



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5F

Meeting Date: 04/16/2012

Department

Administration

Staff Contact

Gay Johann, City Clerk

Agenda Item Title

Approval of the Minutes of the March 19 and April 2, 2012 Meetings.

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

DRAFT 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 19, 2012

6:00 p.m. Regular Session

Closed Session (Special Meeting)

MINUTES

City Council

Joanne Sanders, Mayor

Ken Brown, Mayor Pro Tem

Steve Barbose

Laurie Gallian

Tom Rouse



6:00 P.M. – REGULAR MEETING

Mayor Sanders called the meeting to order at 6:05 p.m. and led the Pledge of Allegiance.

PRESENT: Mayor Sanders and Councilmembers Barbose, Brown, Gallian, and Rouse

ABSENT: None

ALSO PRESENT: City Manager Kelly, Assistant City Attorney Nebb, Planning Director Goodison, Deputy City Clerk Evans

1. COMMENTS FROM THE PUBLIC

Herb Golenpaul suggested that veterans get in touch with Vet Connect. This organization meets the third Thursday of every month at the Vets' Building from noon to 3:00 and have representatives from the VA to provide information about benefits for veterans.

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers' Comments and Announcements

CIm. Brown dedicated tonight's meeting to the memory of Jerry Hill.

CIm. Barbose attended the memorial service for Jerry Hill on Friday. It was a very moving, beautiful tribute to a life well lived. CIm. Gallian was unable to attend the service, but read a quote in his honor.

CIm. Rouse attended a dinner with Congressman Mike Thompson, who gave very engaging, straight answers to questions posed to him. He also attended the St. Patrick's Day celebration sponsored by the Rotary. Sonoma County Public Safety sponsored the "Every 15 Minutes" program at Sonoma High regarding teen drinking and driving. He stated it was the most impactful tool he's ever seen, and one that everyone needs to see, especially in light of Sonoma's social host ordinance. Police Chief Sackett will have three DVDs available for viewing, and KSVY will run the video. CIm. Rouse reminded everyone that the CSEC youth rep position is open to applicants from the Valley and applications are due March 29.

Clm. Brown read aloud the argument in Favor of Measure J. He also put forth the idea of a proclamation for The Bachelor, Ben Flajnik, who did an amazing job promoting the City of Sonoma and increasing sales tax and tourism.

Mayor Sanders attended the first meeting of the County Oversight Board. It was interesting to see how it was organized. Supervisor Valerie Brown was elected Chair of the Oversight Board; County Counsel will be retained. A big question is how their obligation schedule affects other taxing entities. As a follow-up to the March 5 meeting, Mayor Sanders directed staff to agendize the resolution of intention for the TID (tourism improvement district) to the next City Council meeting.

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

City Manager Kelly noted that the first meeting of the Oversight Board will be held on Wednesday, April 4. The meeting is open to the public and held in conformance with the Brown Act. The City Council will hold a joint meeting with the Planning Commission and Design Review Commission on Monday, April 30, from 5:00-7:00 p.m. in the Community Meeting Room. There will be a community meeting regarding design and traffic calming for the Chase Street Bridge project on Tuesday, April 17, at 6:00 p.m. in the EOC meeting room.

4. PRESENTATIONS

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

Wendy Hilberman accepted proclamation and invited everyone to a luncheon/training on April 25. Clm. Gallian asked about the work of Child Protective Services (CPS) and Ms. Hilberman explained the process.

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

Patricia Talbot, previous CEO of Sonoma Community Health Center, thanked the Council for her reappointment to the Sonoma County Health Action Coalition. Peter Rumble, Sonoma County Department of Health Services, was also present. Ms. Talbot presented a PowerPoint presentation with a focus on prevention. Mr. Rumble noted that there is a website for tracking the health of Sonoma County (www.healthysonoma.org).

5. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL

Item 5A: Waive Further reading and Authorize Introduction and/or Adoption of Ordinances by Title Only.

Item 5B: Approval of the Minutes of the March 5, 2012 Meeting.

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.

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.

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.

Clm. Barbose requested that Item 5B be continued, as there are proposed corrections to the minutes. He would like to pull Item 5E for separate discussion.

Clm. Barbose made a motion to approve Items 5A, 5C and 5D as submitted. Clm. Gallian seconded the motion. The motion carried unanimously.

Clm. Barbose confirmed that this contract obligates Sonoma Garbage to indemnify the City, but a corresponding provision and liabilities arising out of the waste Sonoma Garbage delivers that did not originate in the City. He questioned whether Sonoma Garbage hauls other waste that does not come from the City of Sonoma. City Manager Kelly noted that some of Sonoma Garbage’s customers are outside City limits. Assistant City Attorney Nebb noted that Keller Canyon’s counsel is concerned that in crafting the indemnity agreement as it related to waste coming from Sonoma, that if the hauler themselves mixed the waste with other waste in the drop-off, that they would be indemnifying other parties, not the City. They were looking for the City to reciprocally indemnify them for that drop. She further noted that pursuant to our contract, they are not supposed to be mixing the waste from our stream with waste from another stream; it was a condition required of Keller to obtain the indemnification we were looking for relative to our waste going into Keller. Arguably, we shouldn’t otherwise be liable for waste that didn’t originate here anyway. We are taking on a small obligation in order to pass along a larger one.

With his experience with the Waste Management Agency, Clm. Barbose is concerned that these landfill closure cost liabilities are large numbers and he is not in favor of indemnifying Keller Canyon for anything that didn’t originate in the City.

Assistant City Attorney Nebb suggested we go back to Keller Canyon for additional discussion and state the City Council’s concerns. She noted that the hauler is prohibited from mixing the City’s trash stream with others. We do have a liability where the dump site is, absent indemnification. Clm. Gallian commented that the possible fines that could result are staggering, as are the risk and liability.

Clm. Barbose asked whether Keller would be willing to accept an indemnity from Sonoma Garbage and keep the City out of it. Staff will follow up on this issue.

6. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL AS SUCCESSOR AGENCY
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Item 6A: Approval of the portions of the Minutes of the March 5, 2012 City Council/ Successor Agency Meetings pertaining to the Successor Agency.

City Manager Kelly noted that since Clm. Barbose requested the carryover of these minutes, this portion would also have to be continued.

7. PUBLIC HEARING – None Scheduled

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 presented staff's report. The Mayor put forward her nominations for the Oversight Board as Trent Hudson for the employee representative and Robin Evans for the alternate employee representative

Herb Golenpaul requested the names of the Oversight Board members and a list was given to him.

Mayor Sanders' nomination for the employee member of the Oversight Board is Trent Hudson, with Robin Evans as the alternate.

CIm. Barbose made a motion to accept the employee appointment to the Oversight Board. Clm. Gallian seconded the motion. The motion carried unanimously.

Mayor Sanders made a motion to nominate Clm. Barbose as her alternate to the Oversight Board. Clm. Gallian seconded the motion. The motion carried unanimously.

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 Goodison presented staff's report.

Pat Pulvirenti, speaking on behalf of Sonoma League for Historic Preservation, noted that the League supports the City's attempt for equitable deviation. They are not opposed to selling the house with a conservation easement to protect and maintain the integrity of the building.

Nancy Simpson, Sonoma, member of the Sonoma League for Historic Preservation, noted that she is glad we're at this point in discussion. She has had much contact with people who knew Henry and truly believe this wouldn't be something he expected to happen. She believes we should embrace this opportunity to preserve the cottage. The City sets an example for historic preservation of structures, and there should be no demolition by neglect. She urged the City Council to pursue selling the property with a conservation easement.

Herb Golenpaul, Sonoma, noted that setting this precedent would give anybody the chance in the future to give something to the City. He suggested asking members of the Maysonnave family their opinion to see if this option is acceptable to them. He also would like any information on possible hazardous materials in house presented to the buyer.

Barbara Flajnik, Sonoma, told the story of Henry Maysonnave and Hazel Carter. Her family rented the cottage in 1985. She would like to see a different solution than demolition.

CIm. Barbose thanked the audience members who spoke and Joe Costello for offering a solution to a difficult situation. Equitable deviation takes a court order. He would like to direct the City Attorney to pursue this with creativity and determination and return with approval on the equitable deviation, which would be a win-win situation for all parties.

Assistant City Attorney Nebb gave a brief summary of the issues. The bequest states what happens and an alternate bequest is being requested. The alternate beneficiary of the bequest is the State of California. If the State objects to the change in the bequest, the costs could range in the \$20,000-\$30,000 range if vigorously opposed. She can speak with the State first and find out if they would oppose the change in the bequest.

CIm. Gallian made a motion to support the recommendation of the Facilities Committee to amend the Maysonnave bequest. CIm. Brown seconded the motion. The motion carried unanimously.

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 Kelly presented staff's report.

Gary Magnani, Paul Hoffman, and Rolf Samuelwicz were present to discuss the project and requested an endorsement to move forward. Two spirit boxes will be created before Memorial Day (for the Norman and Shea families). They would like to see the memorial in place sooner rather than later.

Mayor Sanders asked where the Spirit Boxes would be located. Mr. Magnani noted their initial thought was Sacramento, maybe McClellan AFB. It is difficult to find a place that would attract people to witness this tribute, and he is open to suggestions for placement. CIm. Gallian commented that the project artist has spoken in Washington, DC, and this is particularly sensitive to our area due to the close proximity of the Vets' Building and cemeteries.

Herb Golenpaul, Sonoma, confirmed that the memorial would be only for personnel who have fallen in the wars in Iraq and Afghanistan, and if it is only for those who died in battle.

CIm. Brown is fully supportive of the City writing a letter in support. He suggested that the curators at the Sonoma Valley Museum of Art may be able to add their expertise to help the project move forward.

CIm. Rouse made a motion to approve a letter of support for the Spirit Boxes. CIm. Barbose seconded the motion. The motion carried unanimously.

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 Kelly presented staff's report and noted there is currently no written process for proclamations, and they are usually at the Mayor's discretion.

Clm. Brown is seeking clarity and believes it would be a good thing to have a policy on proclamations. Clm. Gallian noted that sometimes requests for proclamations come from citizens, and other times from Councilmembers. Guidelines are needed, and a reason if a proclamation is denied.

Clm. Barbose wondered what we are trying to achieve. This is the provenance of the Mayor, and he is concerned about the timeliness of the process. This was never an issue when he was mayor. Clm. Rouse agrees with Clm. Barbose. He believes we have a lot of rules already, and it should be kept at the Mayor's prerogative.

Clm. Brown is uncomfortable with that. He agrees with Clm. Gallian that if someone requests a proclamation and the request is denied, he would want to know the reason for the denial. It would be a worthwhile exercise. He is not fond of rules, but he would not have put this item on the agenda if he didn't believe in it.

Mayor Sanders called for a straw vote to keep the issuance of proclamations at the discretion of the Mayor. Ayes: Sanders, Barbose, Rouse. Noes: Brown, Gallian.

9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

No items.

10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS

Item 10A: Reports Regarding Committee Activities.

Clm. Barbose attended a Facilities Committee meeting. He also attended a meeting of the Sonoma County Waste Advisory Group. They are moving forward with a permitting process for the central landfill, as it is currently on a temporary basis. They are waiting for approval by the Water Board, but progress is being made. The consultant's report that addressed the County's policy should be received shortly and directly given to return with a concrete proposal.

Clm. Gallian attended the special meeting of the Regional Climate Protection Authority. She also attended a conference on "Building Living Communities" and saw a zero-energy complex at UC Davis.

Mayor Sanders attended the economic development partnership meeting. She commented that the new shared workspace at the Community Center could help with tourism for those business people visiting Sonoma who need a place to work. She had an interesting discussion about the importance about having the next County Supervisor know the significance of redevelopment. She attended groundbreaking for the Valley Oaks affordable housing project on Sonoma highway. This project may be a platinum LEED project. Tomorrow is the library reopening.

CIm. Gallian asked if anything was being planned by the CSEC for Earth Day on April 22. She also thanked the local paramedics for their quick response to her son's recent motorcycle accident.

Item 10B: Final Councilmembers' Remarks.

11. COMMENTS FROM THE PUBLIC

Herb Golenpaul thanked CIm. Barbose for bringing up the garbage issue and indemnification.

David Cook, Sonoma, brought up the issue of people not driving slow down Highway 12 when school is getting out, and asked whether anybody had looked into fixing this issue.

12. PUBLIC COMMENTS REGARDING CLOSED SESSION

None.

13. CLOSED SESSION

The meeting adjourned to closed session at 8:05 p.m.

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, City Attorney Walter & City Manager Kelly. Negotiating Parties: Sebastiani Building Investors, Inc. Under Negotiation: Price and terms of lease.

14. RECONVENE IN OPEN SESSION.

15. ADJOURNMENT

The meeting was adjourned at 8:14 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.

Robin Evans, Deputy City Clerk

**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, April 2, 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 AGENDA

At 5:30 p.m. Mayor Sanders called the meeting to order. No one from the public was present to provide public testimony on closed session items. The Council recessed into closed session with all members present. City Manager Kelly and City Attorney Walter were also present.

Item 2A: **CONFERENCE WITH REAL PROPERTY NEGOTIATORS.** Property: Old Fire Station, 32 Patten Street, Sonoma. Agency Negotiator: Linda Kelly, City Manager & Jeff Walter, City Attorney. Negotiating Parties: Foothill Partners. Under Negotiation: Price and terms of payment. Pursuant to Government Code §54956.8.

6:00 P.M. – REGULAR MEETING AGENDA

The City Council reconvened in open session and Mayor Sanders called the meeting to order at 6:00 p.m. Assistant City Manager Giovanatto 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.

REPORT ON CLOSED SESSION - Mayor Sanders stated that no reportable action had been taken.

1. COMMENTS FROM THE PUBLIC

David Artson reported that Herb Golenpaul was unable to attend the meeting due to illness.

Wendy Peterson, Sonoma Valley Visitors Bureau, thanked the City Council for co-sponsoring the April 5, 2012 customer service training event which would feature author Bryan Williams and was being hosted at MacArthur Place. She announced that they had a tremendous response and all sessions were full.

Lin Marie deVincent read aloud a very colorful and playful "citizens proclamation" in honor of Clm. Brown's 65th birthday (April 2). Jennifer from Infineon Raceway presented Clm. Brown with a limited edition Infineon baseball cap. Clm. Brown stood, placed the cap on his head and received a round of applause from the audience.

Ed Kenney reported that he was in the hospital when their parcel tax passed and that he told them he did not vote for it.

Josie Engersoll, a “Firehouse Neighbor”, requested an update on the status of 32 Patten Street.

2. COUNCILMEMBERS’ COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers’ Comments and Announcements

Clm. Brown read into the record the Rebuttal to the Argument Against Measure J:

Sonoma is a world class city for its residents and tourists alike. Sonoma is a safe haven and we are duty bound to keep it that way. For years redevelopment funds have been used prudently and wisely to benefit our residents and local businesses alike. These funds are gone for now and into the foreseeable future. It falls to Sonoma to solve the financial crisis brought on by the State.

Why risk our collective future at the hands of the State government? For a few cents a day, we can keep our City services strong and viable. Here in the Bear Flag City our independence is a real and present day living history. There is no intention whatsoever to use this money for a swimming pool.

The City has now contracted out both Fire and Police. With currently 36 City employees, the City runs lean and efficient.

Help keep Sonoma, Sonoma. We ask you to work together with us to be a part of protecting and preserving Sonoma for you, your neighbors and future generations.

City Attorney Walter explained that Councilmembers Brown and Rouse had been delegated the task of drafting the supporting and rebuttal arguments and that Clm. Brown presented this as a report back to the entire Council.

Clm. Brown reported attendance at the Pets Lifeline volunteer party.

Clm. Rouse welcomed the new businesses that had opened recently.

Clm. Gallian reported attendance at the Pets Lifeline event and that she participated in a workshop relating to the study of business startup models.

Mayor Sanders announced the first meeting of the Oversight Board on April 4, 2012 and a Supervisor Candidate forum on April 5, 2012. She asked the City Manager to provide an explanation of the next steps regarding 32 Patten. Clm. Brown added that the Oversight Board meeting would be televised.

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

City Manager Kelly responded to Josie Engersoll that 32 Patten was now under the direction of the Oversight Board and would be discussed at one of their future meetings. She noted that the Oversight Board agendas were available on the City’s website.

4. PRESENTATIONS

Item 4A: Proclamation declaring April 2012 Autism Awareness Month in the City of Sonoma.

Mayor Sanders stated that the proclamation took on a special meaning for her and noted the recent groundbreaking for the Sweetwater Spectrum development. She stated that she had a nephew with autism. She presented the proclamation to a group of Sweetwater Spectrum representatives.

Mark Jackson thanked the Council for the proclamation and spoke on behalf of the group.

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: Request by the Congregation Shir Shalom for City-subsidized use of the Sonoma Valley Veterans Memorial Building on October 28, 2012. Approved subject to applicant's compliance with the City's standard insurance requirements.

Item 5C: Approval of the Minutes of the March 5, 2012 Meeting.

It was moved by Clm. Rouse, seconded by Clm. Brown, to approve the consent calendar as presented. The motion carried unanimously.

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

Item 6A: Approval of the portions of the Minutes of the March 5, 2012 City Council / Successor Agency Meetings pertaining to the Successor Agency.

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

7. PUBLIC HEARINGS – None Scheduled

8. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

Item 8A: Discussion, Consideration and Possible Action on Adoption of Administrative Budget for Administrative Allowance.

Assistant City Manager Giovanatto reported AB 26 provided for an administrative cost allowance, at a minimum of \$250,000, to provide funds for the Successor Agency to wind down the affairs and administer the debt repayment of the former redevelopment agency. *“Administrative cost allowance” means an amount that, subject to the approval of the oversight board, is payable from property tax revenues of up to 5 percent of the property tax allocated to the successor agency for the 2011-12 fiscal year and up to 3 percent of the property tax allocated to the Redevelopment Obligation Retirement Fund money that is allocated to the successor agency for each fiscal year thereafter...* (Section 3417[b] of AB 26)

Giovanatto stated that based on current information on how the allocation formula was calculated, staff believed that the City, as Successor Agency, was eligible for the minimum payment of \$250,000 administrative cost allowance for FY 2011-12 and that once the budget was approved it would go to the Oversight Board for approval.

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

It was moved by Clm. Barbose, seconded by Clm. Rouse, to approve the budget for Successor Agency administrative cost allowance. The motion carried unanimously.

9. REGULAR CALENDAR – CITY COUNCIL

Item 9A: Presentation and discussion regarding the future of the Sonoma Valley War Memorial Veterans Building by County Parks, requested by Mayor Sanders and Mayor Pro Tem Brown.

Mayor Sanders stated she had requested this update because the Veterans Building was important to the City and its citizens.

Carol Hart, Sonoma County Regional Parks Director, reported that due to budget constraints, last year the County issued a Request for Proposals (RFP) for operation of each of the seven veterans halls in the County. Proposals had been reviewed and contracts were being negotiated for most of the halls. She stated that two proposals were submitted for the Sonoma hall; however one was subsequently withdrawn. Hart stated that the Board of Supervisors had not made a decision regarding the Sonoma hall and that its operation had been funded through 2013. She noted that management of the halls was being transferred out of the Regional Parks Department into the General Services Department.

Ms. Hart explained that the halls were built to serve as a memorial and a meeting place for veterans and that the Military Code required that meeting space be provided to Veterans free of charge. She reported that they had met several times with Sonoma Veterans who had expressed a lot of concern over the future of the facility. She said that the one Sonoma proposer may have withdrawn due to the requirement to pay a possessory interest tax and uncertainty about the amount of the tax.

Clm. Gallian expressed concern regarding the increased fees for use of the building. Hart stated that the County did away with the non-profit reduced fees but that there were no additional fee increases being proposed.

Mayor Sanders invited comments from the public. Gerry Orme stated that the City should not be exempt from the increased fees.

Kathy Swett, Sonoma Community Center, stated she had met with Ms. Hart and discussed in general terms the possibility of the Community Center operating the Sonoma facility.

Jeanne Williams stated that the Veterans Building was the only facility in town suited to the needs of the Sonoma Valley Chorale and that they took a huge hit with the fee increase.

Mayor Sanders commented that she was not aware of the tax issue until now. Clm. Brown stated it was incumbent on the Supervisor candidates to take this issue seriously. Clm. Gallian said she wanted to take up the issue of reinstating the non-profit rental rates; perhaps putting it on a future agenda or by sending a letter to the Supervisors.

Mayor Sanders stated that the Council needed to be kept up to date regarding the future of the building and any proposals for its operation. She suggested that Council consider development of criteria for use in considering the future allocation of rent subsidies.

9. REGULAR CALENDAR – CITY COUNCIL, Continued
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Item 9B: Discussion, consideration and possible direction to staff regarding the formation of a Tourism Improvement District, including discussion, consideration and possible adoption of Resolution declaring the City’s intention to establish the Sonoma Tourism Improvement District (STID) and fixing the time and place of a public meeting and a public hearing thereon and giving notice thereof, and setting the initial term of the STID as two, three, four or five years, requested by Mayor Sanders.

City Manager Kelly reported that Council had prior discussions regarding formation of a Sonoma Tourism Improvement District (STID) and that Mayor Sanders was interested in moving ahead with the formation process. She stated that since the last time Council considered the request from the hoteliers, their proposed Management District Plan had been revised to include support to visitor center services. She went on to explain that under the proposal the assessment would be 2% on all overnight room stays in the City limits including all types of lodging – hotels, bed and breakfasts, and vacation rentals. The assessments would represent approximately \$440,000 per year in collections and would be applied towards sales promotion and marketing programs to market Sonoma lodging businesses as overnight tourist, meeting and event destinations, in addition to support for visitor center services.

City Manager Kelly provided additional background material and presented a schedule for the formation process, and stated that if Council wished to commence the STID formation process, a Council decision on the initial term of either two, three, four or five years would need to be made

In response to a question by Clm. Barbose, City Manager Kelly explained that the \$218,000 annual marketing and promotion service agreement with the Sonoma Valley Visitor Bureau would be paid as part of the Recognized Obligation Payment Schedule (ROPS) if approved by both the Oversight Board and the Department of Finance (DOF). Clm. Barbose confirmed with staff that we should know by the June 18, 2012 public hearing date if the expenditure was approved by the DOF. He said he had been contacted by someone in the lodging industry who wanted to know if the assessment would be applied to reservations made prior to the effective date of the assessment. City Manager Kelly responded that paragraph number 7 in the proposed resolution of intention stated “...*Assessments pursuant to the STID shall not include room rental revenue resulting from stays pursuant to contracts executed prior to July 1, 2012.*”

Clm. Gallian confirmed that the hoteliers were not proposing to issue bonds and that any changes to the program would have to be approved by the City Council.

Clm. Rouse stated that some were concerned that if the City’s sales tax measure did not pass in June and the Council had moved ahead with the STID, it would then be difficult to pass an increase to the Transient Occupancy Tax. He stated his support for moving ahead with formation of the STID and noted that the outcome on the sales tax measure would be known prior to Council’s final action on the STID and the Council could decide not to approve it at the June 18, 2012 hearing.

Mayor Sanders stated that if the sales tax did not pass the City would be cutting the budget. She stated her support for moving forward and noted that the investment in marketing would benefit restaurants, all local businesses, and would result in an increase in TOT revenue. She invited comments from the public.

Bill Blum, MacArthur Place, stated the hoteliers had submitted petitions representing the lodging businesses that will pay more than 50% of the assessment proposed requesting the City to initiate the

proceedings to form the STID. He said the STID would be formed for the purpose of generating room nights for those members paying into and benefitting from the assessment. Although the assessment would benefit the hotels, the ultimate benefit would be to the City of Sonoma.

Erica Ecorlono, a tourism professional, urged the Council to move ahead with the STID and reminded everyone that it was not a tax; it was an assessment paid by visitors to the City.

David Cook stated his support for the STID.

Bob Edwards said it was not a good idea for many reasons. He cautioned that moving ahead would make it difficult to pass a future TOT increase and could confuse people regarding the sales tax proposal.

Dan Parks, Inn at Sonoma, said they (the hoteliers) considered themselves partners with the City and would work with the City on the tax proposal. He said the STID would benefit hoteliers but would also very much benefit the City.

Melanee Cottrill identified herself as a paralegal with Civitas and a representative of hoteliers. She reported there were approximately 65 TIDs in the State, which raised around \$132 million dedicated to marketing. In response to a question by Clm. Gallian, she stated that the proposed administrative costs were low by industry standards and would be overseen by the Board of Directors. In response to a question by Clm. Brown, she explained that the purpose of the May 7, 2012 public meeting was to provide an opportunity to receive input from the community.

It was moved by Clm. Gallian to adopt the resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA DECLARING ITS INTENTION TO ESTABLISH THE SONOMA TOURISM IMPROVEMENT DISTRICT (STID) AND FIXING THE TIME AND PLACE OF A PUBLIC MEETING AND A PUBLIC HEARING THEREON AND GIVING NOTICE THEREOF to include a five year term. Clm. Barbose stated concern about an initial five-year term and suggested a three-year term. Clm. Gallian amended her motion to include a three-year term and it was seconded by Clm. Barbose.

Clm. Brown stated that he remained adamantly against this and said it would create confusion and make it harder to pass the sales tax measure. He said he would be more comfortable with five elected persons making decisions on how to spend the money. Clm. Rouse said he felt both could pass with hard work.

Mayor Sanders stated it was an opportunity for the City to reduce its expenses and she doubted if the DOF would approve the \$218,000 annual payment to the Visitor Bureau.

Clm. Barbose stated that with the demise of redevelopment, the City was losing \$89,000 a month. He felt optimistic that the sales tax measure would pass and if not; the Council could revisit this issue. He said he was pleased to hear that the hoteliers were willing to partner with the City in support of a TOT increase and with their willingness to incorporate funding of the Visitor Bureau. He also expressed doubt that the DOF would approve the Visitor Bureau funding.

The motion to adopt the resolution carried four to one, Clm. Brown dissenting.

Item 9C: Discussion, consideration and possible action regarding a request to install a temporary art installation or banner on the Plaza in conjunction with the Sonoma International Film Festival's special event on the Plaza, requested by Councilmember Brown.

City Manager Kelly reported that Clm. Brown was requesting Council support for allowing the SONOMAWOOD art installation made by Sonoma Valley High School students to be displayed on the Plaza during the Sonoma International Film Festival's special event on the Plaza, April 11-15, 2012.

In response to a question by Mayor Sanders, Mary Cutcliffe explained that the sign would be placed on the Plaza horseshoe lawn south of the Palm tree. Ms. Cutcliffe stated she had met with Parks personnel to determine the best location.

Clm. Brown stated that this would be a great way to support the Film Festival in a non-monetary way. He moved, and Clm. Gallian seconded, that the request be approved with the applicants working closely with staff on the placement of the sign. The motion carried unanimously.

10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS

Item 10A: Reports Regarding Committee Activities.

Clm. Rouse reported attendance at the Sonoma Valley Citizens Advisory Committee meeting.

Clm. Gallian reported attendance at the Cemetery Subcommittee meeting and announced that it was decided to let the committee go dormant for a while. She also attended the Audit and Ag and Open Space meetings.

Item 10B: Final Councilmembers' Remarks.

Mayor Sanders asked that correspondence be sent to Herb Golenpaul and Jim Parks wishing them speedy recoveries from their illnesses.

10. COMMENTS FROM THE PUBLIC

Christine Armstrong stated that she would continue to campaign for a community swimming pool.

11. ADJOURNMENT

The meeting was adjourned at 8:15 p.m. with get-well wishes going out to Jim Parks and Herb Golenpaul.

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
as Successor Agency
Agenda Item Summary

City Council Agenda Item: 6A

Meeting Date: 4/16/12

Department

Administration

Staff Contact

Linda Kelly, City Manager

Agenda Item Title

City Council as Successor Agency Approval of reimbursement and operating agreement between the City of Sonoma and the City of Sonoma as Successor Agency

Summary

The Successor Agency (SA) administrative costs began to be incurred on February 1, 2012 (the redevelopment dissolution date); however, the Successor Agency will not be paid its administrative cost allowance until the Successor Agency administrative budget has been approved by the Oversight Board (which took place at the Oversight Board meeting of April 4, 2012) and the County Auditor-Controller releases the funds. The City's General Fund has had to advance funds to the Successor Agency to cover the Successor Agency's administrative costs because those costs are being incurred prior to the County Auditor-Controller's scheduled payment to the Successor Agency.

There is a gap between the February 1, 2012 dissolution date and the date when the SA can expect to receive its administrative cost allowance payment and during this period the City has had to advance funds to meet the SA's administrative expenses. The proposed agreement documents the City's advance of funds for the SA's administrative expenses and the obligation of the SA to reimburse the City's General Fund those amounts from the administrative cost allowance payment received by the SA.

Recommended Council Action

Approve agreement.

Alternative Actions

None.

Financial Impact

The agreement provides a reimbursement mechanism for the City to recoup the funds advanced to the Successor Agency prior to the Successor Agency administrative allowance being provided by the County Auditor-Controller.

Environmental Review

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

Status

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

Attachments:

Please refer to Agenda Item 5D for the agreement

cc:



City of Sonoma
City Council
as Successor Agency
Agenda Item Summary

City Council Agenda Item: **6B**

Meeting Date: **04/16/2012**

Department

Administration

Staff Contact

Carol Giovanatto, Assistant City Manager

Agenda Item Title

Ratify Actions of the Oversight Board for the Recognized Obligation Payment Schedule [ROPS] for the Period of January 1, 2012 through June 30, 2012

Summary

On April 4, 2012, the Oversight Board of the former Redevelopment Agency convened its first meeting with Councilmember Sanders being appointed Chair of the Board. As an agenda item, the Oversight Board reviewed the ROPS which had been previously approved by the City Council acting as the Successor Agency [February 22nd]. During the presentation, staff requested that the ROPS be amended to remove two expenditures that had occurred prior to January 1, 2012 and were not applicable to this ROPS reporting period. Following discussion and deliberation, the Board approved the amended ROPS. As required by AB1x26, the ROPS was submitted to the Department of Finance, State Controller and County Auditor-Controller on April 13, 2012.

Due to the amendments made to the ROPS during the Oversight Board meeting, legal counsel advised that the Successor Agency should ratify the final ROPS as submitted.

Recommended Council Action

Acting as the Successor Agency, approve the amended ROPS approved by the Oversight Board.

Alternative Actions

N/A

Financial Impact

Unknown at this time

Environmental Review

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

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

Recognized Obligation Schedule dated April 4, 2012.

cc:

CITY OF SONOMA

RESOLUTION NO. 02 - 2012

A RESOLUTION OF THE CITY COUNCIL AS THE SUCCESSOR AGENCY TO THE DISSOLVED REDEVELOPMENT AGENCY OF THE CITY OF SONOMA APPROVING THE AMENDED RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD JANUARY 1, 2012 THROUGH JUNE 30, 2012

WHEREAS, pursuant to Health and Safety Code Section 34180(g), the Oversight Board is required to review and approve the Recognized Obligation Payment Schedule prepared by the Successor Agency covering the six month period January 1, 2012 through June 30, 2012, and for each six month period thereafter; and

WHEREAS, the Successor Agency to the dissolved Redevelopment Agency of the City of Sonoma approved the Recognized Obligation Payment Schedule for the six month period January 1, 2012-June 30, 2012 by prior action taken on February 22, 2012; and

WHEREAS, at its special meeting of April 4, 2012, the Oversight Board reviewed and made amendments necessary to remove two expenditures which had occurred prior to the six month submittal period and directed that the amended ROPS be filed; and

WHEREAS, due to the amendments to the original ROPS, the Successor Agency should ratify the final ROPS as approved by the Oversight Board.

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

SECTION 1. The Successor Agency hereby approves the amended Recognized Obligation Payment Schedule for the period January 1, 2012 through June 30, 2012, as set forth in Exhibit "A" to this Resolution and by this reference incorporated herein.

SECTION 2. The staff of the Successor Agency shall take such other and further actions and sign such other and further documents as appropriate to effectuate the intent of this Resolution and to implement the amended Recognized Obligation Payment Schedule approved hereby on behalf of the Successor Agency.

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

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

PASSED AND ADOPTED by the City Council acting as the Successor Agency at a meeting held on the 16th day of April, 2012 by the following vote:

AYES:
NOES:
ABSENT:

Joanne Sanders, Mayor

ATTEST:

Gay Johann, City Clerk

**RECOGNIZED OBLIGATION PAYMENT SCHEDULE - CONSOLIDATED
FILED FOR THE 01/01/2012 to 6/30/2012 PERIOD**

Name of Successor Agency City of Sonoma as Successor Agency

	Current	
	Total Outstanding Debt or Obligation	Total Due During Fiscal Year
Outstanding Debt or Obligation	\$ 64,784,770.43	\$ 10,682,823.17
	Total Due for Six Month Period	
Outstanding Debt or Obligation	\$ 4,178,209.07	
Available Revenues other than anticipated funding from RPTTF	\$ 1,270,768.88	
Enforceable Obligations paid with RPTTF	\$ 2,657,440.19	
Administrative Cost paid with RPTTF	\$ 250,000.00	
Pass-through Payments paid with RPTTF	\$ -	
Administrative Allowance (greater of 5% of anticipated Funding from RPTTF or 250,000. Note: Calculation should not include pass-through payments made with RPTTF. The RPTTF Administrative Cost figure above should not exceed this Administrative Cost Allowance figure)	\$ 250,000.00	

APPROVED BY THE OVERSIGHT BOARD ON APRIL 4, 2012

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

JOANNE SANDERS	CHAIR
Name	Title
Signature	Date
	4/4/2012

RECOGNIZED OBLIGATION PAYMENT SCHEDULE
 Per AB 26 - Section 34177 (*)
APPROVED BY THE OVERSIGHT BOARD ON APRIL 4, 2012

Project Name / Debt Obligation	Contract/Agreement Execution Date	Payee	Description	Project Area	Total Outstanding Debt or Obligation	Total Due During Fiscal Year 2011-2012**	*** Funding Source	Payable from the Redevelopment Property Tax Trust Fund (RPTTF)						
								Payments by month						
								Jan 2012	Feb 2012	Mar 2012	Apr 2012	May 2012	Jun 2012	Total
1) 2003 Tax Allocation Bond	6/2/2003	Bank of New York	Portion of Bonds issue to fund non-housing projects	SONOMA	\$ 13,804,000.00	954,127.00	RPTTF					0.00	0.00	\$ -
2) 2003 Tax Allocation Bond	6/2/2003	Bank of New York	Portion of Bonds issue to fund housing projects	SONOMA	3,451,000.00	238,532.00	RPTTF					0.00	0.00	\$ -
3) 2010 Tax Allocation Bond	9/22/2010	Bank of New York	Portion of Bonds issue to fund non-housing projects	SONOMA	11,961,566.00	742,822.50	RPTTF					0.00	147,382.00	\$ 147,382.00
4) 2010 Tax Allocation Bond	9/22/2010	Bank of New York	Portion of Bonds issue to fund housing projects	SONOMA	2,990,389.00	186,217.00	RPTTF					0.00	36,913.00	\$ 36,913.00
5) 2011 Tax Allocation Bond	3/4/2011	Bank of New York	Portion of Bonds issue to fund non- housing projects	SONOMA	13,646,000.00	816,221.04	RPTTF					0.00	0.00	\$ -
6) 2011 Tax Allocation Bond	3/4/2011	Bank of New York	Portion of Bonds issue to fund housing projects	SONOMA	1,450,000.00	111,302.87	RPTTF					0.00	0.00	\$ -
7) City of Sonoma/1993 REFA COP Financing	6/1/2007	Municipal Finance Corporation	Percentage of financing (37%) to fund Carnegie Library upgrade in 1993	SONOMA	83,560.00	41,781.00	RPTTF					0.00	0.00	\$ -
8) Exchange Bank Loan	3/1/2005	Exchange Bank	Affordable Senior Housing Project purchased in 2005 to maintain affordability	SONOMA	2,070,560.00	136,961.00	RPTTF	11,413.40	11,413.40	11,413.40	11,413.40	11,413.40	22,826.80	\$ 79,893.80
9) Visitors Bureau Contract for Service	3/7/2011	Sonoma Valley Visitors Bureau	Contract for Marketing & Promotion	SONOMA	218,000.00	218,000.00	RPTTF	18,167.00	18,167.00	18,167.00	18,167.00	18,167.00	18,167.00	\$ 109,002.00
10) Historic Preservation Easement	3/9/2011	Sonoma Community Center	Acquisition of Historic Preservation Easement	SONOMA	500,000.00	50,000.00	RPTTF					25,000.00		\$ 25,000.00
11) City Loan entered into on 08/2009	6/2/2010	Municipal Finance Corporation	Clean Renewable Energy Bonds (CREBS)	SONOMA	939,250.00	72,250.00	RPTTF							\$ -
12) Public Facilities Reimbursement Agreement	10/21/2009	Friedman Brothers	Installation of Public Facilities by Private Enterprise	SONOMA	116,409.00	116,409.00	RPTTF						116,409.00	\$ 116,409.00
17) Memorandum of Understanding regarding Joint Funding of Economic Development Program	1/19/2011	City of Sonoma [Lead Agency for Program]	Sonoma Valley Chamber of Commerce, Sonoma County Community Development Commission and Sonoma	SONOMA	69,360.00	69,360.00	RPTTF	5,780.00	5,780.00	5,780.00	5,780.00	5,780.00	5,780.00	\$ 34,680.00
18) Legal Services	2/22/2012	Rutan and Tucker	Legal Counsel for Successor Agency	SONOMA	6,600.00	80,000.00	RPTTF	6,666.67	6,666.67	6,666.67	6,666.67	6,666.67	6,666.67	\$ 40,000.02
19) Legal Services	2/22/2012	Jeffery A. Walter, a Professional Law Corporation	Legal Counsel for Successor Agency	SONOMA	11,900.43	50,000.00	RPTTF	4,166.67	4,166.67	4,166.67	4,166.67	4,166.67	4,166.67	\$ 25,000.02
20) Successor Agency CPA Audit	6/26/2006	C G Uhlenberg LLC	Auditing services for Successor Agency	SONOMA	10,000.00	27,000.00	RPTTF			10,000.00			17,000.00	\$ 27,000.00
21) Underground Fuel Storage Tank Monitoring	1/24/2007	Conestoga-Rovers Associates	Underground Storage Tank monitoring of 32 Patton, property owned by former Sonoma Community Development Agency	SONOMA	27,800.00	27,800.00	RPTTF	2,316.67	2,316.67	2,316.67	2,316.67	2,316.67	2,316.67	\$ 13,900.02
22) Sonoma Highway 12 - Signal Mounted Streetname Signage [carryover]	1/15/2011	Hawkins Signage	Sonoma Highway 12 - Overhead Signage	SONOMA	70,000.00	9,000.00	RPTTF						9,000.00	\$ 9,000.00
23) 2010 SERAF Loan Payment due to Housing Fund	2/10/2010	Sonoma County Community Development Commission/Housing Authority	Agency loan from LMI fund to CDA fund for payment of 2010 SERAF Payment	SONOMA	1,920,016.00	1,920,016.00	RPTTF						1,920,016.00	\$ 1,920,016.00
24) Property @ 32 Patton Street [Old Fire Station]	1/1/1986	City of Sonoma	Water Utility costs for Property located at 32 Patton Street [old fire station; asset to be liquidated per AB1X26]	SONOMA	61.43	368.58	RPTTF		61.43				68.00	\$ 241.43
25) Property @ 32 Patton Street [Old Fire Station]	1/1/1986	Sonoma County Tax Collector	Sewer Utility costs for Property located at 32 Patton Street [old fire station; asset to be liquidated per AB1X26]	SONOMA	1,610.40	3,220.80	RPTTF			1,610.40				\$ 1,610.40
26) Depot Park Project [local share; CDBG Project Grant = \$70,000]	06/01/2011 - Winsler & Kelly	Winsler & Kelly	Depot Park Renovation; DESIGN IS 84% COMPLETE; NO CONSTRUCTION CONTRACT	SONOMA	194,000.00	51,748.23	RPTTF				30,627.00			\$ 30,627.00
27) K T Carter Park Play Slide [Local match Prop 40 Grant]	5/16/2011	Ross Recreation	IN PROGRESS; FINAL PHASE	SONOMA	35,000.00	35,000.00	RPTTF						35,000.00	\$ 35,000.00
28) Traffic Study, Fifth West/Spain St	6/10/2011	Winsler & Kelly	Traffic Study; STUDY IS 82% COMPLETE	SONOMA	25,000.00	3,553.00	RPTTF					3,230.00		\$ 3,230.00
29) Traffic Study, Fifth West/MacArthur St	6/23/2011	Winsler & Kelly	Traffic Study; STUDY IS 86% COMPLETE	SONOMA	25,000.00	2,789.00	RPTTF					2,535.50		\$ 2,535.50
30)														
31)														
32)														
Totals - This Page (RPTTF Funding)					\$ 53,627,082.26	\$ 5,964,479.02	\$ -	\$ 48,510.41	\$ 48,571.84	\$ 60,120.81	\$ 79,205.41	\$ 79,275.91	\$ 2,341,755.81	\$ 2,657,440.19
Totals - Page 2 (Other Funding)					\$ 10,907,688.17	\$ 4,468,344.15	N/A	\$ 284,355.41	\$ 131,546.98	\$ 30,774.83	\$ 355,765.75	\$ 119,759.08	\$ 348,566.83	\$ 1,270,768.88
Totals - Page 3 (Administrative Cost Allowance)					\$ 250,000.00	\$ 250,000.00	N/A	\$ -	\$ -	\$ -	\$ -	\$ 250,000.00	\$ -	\$ 250,000.00
Totals - Page 4 (Pass Thru Payments)					\$ -	\$ -	N/A	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Grand total - All Pages					\$ 64,784,770.43	\$ 10,682,823.17		\$ 332,865.82	\$ 180,118.82	\$ 90,895.64	\$ 434,971.16	\$ 449,034.99	\$ 2,690,322.64	\$ 4,178,209.07

* The Preliminary Draft Recognized Obligation Payment Schedule (ROPS) is to be completed by 3/1/2012 by the successor agency, and subsequently be approved by the oversight board before the final ROPS is submitted to the State Controller and State Department of Finance by April 15, 2012. It is not a requirement that the Agreed Upon Procedures Audit be completed before submitting the final Oversight Approved ROPS to the State Controller and State Department of Finance.
 ** All totals due during fiscal year and payment amounts are projected.
 *** Funding sources from the successor agency: (For fiscal 2011-12 only, references to RPTTF could also mean tax increment allocated to the Agency prior to February 1, 2012.)
 RPTTF - Redevelopment Property Tax Trust Fund Bonds - Bond proceeds Other - reserves, rents, interest earnings, etc
 LMIHF - Low and Moderate Income Housing Fund Admin - Successor Agency Administrative Allowance

RECOGNIZED OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34177 (*)

APPROVED BY THE OVERSIGHT BOARD ON APRIL 4, 2012

Project Name / Debt Obligation	Contract/Agreement Execution Date	Payee	Description	Project Area	Total Outstanding Debt or Obligation	Total Due During Fiscal Year 2011-2012**	Funding Source ***	Payable from Other Revenue Sources							
								Payments by month							
								Jan 2012	Feb 2012	Mar 2012	Apr 2012	May 2012	Jun 2012	Total	
1) Emergency/Homeless Shelter [Housing]	3/7/2011	Sonoma Overnight Shelter	Contract for Emergency Shelter Operations	SONOMA	30,000.00	30,000.00	LMHF					7,500.00	7,500.00	\$ 15,000.00	
2) Village Green II Low Income Housing USDA Loan	5/1/2005	United States Department of Agriculture	Affordable Senior Housing Project purchased in 2005 to maintain affordability	SONOMA	799,203.00	4,054.00	OTHER	337.83	337.83	337.83	337.83	337.83	337.83	\$ 2,026.98	
3) Affordable Housing Projects within Project Area - 2011 CDA TAB	1/30/2012	Sonoma County Housing Authority	Low/Moderate Housing projects - NO PROJECT STARTED	SONOMA	1,450,000.00	0.00	BONDS						0.00	\$ -	
4) Sonoma Valley Community Library	6/20/2011	AXIS [Architect] Millennium Consulting [Asbestos Abatement]; City of Sonoma [project management]; S.W. Allen Construction [construction]	Contractual Agreement with Sonoma County Library for facility upgrade and ADA access issues funded through 2011 CDA TAB - PROJECT 100% COMPLETE	SONOMA	2,342,190.00	2,342,190.00	BONDS	189,641.59	7,675.91	30,437.00			50,364.00	187,810.00	\$ 465,928.50
5) Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prjs #1,2,3,7,8,9,12,14,15,16,17,19,31	4/11/2011 - Winsler & Kelly 7/6/2011 - Ghilotti Construction; 8/4/2011 - Able Construction	Winsler & Kelly [Engineering]; Ghilotti [Construction]; Able Construction [Construction]	Installation of ADA ramps at intersections. DESIGN IS 96% COMPLETE ON EXISTING CONTRACTS; CONSTRUCTION COMPLETE	SONOMA	586,462.00	329,928.37	BONDS	0.00		0.00				87,502.00	87,502.00
6) Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB PrjS # 7,15,16	3/17/2011 - Winsler & Kelly 8/4/2011 - Able Construction 5/5/2011 - Miller Pacific 5/12/2011 - John Meserve	Winsler & Kelly [Design/Engineering]; Able Construction [construction]; Miller Pacific [geotechnical]; John Meserve [arborist]	Street Reconstruction Third St West, Fourth St West, Hayes St. - PROJECT 100% COMPLETE	SONOMA	397,560.74	397,560.74	BONDS	30,749.00	50,137.00			146,036.00		0.00	\$ 226,922.00
7) Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prj. #1,12	3/17/2011 - Winsler & Kelly 8/4/2011 - Ghilotti Construction 4/26/2011 - Miller Pacific	Winsler & Kelly [Design/Engineering]; Ghilotti [construction] Miller Pacific [geotechnical]	Leveroni, 5th St. W - Pavement reconstruction -PROJECT 100% COMPLETE	SONOMA	578,720.61	578,720.61	BONDS	1,030.83	0.00	0.00	117,342.17		0.00	0.00	\$ 118,373.00
8) Citywide Pavement Management/Sidewalk/ADA Projects - CDA TAB Prj. 27; local match for \$133,870 CalTRANS Grant	3/17/2011 Winsler & Kelly	Winsler & Kelly [Engineering/Design]	Leveroni, Broadway turn-lane signal - DESIGN IS 90% COMPLETE; NO CONSTRUCTION CONTRACT	SONOMA	71,784.80	71,784.80	BONDS	513.25	94.50				69,057.25	\$ 69,665.00	
9) Bike Lanes & Signage - 2011 CDA TAB Prj. #28 [local match funding agreement with Sonoma County Transportation Authority grant \$135,000]	3/17/2011 - Winsler & Kelly 9/28/2011 - Crisp Construction	Winsler & Kelly [Engineering/Design]; Crisp Construction [construction]	Comprehensive Bike Lane & signage - PROJECT 100% COMPLETE	SONOMA	50,534.29	50,534.29	BONDS	3,553.00	6,172.00			20,482.00		\$ 30,207.00	
10) Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prj #31	3/17/2011 - Winsler & Kelly 7/6/2011 - Ghilotti Construction 7/26/2011 - Miller Pacific	Winsler & Kelly [Design/Engineering];Ghilotti [construction] Miller Pacific [geotechnical]	France Street Pavement reconstruction - PROJECT 100% COMPLETE	SONOMA	382,121.11	382,121.11	BONDS	1,609.09	448.16	0.00	64,067.75		0.00	0.00	\$ 66,125.00
11) Citywide Pavement Management/Sidewalk/ADA - 2011 CDA TAB Prjs 2, 3, 18	3/17/2011 - Winsler & Kelly 11/22/2011- Miller Pacific	Winsler & Kelly [Engineering] Miller Pacific [Geotechnical];	2nd St. West, 1st West, Church St, Patten St, W Span Rehabilitation- DESIGN IS 60% COMPLETE; NO CONSTRUCTION CONTRACT.	SONOMA	1,038,989.00	28,448.22	BONDS	8,369.24	20,078.98					\$ 28,448.22	
12) Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prj #26	3/17/2011 - Winsler & Kelly 10/26/2011 - Exaro 3/9/2012 - GHD	Winsler & Kelly [Engineering] Miller Pacific [Geotechnical]; Exaro [Potholing]; GHD [Right of Way]	Bikeway Improvement-Fryer Creek Bike/Pedestrian Bridge. DESIGN IS 72% COMPLETE; NO CONSTRUCTION CONTRACT.	SONOMA	43,045.82	43,045.82	BONDS	8,075.75	4,046.50	0.00				7,164.00	\$ 19,286.25
13) Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB PRJ #9,14,17	3/17/2011 - Winsler & Kelly ; 1/4/2012 - GHD [Design]	Winsler & Kelly [Engineering]; GHD [Design]	Curtin Lane, Harrington Dr Rehabilitation. DESIGN IS 90% COMPLETE; NO CONSTRUCTION CONTRACT.	SONOMA	595,392.00	44,904.03	BONDS	13,172.27	20,148.76					11,462.00	\$ 44,783.03
14) Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prj #30	3/17/2011 - Winsler & Kelly 7/23/2011 - Miller Pacific	Winsler & Kelly [Engineering] Miller Pacific [Geotechnical];	Napa Road pavement reconstruction - DESIGN IS 98% COMPLETE; NO CONSTRUCTION CONTRACT.	SONOMA	799,321.00	62,449.90	BONDS	5,313.56	3,855.08					15,761.00	\$ 24,929.64
15) Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prj # 29. Local Match for CalTrans Funding Agreement dated 6/29/2011; CalTrans Grant \$1.4 million.	3/17/2011 - Winsler & Kelly 9/16/2011 - Quincy	Winsler & Kelly [Engineering/admin/CalTrans]; Quincy [Design/Environmental/ROW]	Chase St Bridge Reconstruction. DESIGN IS 48% COMPLETE; NO CONSTRUCTION CONTRACT.	SONOMA	489,763.00	102,602.26	BONDS	21,990.00	18,552.26					31,030.00	\$ 71,572.26
17) Citywide Pavement Management/Sidewalk/ADA Projects - CDA TAB Prjs 4,10	N/A	To be determined through bidding process	Fryer Creek Dr, Newcomb St, Malet Pavement. PROJECT NOT STARTED.	SONOMA	262,216.20	0.00	BONDS								\$ -
18) Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prjs #5,6,20	N/A	To be determined through bidding process	Oregon St, 7th St West, Studley St, Barrachi St, Palou St, Fano Dr - PROJECT NOT STARTED	SONOMA	233,293.40	0.00	BONDS								\$ -
19) Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prjs #11,21	N/A	To be determined through bidding process	Malet St, Broadway St. PROJECT NOT STARTED	SONOMA	437,760.00	0.00	BONDS								\$ -
20) Citywide Stormdrain Improvements - 2011 CDA TAB Prj #27	N/A	To be determined through bidding process	Broadway Storm Drain Improvements CIP #6 - NO DESIGN OR CONSTRUCTION	SONOMA	319,331.20	0.00	BONDS								\$ -
21) Citywide Stormdrain Improvements - 2011 CDA TAB Prj #24,25	N/A	To be determined through bidding process	East MacArthur Street Stormdrain; CIP #8 - NO FINAL DESIGN OR CONSTRUCTION STARTED	SONOMA	705,228.00	11,765.50	BONDS								\$ -
22) Citywide Stormdrain Improvements - 2011 CDA TAB Prj #22	3/17/2011 - Winsler & Kelly 7/6/2011 - Ghilotti Construction 7/26/2011 - Miller Pacific	Winsler & Kelly [Design/Engineering]; Ghilotti [construction] Miller Pacific [geotechnical]	Nathanson Creek Outfall - PROJECT 100% COMPLETE	SONOMA	51,432.80	51,432.80	BONDS				3,100.00			0.00	3,100.00
23) Citywide Stormdrain Improvements - 2011 CDA TAB Prj #23	N/A	To be determined through bidding process	West MacArthur Culvert CIP#1 - PROJECT NOT STARTED	SONOMA	341,874.00	0.00	BONDS								\$ -
24) Sebastiani Theater ADA Improvements - 2011 CDA TAB	N/A	To be determined through bidding process	ADA upgrades to Historic Theater. PROJECT NOT STARTED	SONOMA	142,000.00	0.00	BONDS								\$ -
25)															\$ -
26)															\$ -
27)															\$ -
28)															\$ -
29)															\$ -
30)															\$ -
31)															\$ -
32)															\$ -
33)															\$ -
Totals - LMHF					\$ 30,000.00	\$ 30,000.00	LMHF	\$ -	\$ -	\$ -	\$ 7,500.00	\$ -	\$ 7,500.00	\$ 15,000.00	
Totals - Bond Proceeds					\$ 10,078,485.17	\$ 4,434,290.15		\$ 284,017.58	\$ 131,209.15	\$ 30,437.00	\$ 347,927.92	\$ 119,421.25	\$ 340,729.00	\$ 1,253,741.90	
Totals - Other					\$ 799,203.00	\$ 4,054.00		\$ 337.83	\$ 337.83	\$ 337.83	\$ 337.83	\$ 337.83	\$ 337.83	\$ 2,026.98	
Grand total - This Page					\$ 10,907,688.17	\$ 4,468,344.15		\$ 284,355.41	\$ 131,546.98	\$ 30,774.83	\$ 355,765.75	\$ 119,759.08	\$ 348,566.83	\$ 1,270,768.88	

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** All total due during fiscal year and payment amounts are projected.

*** Funding sources from the successor agency: (For fiscal 2011-12 only, references to RPTTF could also mean tax increment allocated to the Agency prior to February 1, 2012.)

RPTTF - Redevelopment Property Tax Trust Fund
 LMHF - Low and Moderate Income Housing Fund
 Bonds - Bond proceeds
 Admin - Successor Agency Administrative Allowance
 Other - reserves, rents, interest earnings, etc



City of Sonoma
City Council/Successor Agency
Agenda Item Summary

City Council Agenda Item: 6C

Meeting Date: 04/16/2012

Department

Administration

Staff Contact

Gay Johann, City Clerk

Agenda Item Title

Approval of the portions of the Minutes of the March 19 and April 2, 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 5F for minutes



City of Sonoma
City Council
as Successor Agency
Agenda Item Summary

City Council Agenda Item: 6D

Meeting Date: 04/16/2012

Department

Administration

Staff Contact

Carol Giovanatto, Assistant City Manager

Agenda Item Title

Discussion, Consideration and Possible Action on Adoption of the Second Recognized Obligation Payment Schedule [ROPS] for the period July 1, 2012 through December 31, 2012

Summary

As required by legislation AB1x26, the Recognized Obligation Schedule [ROPS] must be prepared and approved for each prospective six month period of the fiscal year. The ROPS under consideration tonight covers the period July 1, 2012 through December 31, 2012 and includes updates to all previously approved projects and expenditures. For those projects and expenditures which were completed by June 30, 2012, the line item has been removed from the ROPS for this period. Continuing with the steps necessary to comply with the wind down of the Redevelopment Agency, the City Council acting as the Successor Agency must adopt the ROPS by May 1st. Once the ROPS is approved by the Successor Agency, it will be presented to the Oversight Board on May 9th for approval and submittal to Department of Finance, the State Controller's office and the County Auditor-Controller.

Recommended Council Action

Acting as the Successor Agency, approve the ROPS for the period July 1, 2012 through December 31, 2012 as submitted for presentation to the Oversight Board on May 9th.

Alternative Actions

N/A

Financial Impact

Unknown at this time

Environmental Review

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

Status

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

Attachments:

Recognized Obligation Schedule

cc:

CITY OF SONOMA

RESOLUTION NO. ____ - 2012

A RESOLUTION OF THE CITY COUNCIL AS THE SUCCESSOR AGENCY TO THE DISSOLVED REDEVELOPMENT AGENCY OF THE CITY OF SONOMA APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD JULY 1, 2012 THROUGH DECEMBER 31, 2012

WHEREAS, pursuant to Health and Safety Code Section 34180(g), the City Council as the Successor Agency is required to review and approve the Recognized Obligation Payment Schedule prepared by the Successor Agency covering the six month period July 1, 2012 through December 31, 2012, and for each six month period thereafter; and

WHEREAS, the Successor Agency to the dissolved Redevelopment Agency of the City of Sonoma must approve the Recognized Obligation Payment Schedule for the six month period July 1, 2012 through December 31, 2012; and

WHEREAS, staff has presented the foregoing described Recognized Obligation Payment Schedule to the City Council as Successor Agency for review and approval; and

WHEREAS, on May 9, 2012, the ROPS will be presented to the Oversight Board for review and consideration as approved by the Successor Agency;

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

SECTION 1. The Successor Agency hereby approves the Recognized Obligation Payment Schedule for the period July 1, 2012 through December 31, 2012, as set forth in Exhibit "A" to this Resolution and by this reference incorporated herein.

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

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

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

PASSED AND ADOPTED by the Successor Agency at a meeting held on the 16th day of April, 2012 by the following vote.

AYES:
NOES:
ABSENT:

Joanne Sanders, Mayor

ATTEST:

Gay Johann, City Clerk

**RECOGNIZED OBLIGATION PAYMENT SCHEDULE - CONSOLIDATED
FILED FOR THE 07/01/2012 to 12/31/2012 PERIOD**

Name of Successor Agency City of Sonoma as Successor Agency

	Current	
	Total Outstanding Debt or Obligation	Total Due During Fiscal Year
Outstanding Debt or Obligation	\$ 60,048,201.98	\$ 8,817,343.78
	Total Due for Six Month Period	
Outstanding Debt or Obligation	\$ 6,506,030.07	
Available Revenues other than anticipated funding from RPTTF	\$ 1,845,735.60	
Enforceable Obligations paid with RPTTF	\$ 4,410,294.47	
Administrative Cost paid with RPTTF	\$ 250,000.00	
Pass-through Payments paid with RPTTF	\$ -	
Administrative Allowance (greater of 5% of anticipated Funding from RPTTF or 250,000. Note: Calculation should not include pass-through payments made with RPTTF. The RPTTF Administrative Cost figure above should not exceed this Administrative Cost Allowance figure)	\$ 250,000.00	

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

JOANNE SANDERS	CHAIR
_____ Name	_____ Title
_____ Signature	_____ Date

DRAFT RECOGNIZED OBLIGATION PAYMENT SCHEDULE
 Per AB 26 - Section 34177 (*)

Project Name / Debt Obligation	Contract/Agreement Execution Date	Payee	Description	Project Area	Total Outstanding Debt or Obligation	Total Due During Fiscal Year 2012-2013	Funding Source	Payable from the Redevelopment Property Tax Trust Fund (RPTTF)							
								Payments by month							
								July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012	Total	
1) 2003 Tax Allocation Bond	6/2/2003	Bank of New York	Portion of Bonds issue to fund non-housing projects	SONOMA	\$ 13,804,000.00	954,967.01	RPTTF						954,967.01	0.00	\$ 954,967.01
2) 2003 Tax Allocation Bond	6/2/2003	Bank of New York	Portion of Bonds issue to fund housing projects	SONOMA	3,451,000.00	238,741.75	RPTTF						238,741.75	0.00	\$ 238,741.75
3) 2010 Tax Allocation Bond	9/22/2010	Bank of New York	Portion of Bonds issue to fund non-housing projects	SONOMA	11,961,566.00	597,218.00	RPTTF						597,218.00	0.00	\$ 597,218.00
4) 2010 Tax Allocation Bond	9/22/2010	Bank of New York	Portion of Bonds issue to fund housing projects	SONOMA	2,990,389.00	149,304.50	RPTTF						149,304.50	0.00	\$ 149,304.50
5) 2011 Tax Allocation Bond	3/4/2011	Bank of New York	Portion of Bonds issue to fund non- housing projects	SONOMA	13,646,000.00	836,714.38	RPTTF						836,714.38	0.00	\$ 836,714.38
6) 2011 Tax Allocation Bond	3/4/2011	Bank of New York	Portion of Bonds issue to fund housing projects	SONOMA	1,450,000.00	88,854.62	RPTTF						88,854.62	0.00	\$ 88,854.62
7) City of Sonoma/1993 REFA COP Financing	6/1/2007	Municipal Finance Corporation	Percentage of financing [37%] to fund Carnegie Library upgrade in 1993	SONOMA	104,448.00	104,448.00	RPTTF						0.00	0.00	\$ -
8) Exchange Bank Loan	3/1/2005	Exchange Bank	Affordable Senior Housing Project purchased in 2005 to maintain affordability	SONOMA	1,973,212.00	136,961.00	RPTTF	11,413.40	11,413.40	11,413.40	11,413.40	11,413.40	22,826.80		\$ 79,893.80
9) Visitors Bureau Contract for Service	3/7/2011	Sonoma Valley Visitors Bureau	Contract for Marketing & Promotion	SONOMA	218,000.00	218,000.00	RPTTF	18,167.00	18,167.00	18,167.00	18,167.00	18,167.00	18,167.00	18,167.00	\$ 109,002.00
10) Historic Preservation Easement	3/9/2011	Sonoma Community Center	Acquisition of Historic Preservation Easement	SONOMA	400,000.00	50,000.00	RPTTF						25,000.00		\$ 25,000.00
11) City Loan entered into on 08/2009	6/2/2010	Municipal Finance Corporation	Clean Renewable Energy Bonds [CREBS]	SONOMA	867,000.00	72,250.00	RPTTF							72,250.00	\$ 72,250.00
12) Memorandum of Understanding regarding Joint Funding of Economic Development Program	1/19/2011	City of Sonoma [Lead Agency for Program]	Memorandum of Understanding between three parties: Sonoma Valley Chamber of Commerce, Sonoma County Community Development Commission and Sonoma Community Development Agency	SONOMA	69,360.00	69,360.00	RPTTF	5,780.00	5,780.00	5,780.00	5,780.00	5,780.00	5,780.00	5,780.00	\$ 34,680.00
13) Legal Services	2/22/2012	Rutan and Tucker	Legal Counsel for Successor Agency	SONOMA	6,600.00	80,000.00	RPTTF	6,666.67	6,666.67	6,666.67	6,666.67	6,666.67	6,666.67	6,666.67	\$ 40,000.02
14) Legal Services	2/22/2012	Jeffery A. Walter, a Professional Law Corporation	Legal Counsel for Successor Agency	SONOMA	11,900.43	50,000.00	RPTTF	4,166.67	4,166.67	4,166.67	4,166.67	4,166.67	4,166.67	4,166.67	\$ 25,000.02
15) Successor Agency CPA Audit	6/1/2006	C G Uhlenberg LLC	Auditing services for Successor Agency	SONOMA	27,000.00	27,000.00	RPTTF			10,000.00			7,000.00		\$ 17,000.00
16) Underground Fuel Storage Tank Monitoring	1/24/2007	Conestoga-Rovers Associates	Underground Storage Tank monitoring of 32 Patten, property owned by former Sonoma Community Development Agency	SONOMA	27,800.00	27,800.00	RPTTF	2,316.67	2,316.67	2,316.67	2,316.67	2,316.67	2,316.67	2,316.67	\$ 13,900.02
17) 2010 SERAF Loan Payment due to Housing Fund	2/10/2010	Sonoma County Community Development Commission/Housing Authority	Agency loan from LMI fund to CDA fund for payment of 2010 SERAF Payment	SONOMA	1,125,836.00	1,125,836.00	RPTTF							1,125,836.00	\$ 1,125,836.00
18) Property @ 32 Patten Street [Old Fire Station]	1/1/1986	City of Sonoma	Water Utility costs for Property located at 32 Patton Street [old fire station; asset to be liquidated per AB1X26]	SONOMA	61.43	368.58	RPTTF		61.43		68.00			112.00	\$ 241.43
19) Property @ 32 Patten Street [Old Fire Station]	1/1/1986	Sonoma County Tax Collector	Sewer Utility costs for Property located at 32 Patton Street [old fire station; asset to be liquidated per AB1X26]	SONOMA	1,690.92	3,381.84	RPTTF						1,690.92		\$ 1,690.92
20)															
21)															
22)															
23)															
24)															
25)															
26)															
27)															
Totals - This Page (RPTTF Funding)					\$ 52,135,863.78	\$ 4,831,205.68	\$ -	\$ 48,510.41	\$ 48,571.84	\$ 58,510.41	\$ 48,578.41	\$ 2,948,001.59	\$ 1,258,121.81	\$ 4,410,294.47	
Totals - Page 2 (Other Funding)					\$ 7,662,338.20	\$ 3,736,138.10	N/A	\$ 96,605.15	\$ 562,398.60	\$ 562,398.60	\$ 550,203.60	\$ 62,554.15	\$ 11,575.50	\$ 1,845,735.60	
Totals - Page 3 (Administrative Cost Allowance)					\$ 250,000.00	\$ 250,000.00	N/A	\$ -	\$ -	\$ -	\$ -	\$ 250,000.00	\$ -	\$ 250,000.00	
Totals - Page 4 (Pass Thru Payments)					\$ -	\$ -	N/A	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Grand total - All Pages					\$ 60,048,201.98	\$ 8,817,343.78		\$ 145,115.56	\$ 610,970.44	\$ 620,909.01	\$ 598,782.01	\$ 3,260,555.74	\$ 1,269,697.31	\$ 6,506,030.07	
RPTTF - Redevelopment Property Tax Trust Fund			Bonds - Bond proceeds		Other - reserves, rents, interest earnings, etc										
LMIHF - Low and Moderate Income Housing Fund			Admin - Successor Agency Administrative Allowance												

DRAFT RECOGNIZED OBLIGATION PAYMENT SCHEDULE
Per AB 26 - Section 34177 (*)

Project Name / Debt Obligation	Contract/Agreement Execution Date	Payee	Description	Project Area	Total Outstanding Debt or Obligation	Total Due During Fiscal Year 2012-2013	Funding Source	Payable from Other Revenue Sources							
								Payments by month							
								July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012	Total	
1) Emergency/Homeless Shelter (Housing)	3/7/2011	Sonoma Overnight Shelter	Contract for Emergency Shelter Operations	SONOMA	30,000.00	30,000.00	LMHF				7,500.00			7,500.00	\$ 15,000.00
2) Village Green II Low Income Housing USDA Loan	5/1/2005	United States Department of Agriculture	Affordable Senior Housing Project purchased in 2005 to maintain affordability	SONOMA	795,149.00	48,906.00	OTHER	4,075.50	4,075.50	4,075.50	4,075.50	4,075.50	4,075.50	4,075.50	\$ 24,453.00
3) Affordable Housing Projects within Project Area - 2011 CDA TAB	1/30/2012	Sonoma County Housing Authority	Low/Moderate Housing projects - NO PROJECT STARTED	SONOMA	1,450,000.00	0.00	BONDS							0.00	\$ -
4) Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prjs #1,2,3,7,8,9,12,14,15,16,17,19,31	4/11/2011 - Winzler & Kelly 7/6/2011 - Ghilotti Construction; 8/4/2011 - Able Construction	Winzler & Kelly [Engineering]; Ghilotti [Construction]; Able Construction [Construction]	ADA Curb Ramps: Design and construction contracts ongoing for individual roadway projects.	SONOMA	\$589,025.62	191,158.50	BONDS	1,500.00	17,427.00	17,427.00	17,427.00		1,500.00		55,281.00
5) Citywide Pavement Management/Sidewalk/ADA Projects - CDA TAB Prj. 27: local match for \$133,870 CalTRANS Grant	3/17/2011 Winzler & Kelly	Winzler & Kelly [Engineering/Design]	Leveroni, Broadway turn-lane signal - DESIGN IS 90% COMPLETE; NO CONSTRUCTION CONTRACT	SONOMA	12,157.75	0.00	BONDS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -
6) Citywide Pavement Management/Sidewalk/ADA - 2011 CDA TAB Prj #2, 3, 17	3/17/2011 - Winzler & Kelly 11/22/2011 - Miller Pacific	Winzler & Kelly [Engineering] Miller Pacific [Geotechnical];	Street Overlays: 2nd West (Napa-Spain); 1st West (Spain-VetsBldg); Harrington (Harrington-Manor); West Spain (1st-2nd); DESIGN ONGOING; CONSTR. START MAY 2013	SONOMA	977,017.22	641,664.00	BONDS	9,285.00	9,285.00	9,285.00					\$ 27,855.00
7) Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prj #26	3/17/2011 - Winzler & Kelly 7/26/2011 - Miller Pacific 10/26/2011 - Exaro 3/9/2012 - GHD	Winzler & Kelly [Engineering] Miller Pacific [Geotechnical]; Exaro [Potholing]; GHD [Right of Way]	Bikeway Improvements-Fryer Creek Bridge at Newcomb; DESIGN ONGOING; CONSTR START JUNE 2013	SONOMA	418,718.82	146,044.00	BONDS	10,410.00	10,410.00	10,410.00					\$ 31,230.00
8) Citywide Pavement Management/Sidewalk/ADA Projects- 2011 CDA TAB PRJ #8,9,14,47	3/17/2011 - Winzler & Kelly ; 1/4/2012 - GHD [Design]	Winzler & Kelly [Engineering]; GHD [Design]	Street Overlays: Curtin (5th W-7th W); Church (4th W-5th W), [Palou & Fano non-participating TAB funds];	SONOMA	660,480.03	615,576.00	BONDS	7,818.00	202,586.00	202,586.00	202,586.00				\$ 615,576.00
9) Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prj #30	3/17/2011- Winzler & Kelly 7/23/2011- Miller Pacific	Winzler & Kelly [Engineering] Miller Pacific [Geotechnical];	Street Overlays: Napa Road (Broadway-Jones); DESIGN ONGOING; CONSTR START AUGUST 2012	SONOMA	853,897.25	791,447.35	BONDS	6,538.00	261,636.45	261,636.45	261,636.45				\$ 791,447.35
10) Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prj # 29. Local Match for CalTrans Funding Agreement dated 6/29/2011; CalTrans Grant \$1.4 million.	3/17/2011- Winzler & Kelly 9/16/2011- Quincy	Winzler & Kelly [Engineering/admin/CalTrans]; Quincy [Design/Environmental/ROW]	Chase Street Bridge Replacement @ Nathanson Ck; (Local Match only); DESIGN ONGOING; ROW START MARCH; CONSTR START JUNE 2013	SONOMA	264,710.26	137,144.00	BONDS	24,932.40	24,932.40	24,932.40	24,932.40	24,932.40			\$ 124,662.00
11) Citywide Pavement Management/Sidewalk/ADA Projects - CDA TAB Prjs 4,10, 11	N/A	GHD (Engineering) Miller Pacific (Geotechnical) Constr to be determined through bidding process	Street Overlays: Fryer Ck Dr (hiking path-Newcomb); Newcomb (FryerCk-Broadway); Malet (Broadway-1st West); DESIGN START JUNE 2012; CONSTR START MAY 2013	SONOMA	514,152.00	359,326.00	BONDS	9,935.00	9,935.00	9,935.00	9,935.00	9,935.00	9,935.00		\$ 49,675.00
12) Citywide Pavement Management/Sidewalk/ADA Projects - 2011 CDA TAB Prjs #5,6,20,18	N/A	GHD (Engineering) Miller Pacific (Geotechnical) Constr to be determined through bidding process	Street Overlays: Oregon (5th West-6th West); 7th West (Studley-W Napa); Barachi (Perkins-Bachero); Studley St; Patten St (Broadway to Austin); 6th St (Oregon-Studley); DESIGN ONGOING; CONSTR START MAY 2013	SONOMA	1,097,030.25	774,872.25	BONDS	22,111.25	22,111.25	22,111.25	22,111.25	22,111.25	22,111.25		\$ 110,556.25
13) Citywide Stormdrain Improvements - 2011 CDA TAB Prj #24,25	N/A	Design to start January 2013 Miller Pacific (Geotechnical) Constr to be determined through bidding process	Storm Drain Impr: Fryer Ck Bypass @ Bettencourt, Arroyo Way; Robinson Rd pipe; DESIGN START JAN 2013;	SONOMA	298,562.36		BONDS								
14) Citywide Stormdrain Improvements - 2011 CDA TAB Prj #23	N/A	Design to start January 2013 Miller Pacific (Geotechnical) Constr to be determined through bidding process	Storm Drain Impr: West macArthur culvert over Fryer Ck; DESIGN START JAN 2013; CONSTR START SUMMER 2013	SONOMA	400,000.00	0.00	BONDS								\$ -
15) Sebastiani Theater ADA Improvements - 2011 CDA TAB	N/A	To be determined through bidding process	Install ADA improvements to historic theater for public access.	SONOMA	142,000.00	0.00	BONDS								
16)															
17)															
18)															
19)															
20)															\$ -
21)															\$ -
22)															\$ -
23)															\$ -
24)															\$ -
25)															\$ -
26)															\$ -
Totals - LMIHF					\$ 30,000.00	\$ 30,000.00		\$ -	\$ -	\$ -	\$ 7,500.00	\$ -	\$ -	\$ 7,500.00	\$15,000.00
Totals - Bond Proceeds					\$ 6,837,189.20	\$ 3,657,232.10		\$ 92,529.65	\$ 558,323.10	\$ 558,323.10	\$ 538,628.10	\$ 58,478.65	\$ -	\$ -	\$1,806,282.60
Totals - Other					\$ 795,149.00	\$ 48,906.00		\$ 4,075.50	\$ 4,075.50	\$ 4,075.50	\$ 4,075.50	\$ 4,075.50	\$ 4,075.50	\$ 4,075.50	\$24,453.00
Grand total - This Page					\$ 7,662,338.20	\$ 3,736,138.10		\$ 96,605.15	\$ 562,398.60	\$ 562,398.60	\$ 550,203.60	\$ 62,554.15	\$ 11,575.50	\$ 1,845,735.60	

* The Preliminary Draft Recognized Obligation Payment Schedule (ROPS) is to be completed by 3/1/2012 by the successor agency, and subsequently be approved by the oversight board before the final ROPS is submitted to the State Controller and State Department of Finance by April 15, 2012. It is not a requirement that the Agreed Upon Procedures Audit be completed before submitting the final Oversight Approved ROPS to the State Controller and State Department of Finance.
 ** All total due during fiscal year and payment amounts are projected.
 *** Funding sources from the successor agency: (For fiscal 2011-12 only, references to RPTTF could also mean tax increment allocated to the Agency prior to February 1, 2012.)
 RPTTF - Redevelopment Property Tax Trust Fund
 LMIHF - Low and Moderate Income Housing Fund
 Bonds - Bond proceeds
 Admin - Successor Agency Administrative Allowance
 Other - reserves, rents, interest earnings, etc



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 7A

Meeting Date: 04/16/2012

Department

Planning

Staff Contact

David Goodison, Planning Director

Agenda Item Title

Discussion, consideration, and possible action on the appeal of Kevin and Bernadette Calhoun regarding Planning staff's interpretation of the provisions of an easement pertaining to 19725 Seventh Street East.

Summary

The property located at 19725 Seventh Street East, although located outside of city limits, is subject to a scenic easement granted to the City by its former owners in 1985. This easement was required in conjunction with the annexation and development of the Laurel Wood subdivision, a 16-unit single-family development at Avenue del Oro and Appleton Way. As stated in the City Council resolution requiring the easement, its purpose is to ensure that "...no additional dwelling units be constructed on the easterly portion of the subject property and not being annexed to the City of Sonoma by this reorganization." The easement document itself (attached) goes into greater detail in implementing this intent and includes a requirement that no excavation or grading may occur on the property without the prior written consent of the City. Early in 2012, Robert Bauman, an architect representing the current property owner (Selma Blanusa), provided Planning staff with a proposal to relocate an existing stable and to develop a new garage on the property. After evaluating this proposal with respect to the terms of the easement, staff made written finding of compliance. This finding was shared with interested neighbors as the property owner had been in communication with them concerning the project. With specific reference to the relocation of the stable, this staff finding has been appealed to the City Council by Kevin and Bernadette Calhoun (714 Appleton Way). See the attached supplemental report and attachments for additional information and analysis.

Recommended Council Action

Deny the appeal.

Alternative Actions

Uphold the appeal or direct staff to conduct additional research.

Financial Impact

N.A.

Environmental Review

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

Status

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

Attachments:

1. Supplemental Report.
2. Location map.
3. Appeal Package (includes attachments).
4. Correspondence from Richard Hicks on behalf of the appellants (includes attachments).
5. Resolution 8-84 (establishing the requirement for the scenic easement).
6. City Council minutes (note: references to the scenic easement are highlighted).
7. Annotated excerpts from the Laurel Wood EIR (note: references to the bypass easement and the scenic easement are highlighted).
8. Correspondence.

cc:

Easement appeal mailing list (via email)

SUPPLEMENTAL REPORT

Discussion, consideration, and possible action on the appeal of Kevin and Bernadette Calhoun regarding Planning staff's interpretation of the provisions of an easement pertaining to 19725 Seventh Street East

For the City Council Meeting of April 16, 2012

Background

The property located at 19725 Seventh Street East, although located outside of city limits, is subject to a scenic easement granted to the City by its former owners in 1985. In 1981, this property was owned by the Dowds. Their property comprised 8.74 acres, but they proposed and were granted the right to subdivide the western 4.1 acres into 16 lots. The remaining 4.64 acres (the "remainder") was retained by the Dowds as their principal residence. The scenic easement covers the entirety of the remainder parcel. This easement was required in conjunction with the annexation and development of what was the eastern half of the property with the Laurel Wood subdivision, a 16-unit single-family development at Avenue del Oro and Appleton Way. As stated in the City Council resolution requiring the easement (Attachment 5), *"the [Dowds] shall file with the City of Sonoma a scenic easement deed or other instrument acceptable to the City Council guaranteeing that no additional dwelling units be constructed on the easterly portion of the subject property and not being annexed to the City of Sonoma by this reorganization."* In conformance with this requirement, a scenic easement document was crafted, accepted by the City Council, and thereafter recorded. The easement document itself (included in Attachment 4) goes into greater detail in implementing this intent and includes a requirement that no excavation or grading may occur on the property without the prior written consent of the City. Early in 2012, Robert Bauman, an architect who represents the current property owner (Selma Blanus), provided Planning staff with a proposal to relocate an existing stable and to develop a new garage on the property. After evaluating this proposal with respect to the terms of the easement, staff made written findings of compliance, which was shared with interested neighbors. With specific reference to the relocation of the stable, this staff finding was appealed by Kevin and Bernadette Calhoun (714 Appleton Way) as allowed under section 1.24.010 of the Municipal Code.

Proposed Development (Relocation of Stable)

The stable is an existing structure that is currently located approximately 379 feet from the western property line (which adjoins the Laurel Wood subdivision). The existing stable features grooved plywood siding, to be replaced with board and batten siding, and asphalt composition roof, to be replaced with a metal roof. It has a length of 42 feet and a width of 34 feet, with wall heights that range from 9 feet to a peak of 17 feet, and an existing cupola that extends to 18'-0" above grade. In conjunction with the relocation, two cupolas will replace the single cupola, which would increase the peak height by 2 feet. Otherwise, the proposed stable is the same size as the existing stable. Under the proposal, the stable would be moved to the west, to be set back 60 feet from the western property line. (See attached site plan and elevations, included within Attachment 4.) Because the subject property is outside of city limits, County zoning regulations apply. These include a requirement that "Farm Animal Buildings" be set back a minimum of 60 feet from adjoining residential properties.

Appeal

In their appeal to the City Council of staff's determination that the relocation of the stable is consistent with the limitations of the easement, the Calhoun's make four main points:

1. The Calhoun's, and other property owners on Appleton Way, relied on the assurances of City staff that under the terms of the easement the subject property would remain open and undeveloped. Based

on their understanding of the limitations imposed on the subject property, they made substantial improvements to their residences to enjoy views of the property encumbered by the easement.

2. That in their understanding of the terms of the easement, "... *the use of the land for the storage of movable property, including the housing of domestic animals and livestock...*" is prohibited.
3. The placement of the stable on what is currently undeveloped land adversely affects the value and character of their property.
4. The placement of the stable is inconsistent with the purposes of the easement, which, as informed in their view by the EIR, was to prohibit any development in the western 150' of the remainder parcel.

In consideration of these points, the Calhoun's are requesting that the Council affirm that the terms of the easement prohibit the relocation of the stable and vacate staff's finding of compliance. The complete appeal package is attached, along with a supplemental letter and related materials provided by an attorney representing the appellants (see Attachments 3 and 4).

Staff's analysis of the terms of the easement in relation to the proposed project is set forth below. On the issue of assurances that Planning staff may have made to residents of the Laurel Wood subdivision regarding the effect of the easement, it is possible that staff described the restrictions more broadly than may be supported by a close reading of its specific terms. The easement is referred to in the minutes of various Planning Commission and City Council hearings as an "open space easement" and as a "scenic easement." Describing the easement in this manner may give an incorrect impression of its true scope. Planning staff strives to provide accurate advice regarding property conditions such as the easement in question. However, if staff did indeed mischaracterize it, that mistake—while highly unfortunate—does not alter the terms of the easement nor prevent the City from construing or enforcing the easement in accordance with its actual terms.

Easement Background and Provisions

Background. Complicating the analysis of this issue is the fact that two overlapping easements were required on the remainder portion of the Dowd property: 1) a 150-wide easement intended to accommodate the Nathanson Creek Bypass; and, 2) the easement in question, which is a conservation easement applied to the entirety of the remainder parcel. Although these easements had different purposes, both are referred to in various portions of the record (in particular, the Environmental Impact Report (EIR) that was prepared for the project) as "scenic" easements and both are referred to as having a flood control purpose. A more detailed description of each follows:

1. *Bypass Easement.* This easement was required to accommodate the Nathanson Creek bypass, a large-scale drainage improvement that had been planned by the Sonoma County Water Agency as a flood control measure. This easement encompassed a 150-foot wide segment of the remainder parcel, adjoining the laurel Wood subdivision. It was vacated by the City Council in 1990 after the Water Agency decided to abandon the project. There are number of references to this easement in the Laurel Wood subdivision EIR in which this easement is also described as serving an open space preservation purpose, perhaps because it was anticipated that a bike path/linear park would be developed in conjunction with the bypass channel. (Relevant excerpts from the Laurel Wood EIR are attached, with references to this easement highlighted.) In staff's view, if the Bypass easement were still in place, the stable could not be relocated as is now being proposed as it would potentially interfere with the construction of a bypass channel. However, as noted, this easement has been vacated because of the decision of the Water Agency to not implement the bypass project.
2. *Scenic Easement.* A scenic easement was required as a condition of the annexation and development of the western portion of what was formerly known as the Dowd property. In essence, the Laurel Wood development occurred on the western half of the property, which was annexed to the City, while the easement was applied to the eastern half of the property, which remained in the County.

Based on a review of Planning Commission and City Council minutes, it appears that the concept of such an easement was proposed by the applicant early in the development review process. The easement was also identified as a mitigation measure in the Laurel Wood subdivision EIR. Somewhat oddly, it is identified as flood control mitigation measure (along with the separate mitigation measure requiring an easement for the bypass channel), which read as follows:

File with the City a scenic easement for the easterly 4.74 acres of the property. (Condition of Project Approval 11.) [Note: See page 54 in Attachment 7.]

Ultimately, the requirement for this easement as a condition of approval was attached to the annexation of the western portion of the Dowd property through City Council Resolution 8-84 (see Attachment 5), adopted on January 23, 1984, which included the following provision:

The applicant shall file with the City of Sonoma a scenic easement deed or other instrument acceptable to the City Council guaranteeing that no additional dwelling units be constructed on the easterly portion of the subject property and not being annexed to the City of Sonoma by this reorganization.

Both easements were subsequently adopted by the City Council as a consent calendar item on March 11, 1985. (Note: the project file for the Laurel Wood development was purged sometime prior to the City's file digitization program. As a result, the only remaining documents on file with the City are the Planning Commission and City Council minutes and the various resolutions associated with the project. Fortunately, a representative of the appellants was able to locate a copy of the EIR.)

Purpose and Effect of Easement Provisions. In the attached minutes and excerpts from the EIR, references to the scenic easement are highlighted. It is referred to variously as an open space easement, as a scenic easement, as an easement required for flood control purposes, and even as a historic easement. In staff's view, the most complete discussion of the easement's origin is found in the City Council meeting minutes of the October 26, 1981 (see page 3 of the minutes, included within Attachment 6). In that meeting, the applicant's engineer describes the project as a "clustered development," in which the residential density allowance of the site as a whole would be concentrated on the west side of the site, with the east side of the site to remain in a rural condition enforced by a covenant. With respect to the Council's overall intent in requiring the easement, it is staff's view that the language in Resolution 8-84, quoted above, represents the adopted expression of the easement's principal purpose. Indeed, Resolution 8-84 makes it clear that, notwithstanding what may have appeared in the EIR or other documents and notwithstanding what people were reported to have said about the easement's purpose, the ultimate intent of the Council was to be set forth in an instrument that the Council found "acceptable". The instrument that the Council found as an acceptable expression of its intent is that which is before the Council at the present time.

As for the easement document itself, in relevant part it states that:

“. . . the grantors transfer to the public the right in perpetuity to have the said land remain free of dwelling houses and other structures designed or intended for human habitation, for control of building density in the immediate neighborhood pursuant to City of Sonoma approval issued to the grantor for subdivision development on adjacent property. Reference is made to the proceedings of the Planning Commission and City Council of the City of Sonoma for further particulars.

...

“[no] building or structures [shall be erected] . . . which by design or intent might be used for human habitation in a manner which would increase the dwelling density of the lands owned by [the Dowds] in the vicinity of the described property on the date of this deed, other than such improvements, buildings, structures or other things existing on the said property at the time of this grant.”

...

In construing the intention of the parties to any document, one must first examine the words used in the

document, and if they are clear, there is no need to resort to other evidence to ascertain their meaning. Viewed as a whole, the language used in the subject easement makes it clear that (a) no additional structures may be erected and no existing structures could be remodeled to increase the property's dwelling units, (b) specific uses were either proscribed or permitted only if consented to by the City, and (c) the then existing structures and uses were expressly or implicitly allowed to continue.

It is significant that this easement and its restrictions were made applicable to the entire remainder parcel: even that part which was occupied by the residence, garage, shed and stables. Thus, the first passage quoted above that requires the property to remain "free" of dwelling houses cannot be taken at face value because the property contained the Dowds' residence, but must, as indicated above, be read in tandem with the other provisions of the easement. Although the easement states that its prohibition against dwelling structures is to "control building density", it does not state that additional non-dwelling buildings are prohibited, nor state that existing structures or uses cannot be relocated within the easement. And, in any event, the present proposal does not increase the number of buildings on the property.

A secondary set of limitations on the use of the property is set forth in the third paragraph on page 2. In this section, it is stated that:

"Grantors also covenant for themselves and their successors and assigns that they will not use or permit the use of the subject property for any purpose inconsistent with the easement hereby granted and with the findings of the City Council of the City of Sonoma relative to the subject property. The said property shall not be used as a parking lot, storage area or dump site, or otherwise be utilized for the deposit of movable property upon the said property or of anything else that is not natural or compatible to the neighboring properties."

The first sentence appears to reiterate the previous restrictions, although it is not clear to staff what findings are being referred to at the conclusion of that sentence. Although the easement states that the property may not be used by anything that is "not natural or compatible to the neighboring properties", that prohibition cannot, by definition, be applicable to the uses to which the property was being put at the time of its subdivision, namely, residential, horse stables, shed, and garage. Such uses are permitted by the easement and implicitly determined to be compatible with neighboring properties. Therefore, the uses and structures which were extant at the time the easement deed was recorded are permitted uses under the easement. Because the easement covers the entire property, those uses and structures could and can be located anywhere on the property (except as may be controlled by applicable land use restrictions). There is nothing in the easement that prevents such structures or uses from being relocated within the easement area. With respect to new structures and activities that might be proposed for the property (such as the garage), it is Planning staff's view the references to "storage area", "dump site" and the like suggest that these limitations are aimed at avoiding nuisance conditions and are not necessarily intended to preclude accessory structures or uses that are permitted under the property's zoning. (If and when a new structure is proposed on the property that raises issues of compatibility, this question could be revisited by the Council under the terms of the easement.)

Findings

Based on the appeal, staff has re-evaluated the proposed project in terms consistency with the easement in light of the issues raised by the appellants and their attorney. Staff's analysis and conclusions in this regard are as follows:

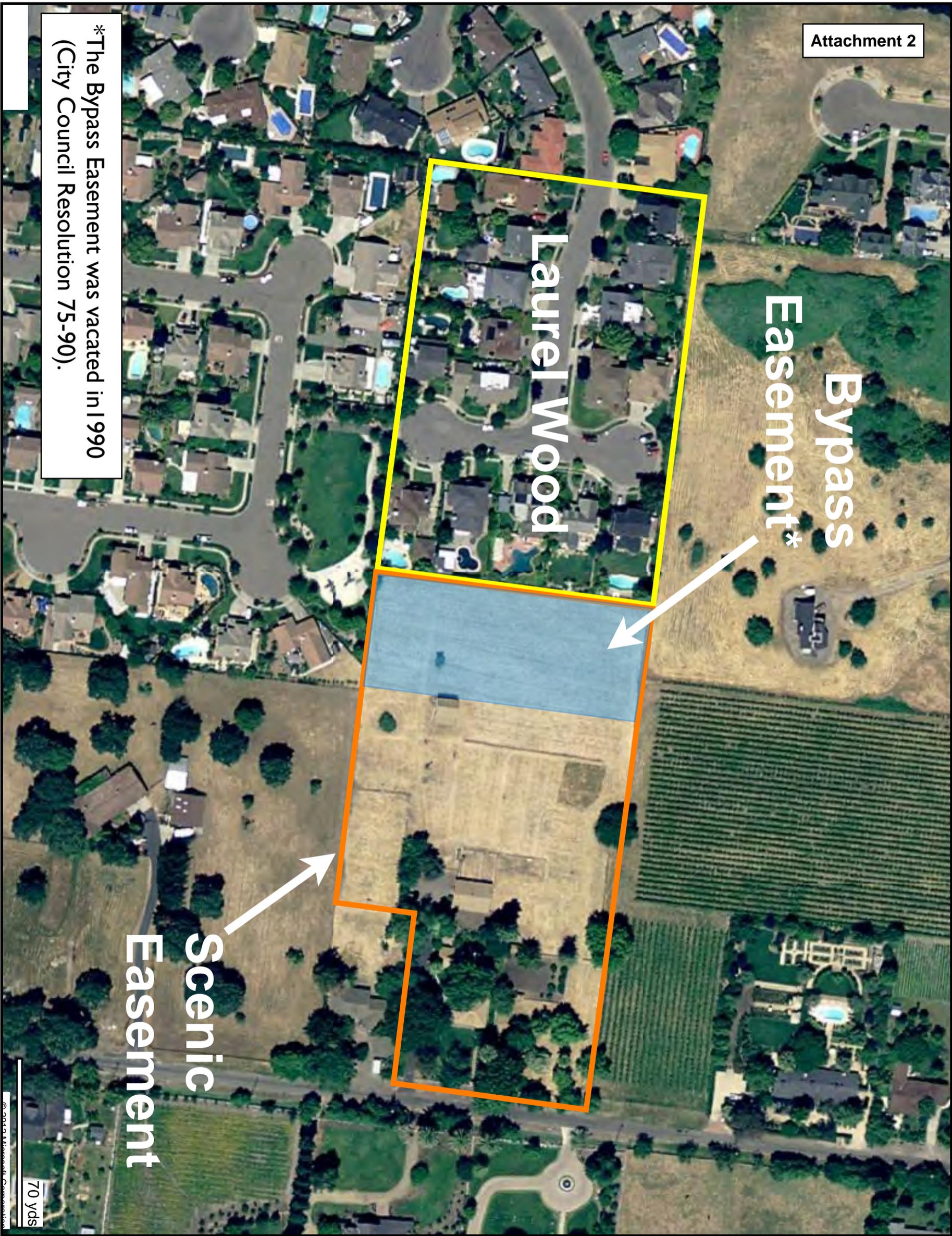
1. **The Easement Language Controls.** While the background information summarizing the origins of the easement requirement provides useful context in terms intent, it is staff's view that ultimately the proposed project must be evaluated against the language of the easement itself.

2. **Easement Purpose and Primary Restrictions.** Because the stable existed on the property at the time the easement was recorded, the use of the property for stables is considered to be permitted by and compatible with the terms of the easement. Even if the proposed stable was regarded as a new structure, because it is not designed for human habitation and would not increase the residential density of the property, it is staff's view that the relocation of the stable is consistent with both the overall purpose of the easement and its specific limitations prohibiting increased density.
3. **Secondary Restrictions related to Moveable Property.** While it is the case that the stable is "movable" in the sense that it is proposed to be relocated, it is a stick-built structure that is on a foundation now and will be placed on a foundation when moved. In terms of the Building Code and zoning definitions, this makes it a permanent structure that is distinct from mobile homes, trailers, and similar items that would be considered "moveable property." In their appeal statement, the appellants appear to argue that horses and cows should be considered as "moveable property" that would be "stored" in the stable. While this particular interpretation had not previously occurred to staff, we do not find it convincing. The stated purpose of the easement is to prevent the subdivision of the property or its development with additional residences. Ranching and agricultural uses and accessory structures that do not add residential density are consistent with that purpose, especially as the stable existed prior to the establishment of the easement and there are agricultural and ranching uses on other properties in the neighborhood.
4. **Secondary Restrictions related to Compatibility.** It is asserted that the relocation of the stable is incompatible with neighboring residential properties, which would be contrary to the terms of the easement. Because the stable existed at the time the easement was recorded, it is staff's view that it and the activities associated with it are considered to be compatible with the purposes and limitations of the easement. Even apart from that, in the absence of any guiding language in the easement itself, a test that staff suggests to assess compatibility is whether or not the structure or activity is consistent with applicable zoning regulations, especially as the zoning of the property has not substantially changed since the imposition of the easement. In this case, the stable is allowed in the County's Rural Residential zone as an accessory building and it meets the County's 60-foot setback for "Farm Animal Buildings." Based on the size of the property, up to 10 horses may be maintained upon it without a use permit. (Note: If the zoning of the property were to significantly change in the future, this approach might not be valid.)
5. **EIR.** In the follow-up letter provided by appellant's attorney, reference is made to various discussions in the EIR about the purpose of the easement and it is asserted that that a 150-foot wide segment of the Dowd property was intended to remain entirely undeveloped. (See annotated excerpts from the EIR, Attachment #6.) It is staff's view these discussions actually refer to the Bypass easement, which, like the scenic easement was characterized as having an open space protection purpose, as well as providing for the construction of a bypass channel. This conclusion is based on the following: 1) the Bypass easement had a width of 150 feet; and, 2) there is no reference to any 150-foot area in the language of the scenic easement, which instead encompasses the entire property. As discussed above, the Bypass easement was vacated in 1990.

In summary, it remains staff's view that the proposed project complies with the limitations of the scenic easement.

Recommendation

Staff recommends that the City Council deny the appeal. (Note: Whether the City Council chooses to deny or uphold the appeal, this action should be taken by giving direction to staff to prepare an implementing resolution that would be adopted at a subsequent City Council meeting.)



*The Bypass Easement was vacated in 1990 (City Council Resolution 75-90).

70 yds

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Attachment 3

Appeal Package

- A. Appeal Form
- B. Supplemental Letter (April 9, 2012)
- C. Appeal Statement
- D. Photographs from Calhoun Residence (714 Appleton Way)

Note: In addition to the above-listed items, the appeal statement also makes reference to: 1) the easement, 2) the project site plan, 3) the floor plan, and the elevations of the stable that is proposed to be relocated, and 4) the staff letter dated February 24, 2012 making a finding of consistency for the proposed project. Because these items are also included in the supplemental appeal material submitted by Richard Hicks on behalf of the appellants (see Attachment 3), they are not included in this section.

City of Sonoma Appeal Application Form

For City Use

Date Received MAR 08 2012

By R. Evans, Deputy City Clerk

- A copy of the rights of appeal and the City's appeal procedures may be found on the reverse of this form
- The fee to file an appeal is **\$100.00** and must accompany this form
- Appeals must be filed with the **City Clerk** within **fifteen (15) calendar days** of the action
- Appeals must address issues raised or decisions made at previous hearings. Appeal hearings cannot be used as a forum to introduce new issues
- In order for your appeal to be valid this form must be filled out completely.

Feel free to attach additional sheets or supporting documentation as may be necessary.

APPELLANT INFORMATION: (Please Print)

Name: KEVIN CALHOUN

Name: BERNADETTE CALHOUN

Address: 714 APPLETON WAY

Address: 714 APPLETON WAY, SONOMA

Phone: 939-3534

Phone: 939-3534

I/We the undersigned do hereby appeal the decision of the:

Planning Commission

Design Review Commission

City Planner or Department Staff

Other: _____

Regarding: CONSTRUCTION WITHIN EASEMENT
(Title of project or application)

Located at: 19275 SEVENTH STREET EAST
(Address)

Made on: FEBRUARY 04, 2012, ATTACHMENT 5
(Date decision was made)

I/We hereby declare that I/We are eligible to file an appeal because:
(Refer to Section 19.84.30-A, Eligibility, on the reverse)

ATTACHMENT 1, ATTACHMENT 4

The facts of the case and basis for the appeal are:

ATTACHMENTS, 1, 2, 3, 4

I/We request that the Appeal Body take the following specific action(s):

ATTACHMENT 1

Signed:

John Cal
Signature

3-7-12
Date

Bernadette Calhoun
Signature

3-7-12
Date



April 9, 2012

The Mayor and Members of the City Council
City of Sonoma
No. 1 The Plaza
Sonoma, CA 95476-6618

Re: Appeal of Finding of Consistency Re Proposed Construction Within an Easement
Pertaining to APN 128-031-053 (19275 Seventh Street East)

Hearing Date: April 16, 2012

Dear Mayor Sanders and Members of the City Council:

We bought the home in the Laurel Wood subdivision at 714 Appleton Way, adjacent to the Dowd property, in late 2001. In 2006 we made improvements to the home to extend the dining area at the rear of the house, where we added a bay of windows overlooking the open space behind the property, and to add a fourth bedroom to the home, also at the rear.

We would not have taken these actions and made these investments if we had not received assurances from both Dr. Dowd and from the City of Sonoma, through our realtor, Mr. Elvin Case, that a portion of open space behind our property would remain open in perpetuity, according to the terms of an easement on the Dowd property granted as a provision of approval by the City for the Laurel Wood subdivision.

At this writing, the new owner of the Dowd property, Ms. Blanusca, plans to construct a horse stable located 60 feet from the rear of our property. We estimate, based on a record of sales of homes in the subdivision, with homes on the east side of Appleton Way invariably commanding a premium because of their proximity to open space, that the value of our home on the open market would be reduced by up to 20 percent if these plans were executed. Further, we believe the character of our home, with a view of the back of the planned horse stable dominating its main living spaces, would be dramatically and undesirably altered. Therefore we have requested a hearing on the matter of whether these plans are consistent with the easement.

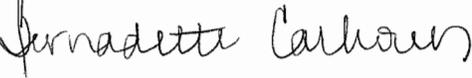
Our attorney, Mr. Hicks, has separately offered his findings regarding the easement and associated documents, highlighting the provision of the easement that permits control of the use of the Dowd property to ensure that it remains compatible with neighboring properties, including ours. To this we wish to add that we cannot consider a use of the Dowd property that either materially reduces the economic value of our property or significantly alters the character of the immediate area a fully compatible use.

The Mayor and Members of the City Council
April 9, 2012
Page 2

Because the proposed plans would result in not one but both of these effects, we trust that you will find in our favor and uphold our appeal.

We do not wish to abridge Ms. Blanusa's rights to the use and enjoyment of her property under the law and under the provisions of the easement. We would consider a horse stable that is placed 150 feet or more away from the rear of our property a suitably compatible use of Ms. Blanusa's property, entirely consistent with the terms of the easement, with its reference to and affirmation of the findings of the City Council regarding the Laurel Wood subdivision. We would have no objections to such a placement and suggest it as a reasonable resolution to this matter.

Respectfully yours,

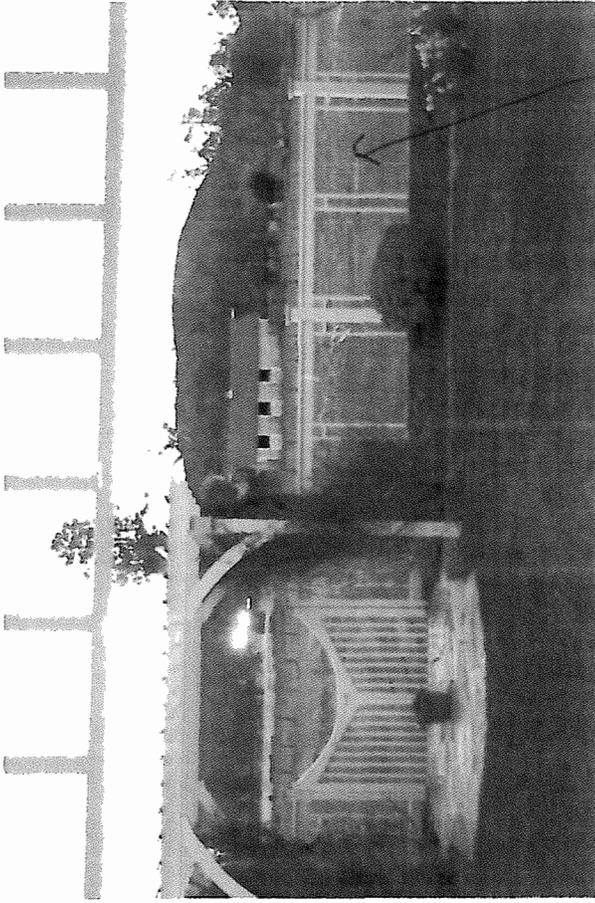
John K. Calhoun
Bernadette Calhoun

Attachment 1

In 2001, through our realtor we consulted with the City regarding the allowable uses of the portion of the Dowd parcel that are affected by the easement. We were assured by the City that no structure could be placed there and that that portion of the property would remain open and undeveloped; it was with that understanding that we purchased and later improved our property. Neighbors at 708 and 720 were also given these assurances when they purchased their homes. We believe the language of the easement prohibits the use of that land for the storage of movable property, including the housing of domestic animals and livestock, and presumably also prohibits structures used for the storage of such property.

Naturally the placement of such things on what has previously been open ground affects the value of our property and character of our dwelling, so we are asking the City Council to reaffirm that the terms of the easement as they were communicated to us in 2001, to continue to prohibit the use of that land for the storage of movable property, and to vacate the approval for the relocation of a stable, barn, or any structure used for storage of movable property onto the portion of the parcel affected by the easement.

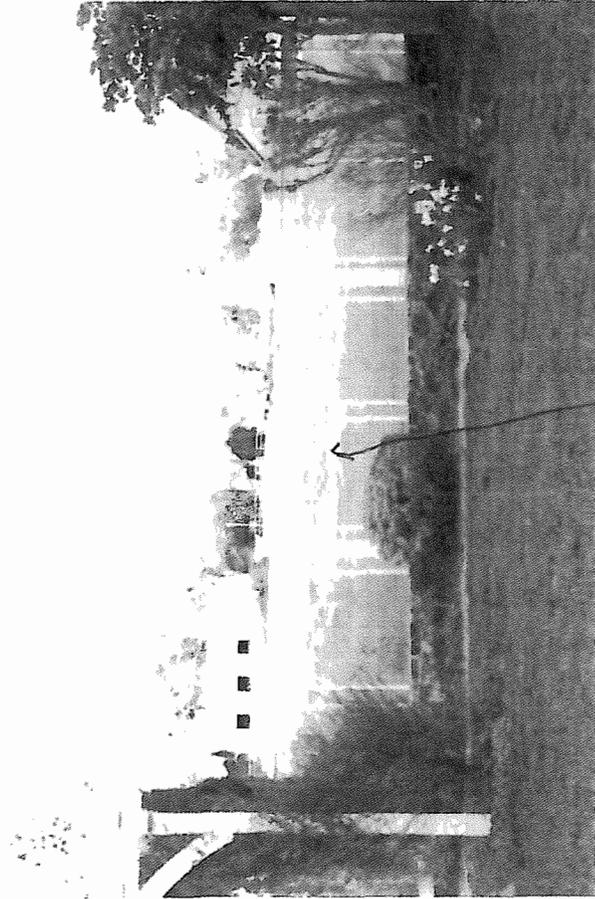
Attachment 4



View from inside house to new stable location. Note yellow caution tape outline.



Views from major "back of house focal point." Note yellow caution tape outline.



View from back deck to new stable site. Note yellow caution tape outline.



Views from major "back of house focal point." Note yellow caution tape outline.

Attachment 4 (continued)



Better indoor picture looking out at new stable site. This is our primary backyard view. Note yellow caution tape outline

Attachment 4

Letter from Richard Hicks (Supplementing Appeal)

- A. Letter from Richard Hicks, Attorney for the Appellants (dated April 5, 2012)
- B. Air Photograph
- C. Summary of Actions related to Monte Vista Estates#5/Laurel Wood Subdivision
- D. Excerpts from the Final Environmental Impacts Report for the Laurel Wood Subdivision
- E. Project Site Plan/Floor Plan and Elevations of Stable
- F. Easement

Karin P. Beam
Lisa G. Carreño
Mary P. Derner
Warren L. Dranit
Douglas J. (DJ) Drennan
Albert G. Handelman
Richard J. Hicks
Lisa Ann Hilario
Annette L. Holland
Cameron Scott Kirk
Jocelyn Yeh Lin
Kim Marois*
Kevin J. McCullough
Mark A. Miller
Brian J. Purtil
Gregory G. Spaulding
Terry S. Sterling
Jan Gabrielson Tansil
Donald L. Winkle
**A Law Corporation*

April 5, 2012

The Mayor and Members of the City Council
City of Sonoma
No. 1 The Plaza
Sonoma, CA 95476-6618

Re: Appeal of Finding of Consistency Re Proposed Construction Within an Easement
Pertaining to APN 128-031-053 (19275 Seventh Street East)

Hearing Date: April 16, 2012

Dear Mayor Sanders and Members of the City Council:

I have been consulted by Kevin and Bernadette Calhoun who have appealed the above-referenced Finding of Consistency reflected in the February 24, 2012 letter of David Goodison, the City Planning Director. I am writing this letter to set forth my views and opinions after having reviewed and analyzed this matter.

FACTUAL BACKGROUND

Kevin and Bernadette Calhoun live at 714 Appleton Way, which is part of the 16 lot Laurel Wood Farms Subdivision approved by the City in 1984. Their backyard faces and looks out over the approximate 4.64 acre rural parcel of property at 19275 Seventh Street East which, until recently, was owned by Robert and Carol Dowd (“the Dowd property”). The Dowd property contains a single-family home dating back to the early 1900s and various outbuildings, all clustered on the eastern one-third of the property near Seventh Street East. The western two-thirds of the Dowd property consists of open space except for an old dilapidated barn.

An aerial photograph showing the Dowd property and Laurel Wood Farms Subdivision including the Calhoun property, with superimposed parcel boundaries from the Sonoma County GIS Data Portal, is attached as Attachment “A.” The photograph also shows the current and proposed locations of a horse stable on the Dowd property, which is an issue raised by the appeal as discussed more fully below.

Before the Calhouns bought their property in 2001, they contacted City staff through their real estate agent, and were informed that there existed an open space easement on the Dowd



The Mayor and Members of the City Council

April 5, 2012

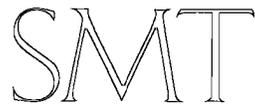
Page 2

property that had been imposed as a part of the City's approval of the Laurel Wood Farms Subdivision. City staff made assurances that, among other things, the residential density of the Dowd property would have to remain as a single residential unit, that no new buildings or structures could be placed on the most western portion of the Dowd property near the Subdivision including the property the Calhouns were purchasing, and that the open space area was to remain undeveloped in perpetuity. We understand that similar representations have been made by City staff over the years to other people who have bought property in the Laurel Wood Farms Subdivision. Based upon those representations and assurances, the Calhouns purchased their property, and thereafter proceeded with substantial renovations and improvements, including the installation of large windows and open fencing to take advantage of the views of the open space area on the Dowd property next to their property.

Although Mr. Goodison advises that he has been unable to date to find the City's Planning file or the project's Environmental Impact Report, he has located and provided copies of various Minutes and City Resolutions concerning the Laurel Wood Farms Subdivision. Those records indicate that, at the time Dr. and Mrs. Dowd first submitted their application in 1981, their property consisted of one legal parcel approximately 8.74 acres in size at 19275 Seventh Street East. The property was located entirely in the County. Its western boundary adjoined the City limits. The Dowds lived in the house at the eastern end of the property near Seventh Street East. The Dowds' application was to subdivide the westernmost 4.0 acres, which would be annexed into the City. The Dowds would retain the easternmost 4.74 acres where they lived, which would remain in the County. As ultimately approved, the Subdivision comprised approximately 4.1 acres, and the Dowds retained the remaining 4.64 acres to the east.

From the very beginning of the application process, Dr. and Mrs. Dowd offered what was variously referred to throughout the proceedings as a "scenic" or "open space" easement on the property they would retain, in an apparent effort to address various concerns and objections to the proposed Subdivision raised by neighboring property owners. Minutes of meetings of the Planning Commission and City Council and various Resolutions repeatedly refer to the easement as "a scenic easement," "an open space easement," or "an easement for open space purposes." Further insight as to what was contemplated by the Dowds and the City at that time are comments made during various meetings that "Dr. Dowd will keep his [remaining] land as open space with his one house on the parcel," "Dr. Dowd's willingness to legally bind himself to keeping his parcel in open space," and "the remaining acreage of [the Dowd property shall] be restricted from any further residential development in perpetuity." (See Summary of Actions attached to this letter as Attachment "B," and the referenced documents from the City's files.)

In addition, I was able to locate as a part of my investigation the Final EIR certified by the City in January 1984, which contains language stating that the "scenic" or "open space"



The Mayor and Members of the City Council
April 5, 2012
Page 3

easement was to include a provision reserving, in perpetuity, the most westernmost 150 feet of the Dowd property from any further development. Please reference paragraphs 2 on pages AD-38 and AD-39 of the EIR; the 150 foot wide strip in question also appears on two alternative plans for the Subdivision on pages 66 and 67. At the February 27, 1984 meeting at which the City Council approved the project, the City's Planning Director at the time, in discussing one of those alternative plans, commented that it showed the "reservation of the 150' open space easement to the east of the subdivision which is a requirement of any subdivision map that you approve according to the Conditions of Approval which we have listed in previous reports."

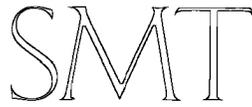
We have provided a complete copy of the EIR to Mr. Goodison to include in the City's file. The referenced pages from the EIR are attached as Attachment "C" to this letter.

Those descriptions are consistent with the representations and assurances provided by the City staff to the Calhouns before they bought their property, and comments made by staff to others, to the effect that the existing residential density of the Dowd property was to be remain unchanged, and that no new buildings or structures were to be allowed in the existing open space area of the Dowd property located next to the Subdivision, including the Calhoun property.

Last year, in May 2011, Selma Blanusa purchased the Dowd property. Recently, in February 2012, she submitted plans proposing to build a new, and larger, horse stable to replace the existing stable situated on the eastern portion of the property near her house. The new horse stable will be placed only 60 feet from the Calhoun property, in a location where it will dominate the view from the Calhouns' large picture windows and backyard. Her plans also call for the construction of a new two-story garage/exercise room/home office building to be located significantly closer to her existing house. A copy of the Site Plan prepared by Ms. Blanusa's architect is attached as Attachment "D."

Ms. Blanusa, through her architect Robert Baumann, requested a finding from the City's Planning Director, David Goodison, that the new relocated horse stable and new garage/exercise room/home office were consistent with and did not violate the easement granted by the Dowds. In response, Mr. Goodison issued a February 24, 2012 letter that focused on some (but not all) of the easement language and, based on that language, concluded:

"In essence, while the easement restrictions prohibit any increase in the residential density of the property through either subdivision or the construction of any new residence, structures that do not result in a density increase are allowed Because neither of the structures is designed as a second unit or residence, it is my finding that the proposed relocation of the stable and the construction of the garage/exercise building are consistent with the limitations of the easement."



The Mayor and Members of the City Council
April 5, 2012
Page 4

A copy of the February 24, 2012 letter is attached as Attachment “E.”

That finding is inconsistent with past statements made by City staff to the Calhouns and others regarding the nature and effect of the easement and, in our opinion, overlooks language in the easement indicating that it does more than merely restrict the residential density of the property. It is also inconsistent with the statement in the EIR that the easement was to provide a 150 foot wide strip of land next to the Subdivision where no development was to be allowed. In light of the significant adverse impacts Ms. Blanus’s plans will have on the use and enjoyment of the Calhoun’s property, they have appealed the consistency finding expressed in Mr. Goodison’s February 24, 2012 letter.

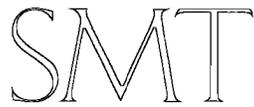
DISCUSSION

As noted above, the February 24 letter observed that the easement prohibits any increase in the residential density of the Dowd property. While that is clearly true based upon the language cited and quoted in that letter, the easement contains additional language, not referred to in the letter, imposing restrictions going above and beyond merely restricting the property to its existing residential density of one single residential unit.

A complete copy of the Deed of Easement as recorded in the Official Records of Sonoma County on April 3, 1985 is attached as Attachment “F.” The restrictions in the easement are contained on page 2 and the top of page 3. They are quoted *in full* as follows:

“By this present instrument the grantors transfer to the public the right in perpetuity to have the said land remain free of dwelling houses and other structures designed or intended for human habitation, for control of building density in the immediate neighborhood pursuant to City of Sonoma approval issued to the grantor for subdivision development on adjacent property. Reference is made to the proceedings of the Planning Commission and City Council of the City of Sonoma for further particulars.

In consideration of the said approvals prior to this date authorized, and as consideration for acceptance of this grant, the grantors covenant and agree for themselves and their successors and assigns, singularly or in any combination, that they will not at any time erect, construct, place or maintain or permit the erection, construction, placement or maintenance of any improvement, building or structure or other thing whatsoever on the subject property which by design or intent might be used for human habitation in a manner which would increase the dwelling density of the lands owned by grantors in the vicinity of the described property on the date of this deed, other than such improvements,



The Mayor and Members of the City Council

April 5, 2012

Page 5

buildings, structures or other things existing on the said property at the time of this grant.

Grantors also covenant for themselves and their successors and assigns that they will not use or permit the use of the subject property for any purpose inconsistent with the easement hereby granted and with the findings of the City Council of the City of Sonoma relative to the subject property. The said property shall not be used as a parking lot, storage area or dump site, or otherwise be utilized for the deposit of movable property upon the said property or of anything else that is not natural or compatible to the neighboring properties.

Grantors covenant for themselves and their successors and assigns that they shall not divide or subdivide the said property or any portion of it, and that among themselves they waive and surrender any rights as co-owners to have the property partitioned in kind.

Grantors also covenant for themselves and their successors and assigns that they will not excavate or grade or permit excavation or grading of the said property without the written consent of the City of Sonoma.”

In stating that the easement restricted the residential density of the property, the February 24 letter quoted portions of the second paragraph above, and its reference that the property could not be further subdivided was a reference to the fourth paragraph. The February 24 letter made no reference to the first, third or fifth paragraphs quoted above, including the following provisions and references:

1. The statement in the first paragraph that the easement is “for control of building density in the immediate neighborhood,” to be distinguished from the reference to “dwelling density” in the language of the second paragraph quoted in the February 24 letter.
2. The end of the first paragraph states: “ Reference is made to the proceedings of the Planning Commission and City Council of the City of Sonoma for further particulars.” Those “particulars” include references at various meetings and in resolutions that this easement was to be for “scenic” and “open space” purposes, and to language in the EIR and comments made by the Planning Director stating that the “scenic” or “open space” easement was to include a provision reserving, in perpetuity, the most western 150 feet of the Dowd property from any further development.



The Mayor and Members of the City Council
April 5, 2012
Page 6

3. The statement in the third paragraph that the Grantors and their successors and assigns “will not use or permit the use of the subject property for any purpose inconsistent with the easement hereby granted and with the findings of the City Council of the City of Sonoma relative to the subject property.” As noted above, the easement was for “scenic” and “open space” purposes and, according to language contained in the EIR, was to prohibit any development within 150 feet of Subdivision.
4. The statements in the fourth paragraph that, besides prohibiting the property from being used as a parking lot and other specified uses, it not be used for “anything else that is not natural or compatible to the neighboring properties” which, we would note, would include the Calhouns’ property and other properties located within the Subdivision.

Therefore, whether or not Ms. Blanusa’s plans for a new horse stable and a two-story garage/exercise room/home office will increase the existing residential density of the property, is only the *beginning of the inquiry*, not the entire inquiry. In our opinion, there are other questions that must be answered in determining whether or not Ms. Blanusa’s plans are consistent or inconsistent with the easement, including the following:

1. Is relocating the horse stable from the developed portion of the property to the undeveloped portion of the property within 150 feet of the Subdivision inconsistent with the “scenic” and “open space” purposes of the easement which, as clarified in the EIR, were to prohibit any development within that area? We suggest that building structures within the open space area of the Dowd property is not consistent with the scenic or open space purposes of the easement, regardless of whether those structures constitute dwelling units or other structures such as a horse stable. Ms. Blanusa’s plans, if allowed, will have a significant adverse impact on the scenic and open space attributes of that portion of the property.
2. Is the proposed relocation of the horse stable over 100 yards west, where it will be located only 60 feet from the Calhoun property and situated so that it will dominate the views from the Calhoun and other properties, something “that is not natural or compatible to [those] neighboring properties?” The Calhouns, and others, feel strongly that the answer is yes. Those views are understandable. Essentially, Ms. Blanusa proposes to relocate her horse stable, which could be considered a nuisance, from a location very near her own house over 100 yards away where it will be located next to her neighbors.

SMT

The Mayor and Members of the City Council

April 5, 2012

Page 7

Our view is that the appeal of the consistency finding in the February 24, 2012 letter has merit, and should be upheld. We would add the Mr. and Ms. Calhoun have no objection to the proposed new horse stable provided it is located at least 150 feet from the eastern boundary of the Subdivision including their property. We suggest that would constitute a reasonable resolution of this matter.

The Calhouns have no objection to the proposed location of the garage/exercise room/office building structure.

Respectfully yours,



Richard J. Hicks,
Of Counsel

RJH/klm
Attachments

cc: David Goodison, City Planner
Jeffrey A. Walter, City Attorney

ATTACHMENT "A"



ATTACHMENT “B”

This Summary was initially prepared by David Goodison, and edited/supplemented by Richard Hicks.

Summary of Actions Related to the Monte Vista Estates #5/Laurel Wood Subdivision		
Date	Review Body/Action	Document
September 3, 1981	Planning Commission. Review of negative declaration, rezoning and tentative map for Monte Vista Estates #5. Following a public hearing, the item was continued with direction to develop additional information. The minutes note that <i>the adjoining “easterly 4.74 acres would remain perpetually as a single parcel. This will be assured by means of a ‘scenic easement’ granted to the City or by any other legal instrument that might be satisfactory to the City Attorney.”</i>	Minutes
October 1, 1981	Planning Commission. Continued review of negative declaration, rezoning and tentative map. Neighborhood opposition includes concerns that, if project allowed, there will be a “[d]ecrease open space in area since this subdivision would ‘open the door’ to other developments.” “[City] Planner Steinbeck explained that <i>further development would not be allowed on Dr. Dowd’s property.</i> ” Motion on a recommendation to the City Council to deny project approved on a vote of 5-2.	Minutes
October 26, 1981	City Council. Consideration of rezoning, annexation, and tentative map for the Dowd subdivision. Following the public hearing, the City Council voted 3-2 to adopt Resolution 77-81, approving a tentative map and rezoning the property to R-1. The Minutes include the following: “Planner Steinbeck replied [to a Council member’s question] that <i>Dr. Dowd will keep his [remaining] land as open space with his one house on the parcel.</i> ” Mayor Tuller also referred to “ <i>Dr. Dowd’s willingness to legally bind himself to keeping his parcel in open space.</i> ” The rezoning component of the approval included a condition in the Resolution that “ <i>the remaining acreage of [the Dowd property] be restricted from any further residential development in perpetuity.</i> ”	Minutes Resolution 77-81
July 27, 1982	City Council. As a consent calendar item, Council adopted Resolution 57-82 initiating the annexation of Monte Vista Estates #5 and set a public hearing for August 23, 1983. (3-0 with 2 absent.) Included in the Resolution is the following requirement: “ <i>The applicant shall file with the City of Sonoma a scenic easement deed or other instrument acceptable to the City Council guaranteeing that no additional dwelling units be constructed on the easterly portion of the subject property not being annexed to the City of Sonoma by this reorganization.</i> ”	Minutes Resolution 57-82

<p>Note: In July 1982, Judge Kenneth Eymann of the Sonoma County Superior Court issued a ruling in response to a legal challenge brought by neighboring landowners opposed to the project that an environmental impact report on the project was required. (See Final Certified EIR, pages 1 & 8.)</p>		
August 23, 1982	<p>City Council. The hearing on the reorganization is continued indefinitely at the request of the applicant.</p>	Minutes
October 6, 1983	<p>Planning Commission. Consideration of Draft EIR, General Plan amendment, and rezoning for the Laurel Wood Farms development (formerly known as Monte Vista Estates #5). The Commission agreed on a recommendation to the City Council that an “area wide review” be undertaken in conjunction with the General Plan amendment. However, it was subsequently determined that this did not constitute a final action on the project, so an additional Planning Commission hearing was scheduled.</p>	Minutes
November 3, 1983	<p>Planning Commission. Consideration of Draft Environmental Impact Report (EIR), General Plan amendment, and rezoning for the Laurel Wood Farms development. On a vote of 4-2, the Planning Commission recommended to the City Council that the application be withdrawn until a larger General Plan review of the vicinity is completed.</p>	Minutes
December 12, 1983	<p>City Council. Hearing on Draft EIR for Laurel Wood Farms project. By consensus, the City Council ordered the preparation of the Final EIR.</p>	Minutes
January 23, 1984	<p>City Council. Consideration of EIR, General Plan amendment, rezoning and tentative map for the Laurel Wood Farms development. After the public hearing, the following actions were taken:</p> <ul style="list-style-type: none"> • Certify EIR, 5-0. (Resolution 5-84) • Direct staff to investigate process for larger General Plan study of area, 5-0. (Minute motion) • Approve General Plan amendment, 4-1. (Resolution 6-84) • Approve rezoning, 4-1. (Resolution 7-84) • Order annexation, 4-1. (Resolution 8-84) • Continue the discussion of the tentative map to a subsequent meeting and direct staff to return with design alternatives. (By consensus, per Mayor.) <p>Included in Resolution 8-84 is the following requirement: <i>“The applicant shall file with the City of Sonoma a scenic easement deed or other instrument acceptable to the City Council guaranteeing that no additional dwelling units be constructed on the easterly portion of the subject property and not being annexed to the City of Sonoma by this reorganization.”</i></p>	Minutes Resolution 5-85 Resolution 6-84 Resolution 7-84 Resolution 8-84

February 27, 1984	<p>City Council. Consideration of the tentative map for the Laurel Wood farms development. Following the public hearing, the City Council voted 4-1 to approve the tentative map (design alternative #1), subject to conditions including those conditions included in Appendix B of the Certified Environmental Impact Report. The Final Certified EIR includes language stating that the “scenic” or “open space” easement was to include a provision reserving, in perpetuity, the most western 150 feet of the Dowd property from any further development. (Please reference paragraphs 2 on pages AD-38 and AD-39 of the EIR; the 150 foot wide strip appears on two alternative plans for the Subdivision on pages 66 and 67.) The City’s Planning Director, in discussing one of these alternative plans at the meeting, commented that it showed the “reservation of the 150’ open space easement to the east of the subdivision which is a requirement of any subdivision map that you approve according to the Conditions of Approval which we have listed in previous reports.” (Meeting Minutes.)</p>	Minutes Resolution 18-84
March 11, 1985	<p>City Council. As a consent calendar item, the City Council accepts “Dowd Easements for Open Space and Nathanson Creek Bypass” (see Minutes). The Resolution refers to “the Deed of Easement offered by [the Dowds] for open space purposes.”</p>	Minutes Resolution 15-85 Easement
November 7, 1990	<p>City Council. As a consent calendar item, the City Council approved the vacation of the Nathanson Creek Bypass easement as the Sonoma County Water Agency decided not to pursue that project.</p>	Minutes Resolution 75-90

ATTACHMENT "C"

FINAL

ENVIRONMENTAL
IMPACT REPORT



CITY OF SONOMA
SONOMA COUNTY , CA.

JANUARY 1984

PLANNING TEAM
wpm
INCORPORATED
CONSULTANTS IN PLANNING,
DESIGN & DEVELOPMENT

1500 "J" STREET, SUITE 2E, MODESTO, CA 95354
875 FOURTH STREET, SAN RAFAEL, CA 94901

(209) 522-446
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LAW OFFICES

FOSTER, MONROE, FLITNER & BUCHANAN

AN ASSOCIATION, INCLUDING PROFESSIONAL CORPORATIONS'

420 E STREET
P.O. BOX 1898
SANTA ROSA, CALIFORNIA 95402

B. SCOTT FOSTER
JAMES C. MONROE
JOHN O. FLITNER
LAWRENCE C. BUCHANAN
CERTIFIED FAMILY LAW SPECIALISTS
ELLEN D. VOGT

December 7, 1983

TELEPHONE
(707) 528-3866

RECEIVED
1983
CITY CLERK

Mr. Ed Steinbach
Planning & Building Director
City of Sonoma
No. 1 The Plaza
Sonoma, California

re: Laurel Wood Farm project

Dear Mr. Steinbach:

Enclosed please find the questions raised by me at the planning commission meeting of October 6, 1983, relative to the draft EIR. As I had indicated, the questions I presented referred to pages of the Administrative Draft. As was noted, the Planning Commission then had before it the Draft EIR. I have revised the comments mostly by page references to refer to the Draft EIR. Consequently the comments would now address the discussions set forth in the draft EIR.

Very truly yours,


JOHN D. FLITNER

JDF/jes
Encl.

cc: Malcolm Stone

QUESTIONS RAISED BY THE DRAFT ENVIRONMENTAL IMPACT REPORT (HEREIN-AFTER REFERRED TO AS THE dr. EIR) WHICH ARE EITHER NOT ANSWERED OR REQUIRE FURTHER CLARIFICATION

1. If this is a full EIR as stated on page 1, (Section 1.1, third paragraph), where does it consider the potential impact of the project on the overall county and city general plans and any other land use or general plans or studies prepared for the area?
2. In view of the observations by the Court and arguments made this evening, how can the City of Sonoma be assured that any acreage ". . . be excluded in perpetuity from future development . . ." by any known planning or zoning tool as inferred on page 6 (Section C, second paragraph) of the dr. EIR?
3. Is the City of Sonoma being placed in the position of finalizing a project because of previous actions taken by other public agencies, such as the Local Agency Formation Commission and the Sonoma Valley Sanitation District? (Page 9 (first paragraph) of the dr. EIR).
4. Regardless of how traffic is routed or controlled, that is by cul-de-sac on the project, by an extension from Seventh Street East or by some future street stub, will not any of these alternatives have a traffic impact upon the existing residence on Avenue Del Oro and depending on the selection made, won't any street extension or street stub have additional growth-inducing impacts? (Page 10, first 2 paragraphs, Figure 3, page 13).
5. Existing policies prohibit the extension of sewer beyond the urban boundaries. How can the project be considered to be consistent with that policy (page 20 dr. EIR, paragraph numbered 3), unless the City makes it consistent through the pending proceeding?
6. How was this project consistent with existing City policy regarding the discouragement of development east of Fifth Street East as stated on page 22 (paragraph entitled "Potential Impacts") of the dr. EIR?
7. The statement that the "recently updated housing element indicates very little available land in the western portion of the City" which was found at page 22 paragraph 2 of the Administrative Draft of the EIR has been removed from the dr. EIR. The number of dwelling units per acre has been omitted from lines 5 and 6 of Section A of "Section 3.3 ZONING", page 23 of the dr. EIR.
8. In view of the fact that development to the north, west, east and south is all low density or vacant land, how can a relatively high residential density project be considered at the site? (See pages 4, 6 and 15 of the dr. EIR).
9. How can all of the policy decisions suggested at pages 24 and 25 of the dr. EIR be made for the City of Sonoma from this project?

Response to Mr. Flintner's Letter of December 7, 1983

1. Page 17 of the DEIR contains a table showing the land use designations for the site according to four different planning documents:

- the County of Sonoma General Plan
- the City of Sonoma General Plan
- the South Sonoma Valley Specific Plan
- the Sonoma Growth Study

Pages 20 and 21 provide a detailed analysis of project consistency with stated planning policies in these four documents.

The EIR concluded that the project application was not consistent with any of the four documents' directive for land use on the site (page 22).

2. A standard public easement would be established to reserve the 150 foot strip. Language would be incorporated into the easement which would specify its use and state uses not permitted. Development would be a non-permitted use. The language of the easement would be reviewed by legal counsel to ensure that uses within the easement conform to its intent.
3. The consultant cannot speak for the City. This question should be directed to the Planning Director, Planning Commission and/or City Council.

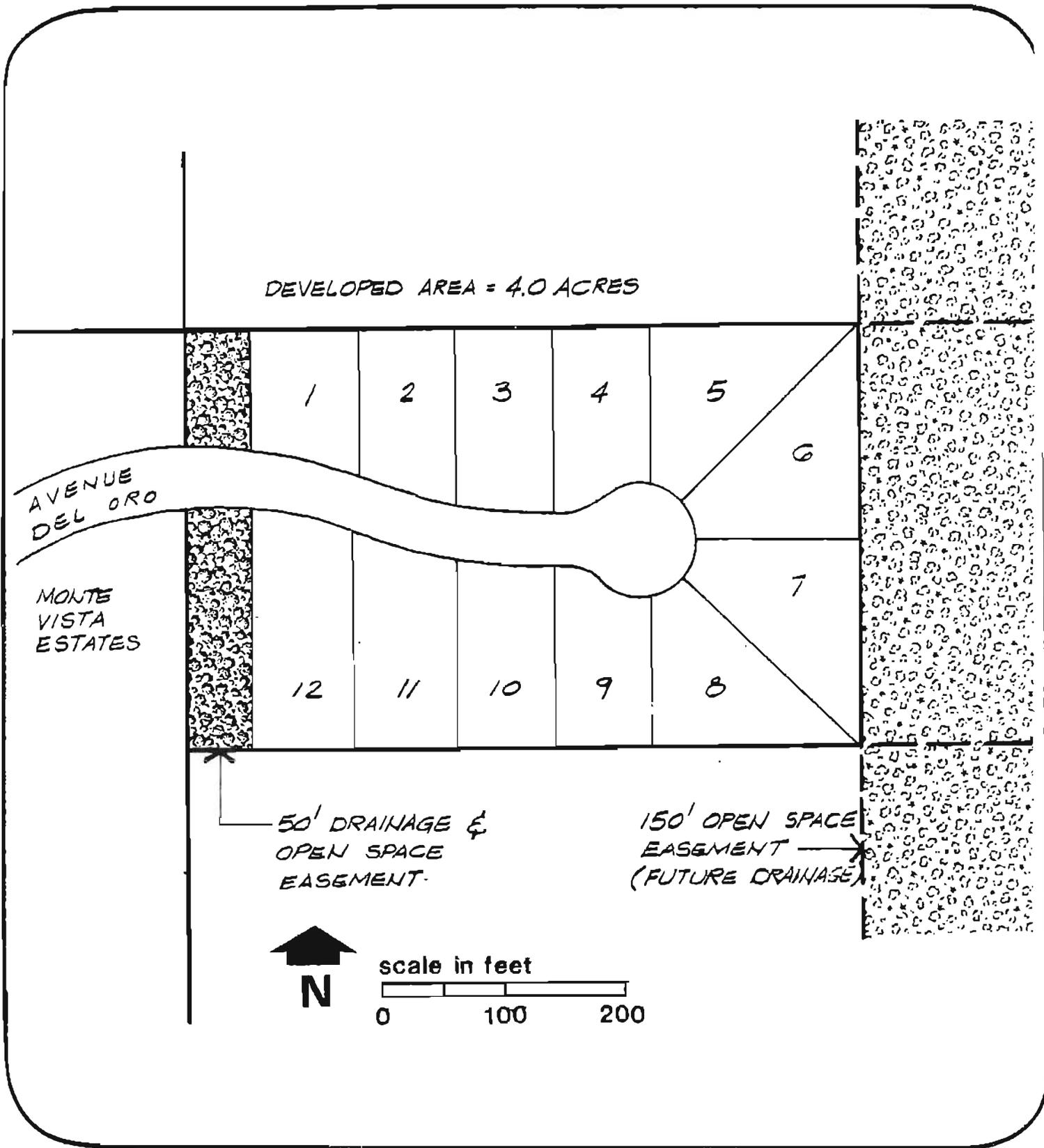
area which surrounds the City. Lands to the west include the existing Monte Vista Estates subdivision which is developed to a density of roughly four single family units per acre. The area north of the project site is generally vacant with the exception of dispersed single family residences receiving access from East Napa Street. To the east are single family rural residential properties which are accessible from 7th Street East. To the south lies the Becker property which fronts on East MacArthur Street and contains a residence and two associated structures. The property just east of the Becker parcel also receives access from East MacArthur Street and is developed with six structures.

C. PROJECT HISTORY

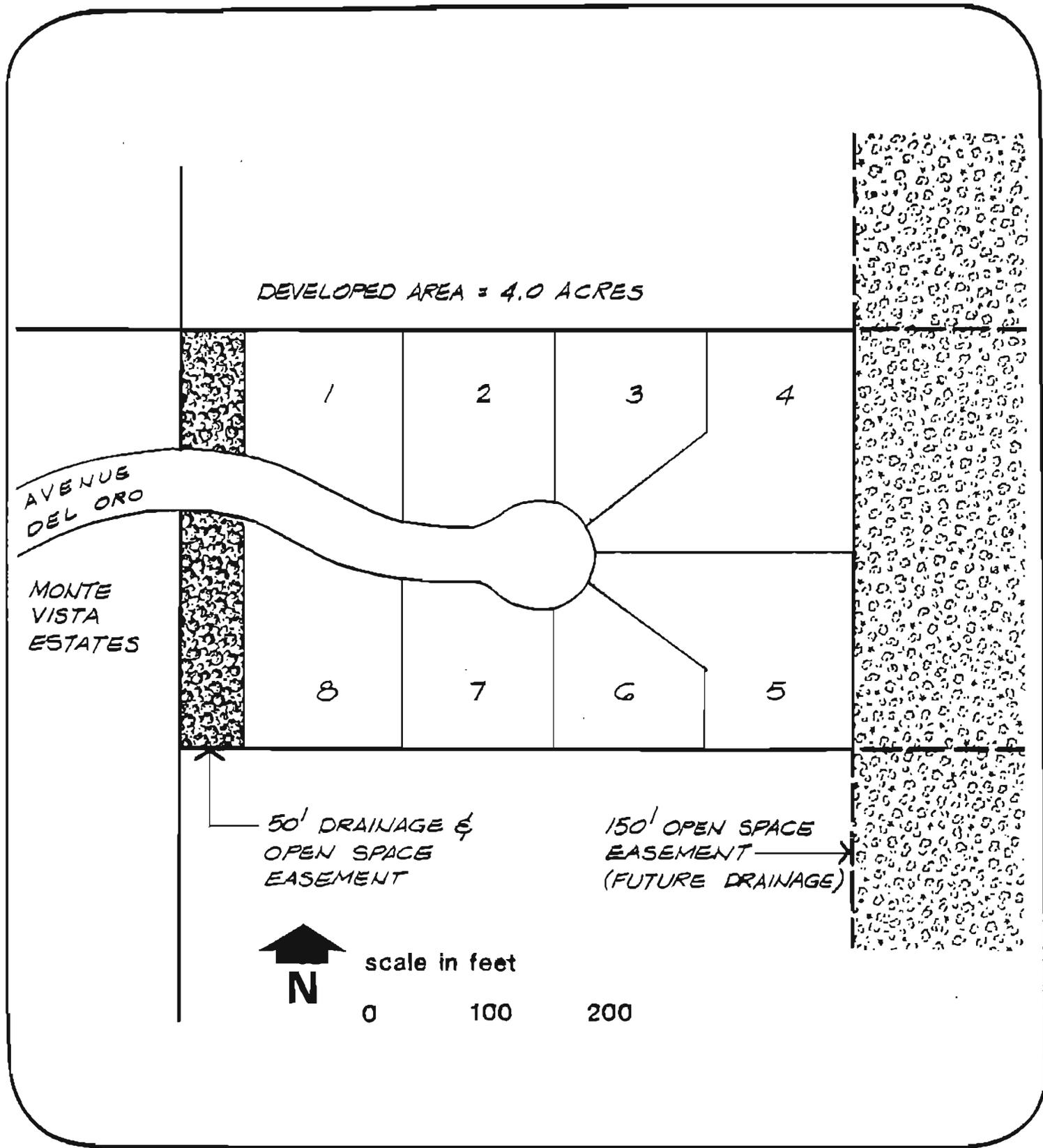
In the summer of 1981, Robert F. Dowd and Carol J. Dowd made application to the City of Sonoma to consider a request for annexation of a 4 acre portion of an 8.74 acre parcel to the City of Sonoma, rezoning of the 4 acre parcel to R-1 (single family residential district) and subdivision of the 4 acre property to provide 16 lots to be developed for single family residential purposes.

The original site layout design proposed 16 lots on the westerly 4.37 acre portion of the property with the remaining easterly parcel (4.37 acres which contains the residence of the project sponsor) to be excluded in perpetuity from future development by means of a scenic easement or other instrument acceptable to the City Attorney.

The circulation system proposed at that time consisted of the easterly extension of Avenue Del Oro to a cul-de-sac which would terminate approximately 100 feet west of the easterly property line of the project site. No through roadways were proposed.



Alternative A



Alternative B



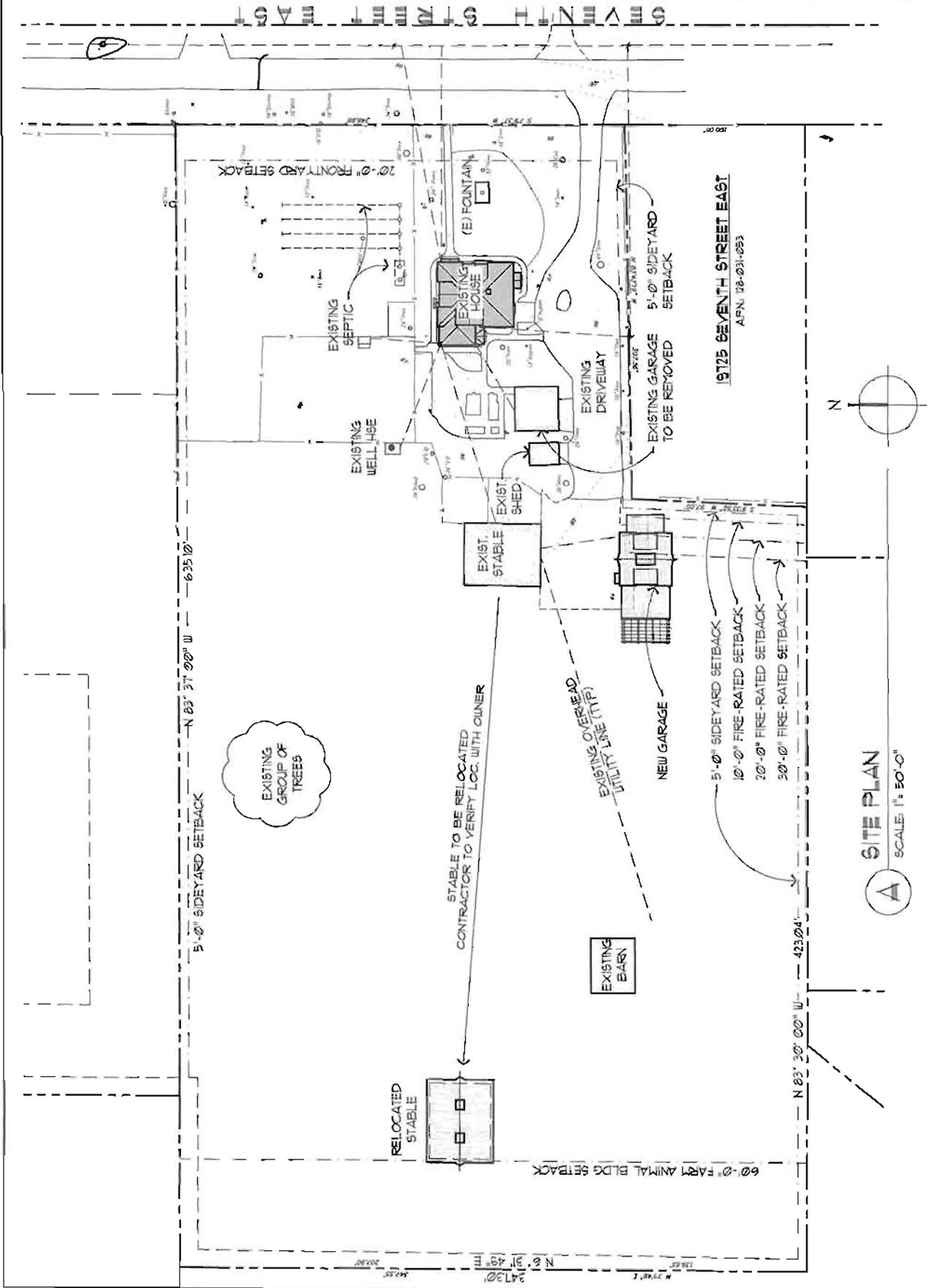
ROBERT SAUNAM
 720 Broadway
 Sonoma, CA 95476
 Tel: 707.996.7947
 Fax: 707.996.7904
 rfs@robtsaunam.com

BLANUSA RESIDENCE
 19125 SEVENTH ST. EAST
 SONOMA, CALIFORNIA 95476

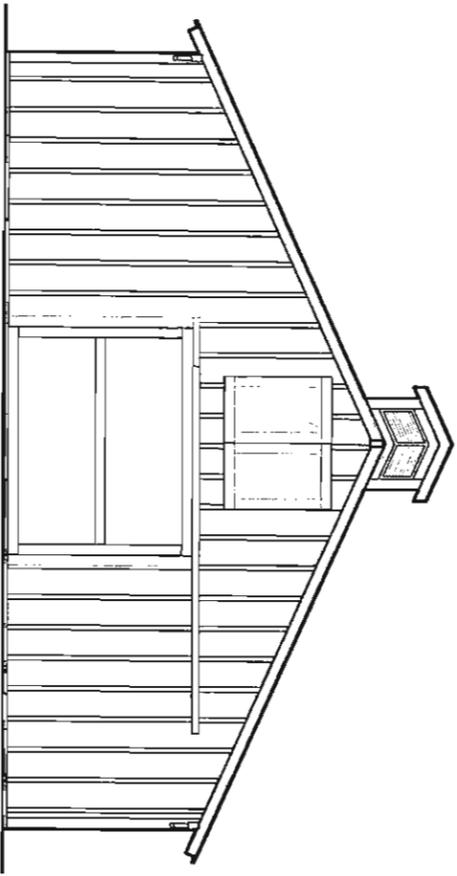
SITE PLAN

ISSUE DATE:	7/17/12
PLNG DEPT	
2/17/12	

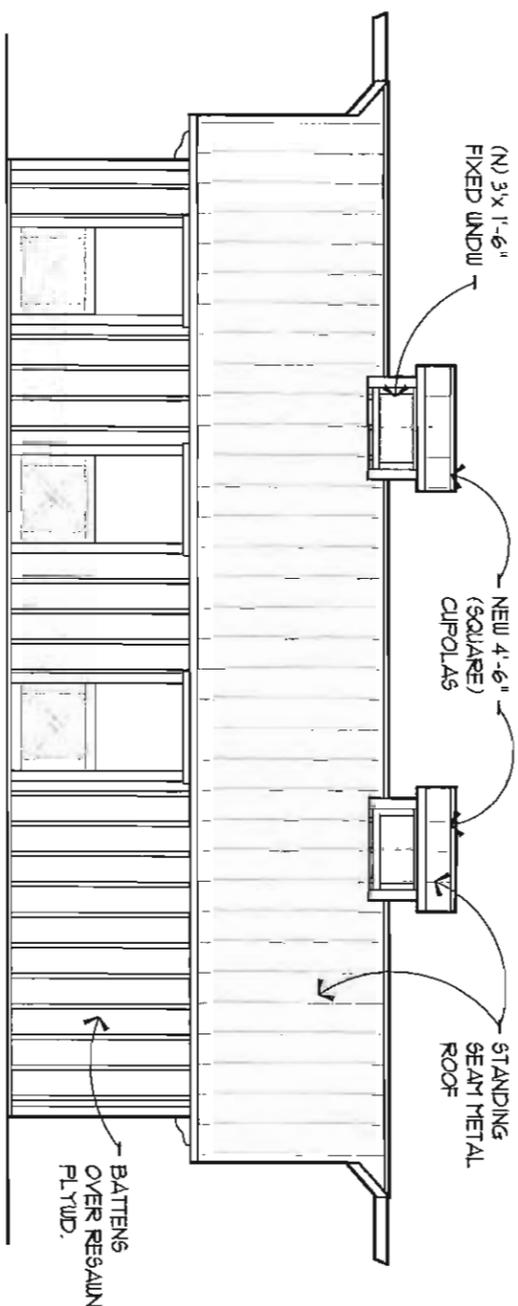
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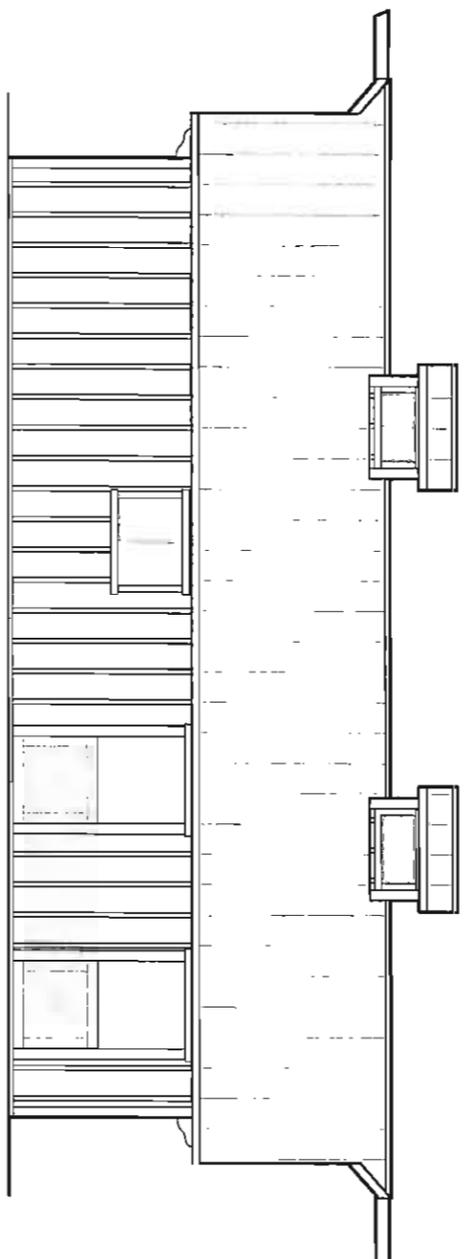
ATTACHMENT "D"



3 WEST ELEVATION
SCALE: 1/8" = 1'-0"



2 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



1 NORTH ELEVATION
SCALE: 1/8" = 1'-0"

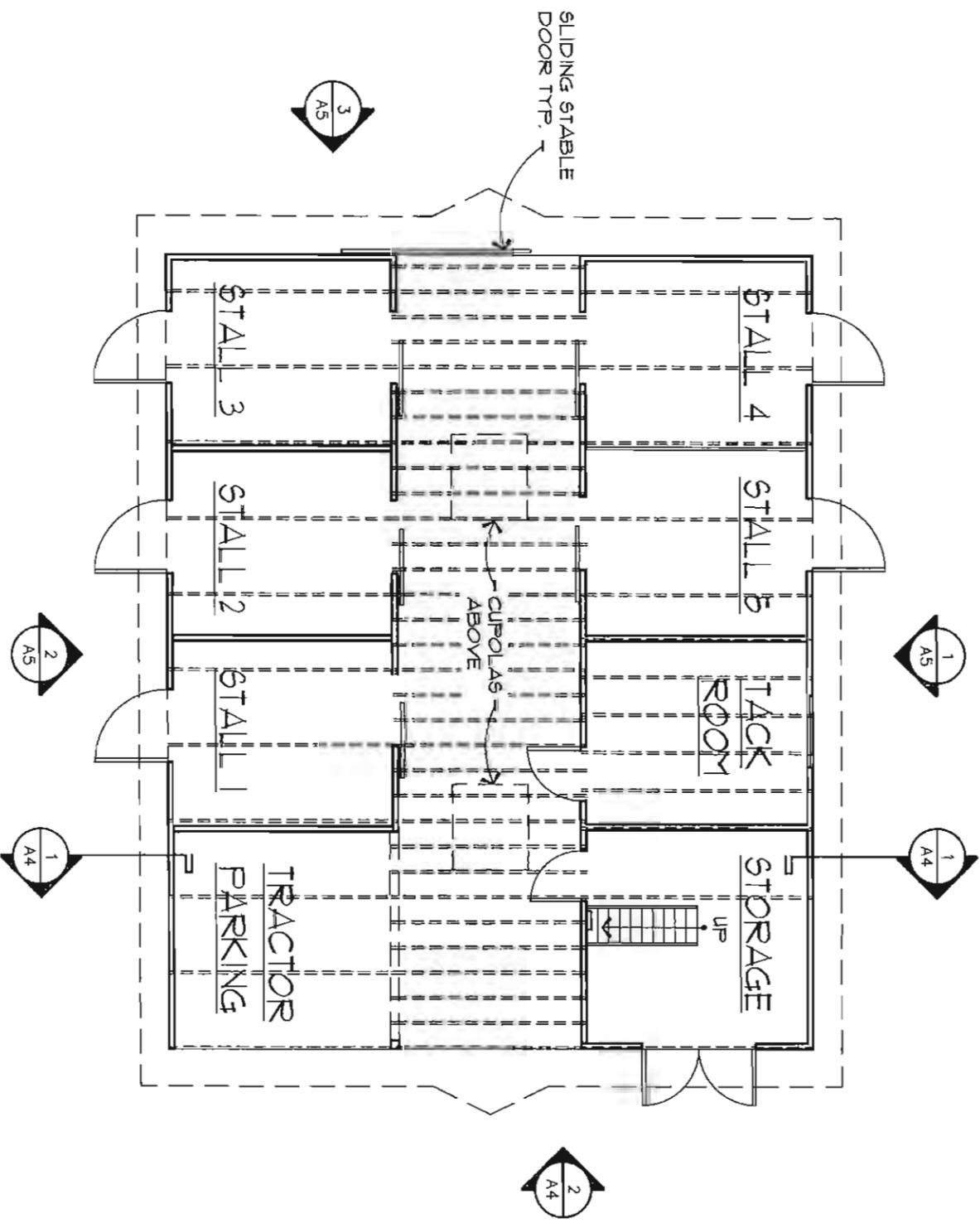
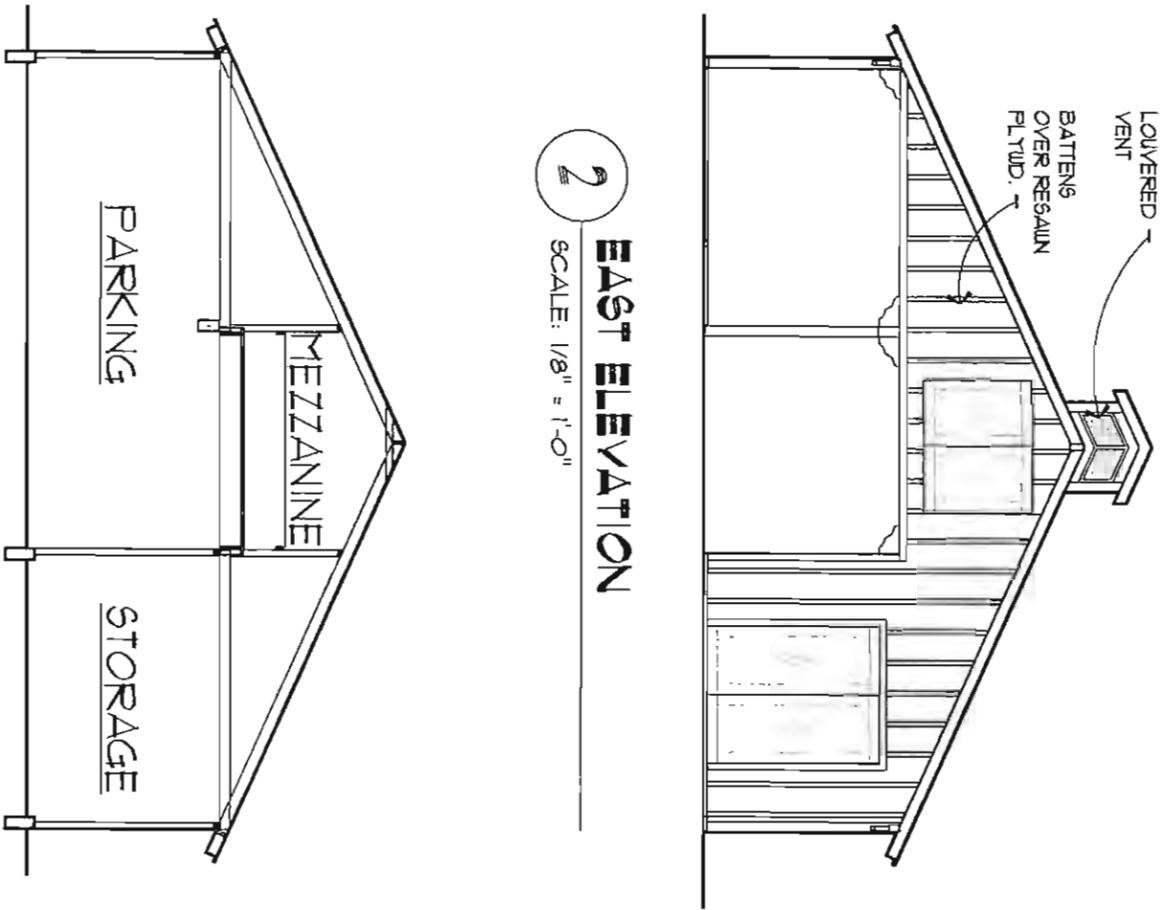


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BLANUSA RESIDENCE
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SONOMA, CALIFORNIA 95476

STABLE ELEVATIONS	
ISSUE DATES:	2/7/12
2/7/12	PLNG DEPT

A5



BLANUSA RESIDENCE
 19725 SEVENTH ST. EAST
 SONOMA, CALIFORNIA 95476

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 FX 707.996.7904
 rb@robertbaumann.com



STABLE PLAN SECTION & ELEVATION	
ISSUE DATES:	2/7/12
2/7/12	PLNG DEPT

A4

No. 1 The Plaza
Sonoma, California 95476-6618
Phone (707) 938-3681 Fax (707) 938-8775
E-Mail: cityhall@sonomacity.org



Aswan, Arab Republic of Egypt
Chambolle-Musigny, France
Greve in Chianti, Italy
Kaniv, Ukraine
Patzcuaro, Mexico

February 24, 2012

ATTACHMENT "E"

Robert Baumann
729 Broadway
Sonoma, CA 95476

Re: Finding of consistency regarding proposed construction within an easement pertaining to APN 128-031-053 (19275 Seventh Street East)

Dear Mr. Baumann:

As you are aware, the property owned by your client (Selma Blanusa) located at 19275 Seventh Street East, also designated as APN 128-031-053, is encumbered by an easement assigned to the City of Sonoma that places restrictions on the development and subdivision of the property. As required under its terms, you have requested a written determination from the City as to the consistency of proposed construction with the easement restrictions prior to excavation or grading in conjunction with your building plans dated February 17, 2012 (attached). The project elements relevant to the easement are as follows: 1) the relocation of an existing stable; and 2) the construction of a garage/exercise room with second-floor home office space.

With respect to construction within the easement, the its terms prohibit "...the erection, construction, placement or maintenance of any improvement, building or structure or other thing whatsoever on the subject property which by design or intent might be used for human habitation in a manner which would increase the dwelling density of the lands owned by grantors in the vicinity of the described property on the date of this deed, other than such improvements, buildings, structures or other things existing on the said property at the time of this grant." In essence, while the easement restrictions prohibit any increase in the residential density of the property through either subdivision or the construction of any new residence, structures that do not result in a density increase are allowed (subject to applicable planning and zoning regulations, which in this instance are administered by Sonoma County PRMD).

Because neither of the structures is designed as a second unit or residence, it is my finding that the proposed relocation of the stable and the construction of the garage/exercise building are consistent with the limitations of the easement. In addition, the proposed structures are well outside of the 10-foot wide drainage easement located along the western boundary of the property. However, neither structure may be designed or converted for use as a residential dwelling though the addition of a kitchen, cooking facilities, or bathing facilities.

I would like to thank you and to your client for working with the City to verify compliance with the terms of the easement. Please let me know if you have any other questions regarding this matter.

Sincerely,

David Goodison
Planning Director

cc: Lori Maggioncalda
Bernadette Calhoun

When recorded
mail document to
CITY OF SONOMA
No. 1 the Plaza
Sonoma, Ca 95476

RECORDED AT REQUEST OF
Sonoma Co
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85020284

OFFICIAL RECORDS
SONOMA COUNTY CAL
BERNICE A. PETERSON

CITY OF SONOMA
DEED OF EASEMENT

FREE

WHEREAS, the undersigned Grantors, ROBERT F. DOWD and CAROL J. DOWD, husband and wife, are the owners in fee simple of the property described in this deed, situated in the unincorporated area of the County of Sonoma, State of California, adjacent to the corporate boundary of the Grantee, CITY OF SONOMA, and it is the desire of the grantors to convey to the City of Sonoma an easement on, upon, over, across and under the property described below to satisfy conditions imposed upon the grantors for the subdivision approval of adjacent property now owned by them within the corporate limits of the grantee; now therefore, for valuable consideration:

The undersigned grantors hereby grant to the CITY OF SONOMA, a municipal corporation, an easement on, upon, over, across, above and under the following described real property in the County of Sonoma, State of California:

BEGINNING at a point on the Northerly line of the parcel of land conveyed to Robert F. Dowd and Carol J. Dowd by deed recorded in Book 3595 of Official Records, page 273, Sonoma County Records, said point being distant S.82°57'35"E. 520.00 feet from the Northwesterly corner of said parcel conveyed to Dowd; thence, from said Point of Beginning, S.07°03'57"W. 347.61 feet to a point on the Southerly line of said parcel conveyed to Dowd, said point being distant S.82°50'50"E. 520.00 feet from the Southwesterly corner of said Dowd parcel; thence, along said Southerly line of said Dowd parcel, S.82°50'50"E. 422.94 feet to an angle point on the boundary of said Dowd parcel, N.08°58'E. 97.00 feet and S.84°21'30"E. 207.57 feet to the Westerly line of Seventh Street East; thence, along said Westerly line of Seventh Street East, N.06°29'E. 248.79 feet to the Northeasterly corner of said Dowd parcel; thence, along the aforesaid Northerly line of said Dowd parcel, N.82°57'35"W. 635.43 feet to the Point of Beginning.

A.P. 128-031-37 (Ptn.)

ATTACHMENT "F"

By this present instrument the grantors transfer to the public the right in perpetuity to have the said land remain free of dwelling houses and other structures designed or intended for human habitation, for control of building density in the immediate neighborhood pursuant to City of Sonoma approval issued to the grantor for subdivision development on adjacent property. Reference is made to the proceedings of the Planning Commission and City Council of the City of Sonoma for further particulars.

In consideration of the said approvals prior to this date authorized, and as consideration for acceptance of this grant, the grantors covenant and agree for themselves and their successors and assigns, singularly or in any combination, that they will not at any time erect, construct, place or maintain or permit the erection, construction, placement or maintenance of any improvement, building or structure or other thing whatsoever on the subject property which by design or intent might be used for human habitation in a manner which would increase the dwelling density of the lands owned by grantors in the vicinity of the described property on the date of this deed, other than such improvements, buildings, structures or other things existing on the said property at the time of this grant.

Grantors also covenant for themselves and their successors and assigns that they will not use or permit the use of the subject property for any purpose inconsistent with the easement hereby granted and with the findings of the City Council of the City of Sonoma relative to the subject property. The said property shall not be used as a parking lot, storage area or dump site, or otherwise be utilized for the deposit of movable property upon the said property or of anything else that is not natural or compatible to the neighboring properties.

Grantors covenant for themselves and their successors and assigns that they shall not divide or subdivide the said property or any portion of it, and that among themselves they

waive and surrender any rights as co-owners to have the property partitioned in kind.

Grantors also covenant for themselves and their successors and assigns that they will not excavate or grade or permit excavation or grading of the said property without the written consent of the City of Sonoma.

It is expressly understood that the City of Sonoma does not obtain or reserve any right by reason of this grant to open the property for public recreation or any other use by members of the public generally.

By this deed only the City of Sonoma acquires the right but not the obligation to enter upon the subject property for the purpose of removing any building, structure, improvement or other thing found in violation of the covenants contained in this grant, and otherwise to enforce this grant for the benefit of itself and the general public. The parties agree that the stated purposes, terms, conditions, restrictions and covenants set forth herein and each and all of them may be specifically enforced or enjoined by appropriate proceedings in any court of competent jurisdiction upon application by the City of Sonoma or grantors, its successors or assigns, only.

The grant of this easement and its acceptance by the City of Sonoma does not authorize and is not to be construed as authorizing the public or any member of the public to trespass upon or use all or any portion of the subject property, or as granting to the public or any member thereof any tangible rights in or to the subject property or the right to go upon or use or utilize the subject property in any manner whatsoever. It is understood that the purpose of this easement is solely to restrict the uses to which the subject property may be put.

Grantors reserve the right to use the subject property in any manner consistent with the stated purposes, terms, conditions, restrictions and covenants of this instrument and with existing zoning and other laws, rules and regulations of the

State of California, the County of Sonoma and the City of Sonoma, their successors or assigns, as such laws, rules and regulations may hereafter be amended from time to time.

In the event the subject property or some portion thereof during the term of this easement is sought to be condemned for public use, the easement and each and every term, condition, restriction and covenant contained herein shall terminate as of the time of the taking in condemnation or taking under threat of condemnation as to that portion of the subject property taken for public use only, but shall remain in effect relative to all other portions of the subject property. The Grantors shall be entitled to such compensation for the taking as they would have been entitled had the subject property not been burdened by this easement; provided, however, that each and every stated term, condition, restriction and covenant of this easement shall be observed by grantors, their successors or assigns, during the pendency of such action and provided further that in the event such action is abandoned prior to the recordation of a final order of condemnation, or the subject property or some portion thereof is not actually acquired for a public use, the subject property shall, at the time of such abandonment, or at the time it is determined that such property shall not be taken for public use, once again be subject to this easement and to each and every stated purpose, term, condition, restriction and covenant of this easement.

This easement shall not be rescinded, altered, amended or abandoned in whole or in part as to the entire property or any portion thereof or as to any term, condition, restriction or covenant of this instrument without the written approval of the City of Sonoma. The City of Sonoma may abandon this easement in any particular on its own motion if it finds that no public purpose will be served any longer by the keeping of it. Abandonment of this easement or of any right hereunder at the request of the grantor or grantors' successors or assigns shall

be had strictly according to provisions of law for such abandonment

This easement in each and every term, condition, restriction and covenant contained in this instrument is intended for the benefit of the public and constitute enforceable restrictions intended to bind grantors and their successors and assigns and each and all of them, and shall and are intended to run with the land.

This easement is granted in perpetuity, but subject to abandonment by the grantee or its successors, in the manner provided by law.

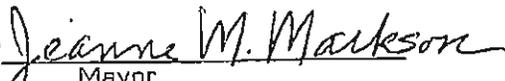
Dated: February 28, 1985


ROBERT F. DOWD


CAROL J. DOWD

This is to certify that the interest in real property conveyed above is hereby accepted by order of the Council of the City of Sonoma by Resolution #15-85 on March 11, 1985 and grantee consents to recordation thereof by its duly authorized officer.

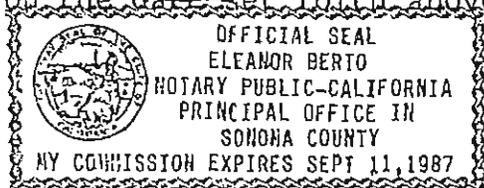
CITY OF SONOMA
A Municipal Corporation

By 
Mayor
Dated: *March 28, 1985

STATE OF CALIFORNIA)
County of Sonoma) ss.

On this 28th day of February, 1985, before me, Eleanor Berto, a Notary Public, State of California, duly commissioned and sworn, personally appeared ROBERT F. DOWD and CAROL J. DOWD, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed by official seal in the State of California, County of Sonoma on the date set forth above in this certificate.



Eleanor Berto
Notary Public
State of California

85020284

CITY OF SONOMA

Attachment 5

RESOLUTION NO. 8-84

ORDERING REORGANIZATION OF TERRITORY DESIGNATED AS AVENUE DEL ORO
REORGANIZATION NO. 1 INVOLVING ANNEXATION TO THE CITY OF SONOMA AND
SONOMA VALLEY COUNTY SANITATION DISTRICT AND DETACHMENT FROM SCHELL-
VISTA FIRE PROTECTION DISTRICT

WHEREAS, this Council has been notified by the Local Agency Formation Commission for the County of Sonoma that said Commission by Resolution No. 772, as amended, has approved, subject to certain terms and conditions, a petition filed with its executive officer for the proposed reorganization of territory described by attachment to the resolution by which said territory would be annexed to the City of Sonoma and simultaneously annexed to the Sonoma Valley County Sanitation District and detached from the Schell-Vista Fire Protection District; and

WHEREAS, the City of Sonoma has been designated by said resolution as the conducting authority of the proposed reorganization and this Council has been directed to initiate reorganization proceedings in compliance with the said resolution of the Local Agency Formation Commission;

NOW, THEREFORE, BE IT RESOLVED by this Council as follows: (1) this Council finds that all of the owners of the land included in the said reorganization proposal have consented to this proceeding and that the territory described in Exhibit A, attached hereto, subject to this proceeding has been found by the Local Agency Formation Commission to be uninhabited by legal definition; (2) that pursuant to Resolution No. 772 as amended by the Local Agency Formation Commission Council does hereby reorder reorganization proceedings in compliance with said resolution including the following terms and conditions: (a) the applicant shall file with the City of Sonoma a scenic easement deed or other instrument acceptable to the City Council guaranteeing that no additional dwelling units be constructed on the easterly portion of subject property and not being annexed to the City of Sonoma by this reorganization; (b) the applicant shall file a certificate of compliance or other instrument acceptable to the City Council guaranteeing that the easterly portion of subject property not being annexed to the City by this reorganization will be annexed when and if the City requests such annexation; (3) the boundaries of the subject territory are accurately described in Exhibit A, attached hereto, and made part hereof by reference; (4) reference is made to the petition filed by Robert F. Dowd and accepted for filing by the executive officer of the Local Agency Formation Commission on March 29, 1982. The Council understands and acknowledges

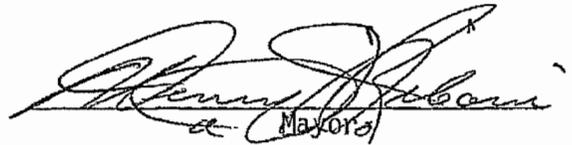
that the reasons for this reorganization are to acquire the usual city services as well as sanitary sewer service from the Sonoma Valley County Sanitation District; (5) the City Council has certified a final environmental impact report which discusses environmental issues associated with this annexation and has considered the information contained in the final environmental impact report prior to adoption of this resolution; (6) this territory shall be taxed for existing bonded indebtedness or contractual obligation; (7) the City Clerk is hereby directed to certify passage of this resolution and make the filings required by Section 56450 of the Government Code.

IN COUNCIL DULY PASSED this 23rd day of January, 1984 by the following roll call vote:

AYES: (4) C1m. Ruggles, Tuller, Mayor pro tem Markson, Mayor Riboni

NOES: (1) C1m. McTaggart

ABSENT: (0) None



Henry Riboni
Mayor

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 thereof held the 23rd day of January, 1984.



Eleanor Berto
City Clerk

CITY OF SONOMA, CALIFORNIA
CITY COUNCIL
REGULAR MEETING: NOVEMBER 7, 1990

Attachment 6

I declare under penalty of perjury that the agenda for this meeting was posted on November 2, 1990 on the Bulletin Board at City Hall, No. 1 the Plaza.

CALL TO ORDER

7:50 p.m. - Municipal Court/
Council Chambers, 177 First
Street West - Mayor
McTaggart presiding

PLEDGE OF ALLEGIANCE

Mayor McTaggart

ROLL CALL: Present: Clm. Carter, Markson, Murphy, Riboni, Mayor McTaggart

Absent: None

Also Present: City Clerk Berto, City Mgr. Arner, City Atty. Wilson,
Fire Chief Mazza, Comm. Dev. Dir. Moore, Bldg. Off. Wirick,
Admr. Asst. Mazza, PW Super. Montana, Secty. Douglas

CONSENT CALENDAR

- CC.1 Council Minutes of October 17 and 25, 1990 - at the request of Clm. Carter the minutes of 10/25/90 were deleted. The Minutes of 10/17/90 were approved.
- CC.2 Requesting Cancellation of Taxes on Certain Parcels of Property Recently Acquired by the City - adopted Resolution #71-90.
- CC.3 Grant Deed from REMIF for West Napa Street Right-of-Way at Fourth Street West - adopted Resolution #72-90.
- CC.4 Grant Deed for Storm Drain Easements in Parcel Map No. 69 (Markiewicz) - adopted Resolution #73-90.
- CC.5 Request to Write Off \$5,280 in Uncollected Ambulance Accounts and Refer to Collection Agency - approved.
- CC.6 Claim Against City from Helen Gordon, 890 West Spain Street denied; Referred to Redwood Empire Municipal Insurance Fund.
- CC.7 Contract with Valley of the Moon Hospice for Ambulance Service - approved.
- CC.8 Cooperative Agreement Between CalTrans and the City for Work at the Fifth/Napa Streets West Intersection - at the request of Mayor McTaggart this item was removed for separate action. Mayor McTaggart explained that he wished to abstain from this item due to a possible conflict of interest.
- CC.9 Request for Sidewalk Construction Deferral at 238 Bettencourt Street - granted a deferral of sidewalk construction until such future time that sidewalk construction is required by the City subject to the property owner entering into an agreement with the City providing for future construction of the sidewalk.
- CC.10 Vacation of the Nathanson Creek By-Pass Drainage Easement on A.P. #128-031-53 (Dowd Property) - adopted Resolution #75-90.
- CC.11 Payroll Register 10/25/90; Warrant Register 11/7/90 - approved.
- CC.12 Jail Booking Fees Established by Board of Supervisors - received County of Sonoma Resolution #90-1990.
- CC.13 Designation of City Council as Building Board of Appeals - Set Public Hearing for November 20, 1990 at 7:30 p.m.
- CC.14 Sonoma Valley Veterans' Building Use Policy - approved with Clm. Murphy abstaining due to a possible conflict of interest.

- CC.15 Making Certain Findings Regarding the Appeal of the Gullotta Project Located at 19337 Fifth Street West - Clm. Murphy requested that this item be acted upon separately as he wished to record a NO vote. Clm. Riboni and Mayor McTaggart also requested that this item be acted upon separately as they wished to abstain from the item due to a possible conflict of interest.

It was moved by Clm. Murphy, seconded by Clm. Markson, to adopt the Consent Calendar with the exception of Items CC.8 and CC.15.

ROLL CALL VOTE: Ayes: (5) Clm. Carter, Markson, Murphy,
Riboni, Mayor McTaggart

Noes: (0) None

Absent: (0) None

- ITEM CC.8 It was moved by Clm. Riboni, seconded by Clm. Murphy, to adopt Resolution #74-90 authorizing the Mayor to execute a cooperative agreement between Caltrans and the City for work at the Fifth and Napa Streets West Intersection.

ROLL CALL VOTE: Ayes: (4) Clm. Carter, Markson, Murphy, Riboni

Noes: (0) None

Absent: (0) None

Abstaining: (1) Mayor McTaggart

- ITEM CC.15 It was moved by Clm. Markson, seconded by Clm. Carter, to adopt Resolution #78-90 making certain findings regarding the appeal of the Gullotta project located at 19337 Fifth Street West.

ROLL CALL VOTE: Ayes: (2) Clm. Carter, Markson

Noes: (1) Clm. Murphy

Absent: (0) None

Abstaining: (2) Clm. Riboni, Mayor McTaggart

Mayor McTaggart stated that since he was not at the meeting of October 25, 1990 he could not make the findings as stated in the Resolution, therefore he would abstain from the item.

PRESENTATIONS

- PR.1 Presentation by Audience Members Wishing to Address the City Council on Items not Appearing on the Agenda

1. Mel Hoskins, Community Center, thanked the Council for approving their use of the Veterans Memorial Building and gave a report of the activities they will be holding there, including a teen dance.
2. Nancy Weres requested that the presentation by Mayor McTaggart to the Sister Cities be advanced on the agenda but after discussion it was decided to leave it on the agenda as scheduled.
3. Kathy Gillion, representing Sassarini and Prestwood Schools, thanked the Council for the use of the Veterans Memorial Building for their Halloween Party. Over 2000 people attended the event.

- PR.2 Introduction of Police Officer David Pockrus

Police Chief Rettle introduced new Police Officer David Pockrus, hired in October.

- PR.3 Certificates of Appreciation to Bud Malmanis and Michael Ross

Certificates of appreciation will be presented to Bud Malmanis and Michael Ross for their efforts in developing the URM rehabilitation ordinance, the presentation being made at a later date at the suggestion of Mayor McTaggart.

- PR.4 Request for Assistance on Espindola Adobe Project

Robert Parmelee reported to the Council the results of the archeological study of the Espindola Adobe site located north of the Court/Council/Police facility and asked Council whether they should continue the project.

Clm. Riboni stated he was wholeheartedly in support of the project.

PLEDGE OF ALLEGIANCE

Mayor Markson

ROLL CALL: Present: C/m. Murphy, Riboni, Tuller, Mayor Markson
Absent: C/m. Parmelee (excused)
Also Present: City Clerk Berto, City Manager Arner, Planner Steinbeck,
City Atty. Klein, PWD Rowland

1. CONSENT CALENDAR:

- a) Council minutes of 2/11/85 and 2/25/85 - approve.
- b) Request from Sonoma Fire Muster Team for \$1,200 to participate in State competition - approve.
- c) Authorization to destroy unneeded police records - Adopt Resolution #14-85.
- d) Spousal Expenses of Mayor when Representing the City - approve.
- e) Architectural Review Commission Attendance Record for 1984 - Receive.
- f) Acceptance of Dowd Easements for Open Space and Nathanson Creek Bypass - Adopt Resolution #15-85.
- g) Accept Improvements in Creekside Subdivision, a Planned Unit Development - Adopt Resolution #16-85.
- h) Final Map for Sonoma Medical Center Condominiums - Adopt Resolution #17-85.
- i) Acceptance of Grant Deed from Gerald Cosce - Adopt Resolution #18-85.
- j) Letter to Wally Tweden - approve.
- k) Payroll Register 3/7/85; Warrant Register 3/11/85 - Approve.
- l) Appeal of Planning Commission's Decision re: Creekwood Gardens Use Permit and Minor Subdivision Application - Set Public Hearing for 3/25/85 at 7:30 p.m.
- m) Second Progress Payment to Benson Construction Company in the amount of \$4,411 for Dog Kennel - Approve.

It was moved by C/m. Tuller, seconded by C/m. Riboni, to approve the Consent Calendar as presented.

ROLL CALL: Ayes: (4) C/m. Murphy, Riboni, Tuller, Mayor Markson
Noes: (0) None
Absent: (1) C/m. Parmelee

2. PUBLIC HEARINGS

a) FINAL EIR ON HILLBROOK/KNILL ANNEXATION

Mayor Markson reported that she has received some telephone calls that have been confusing at best. People don't quite understand what the Council is going to do tonight. What the Council is doing tonight is kind of like grading a reference report. It's a pass or a failed grade so to speak. The decision is: "Does it meet our needs as reference material? Does it provide the City Council with those things that the Council needs to know in order to make a good, sound decision? Tonight, the Council is not making a final decision on the motel or anything else at Four Corners. Tonight, the Council is looking at the adequacy of this Report.

C/m. Tuller: I would just like to say that the process that Mayor Markson has referred to has several steps to go through and one of them is the adequacy of this Report. In addition to that, there are four other steps and they will not be gone into tonight. Those are the General Plan amendment, the rezoning, the annexation and the tentative map approval.

CITY OF SONOMA, CALIFORNIA
CITY COUNCIL
REGULAR MEETING: FEBRUARY 27, 1984

CALL TO ORDER

7:32 p.m. - Municipal Court/
Council Chambers, 177 First
Street West - Mayor Riboni
presiding

PLEDGE OF ALLEGIANCE

Mayor Riboni

ROLL CALL: Present: Clm. McTaggart, Ruggles, Tuller, Mayor pro tem Markson,
Mayor Riboni

Absent: None

Also Present: City Clerk Berto, City Mgr. Arner, City Atty. Klein,
Planner Steinbeck, PWD Rowland

1. CONSENT CALENDAR:

- a) Council minutes of 2/13/84 - approve.
- b) Deeds for acceptance of Easement for Water Line in Spanish Pueblo Subdivision, Unit #5 - adopt Resolution #17-84.
- c) Set Public Hearing on Water Rate Increase - set Public Hearing for 3/12/84 at 7:30 p.m.
- d) Payroll Register 2/23/84; Warrant Register 2/27/84 - approve.

17-84

It was moved by Clm. Tuller, seconded by Clm. McTaggart, to approve the Consent Calendar as presented.

ROLL CALL VOTE: Ayes: (5) Clm. McTaggart, Ruggles, Tuller,
Mayor pro tem Markson, Mayor Riboni

Noes: (0) None

Absent: (0) None

2. GENERAL HEARING

a) Laurel Wood Farms Tentative
Map Design Alternatives

Given to the Council in the
Agenda Packet were the
following:

- 1) Planner Steinbeck's MEMO dated 2/22/84 regarding alternative tentative map configurations for Laurel Wood Farms. In his MEMO, Planner Steinbeck stated that Staff recommends that the City Council approve Alternative Design I as submitted by the applicant.
- 2) Parcel Map No. 5110, Lands of Louis Chiotti, et ux.
- 3) Letter dated 2/6/84 from Louis and Sally Chiotti, 865 East Napa Street, suggesting to the Council to strongly consider the north and south stub out streets in the Laurel Wood Farms property.
- 4) A 16-unit Tentative Map showing the "H" intersection.
- 5) Alternative "A" Tentative Map from the Draft Environmental Impact Report showing a 12-lot single family subdivision with a single cul-de-sac for Laurel Wood Farms.
- 6) Alternative Design 1, a 16-unit Tentative Map which shows a double hammerhead cul-de-sac for Laurel Wood Farms.
- 7) Alternative Design 2 - a 16-unit Tentative Map which shows a cul-de-sac configuration for Laurel Wood Farms.
- 8) Alternative Design 3, a 16-unit Tentative Map which shows a cul-de-sac elbow with a direct stub to the south.

Public Hearing on Water Rate Increase - set Public Hearing
Mayor Riboni: First, Mr. Steinbeck, give the Staff Report,
please.

It was moved by Clm. Tuller, seconded by Clm. McTaggart, to
approve the Consent Calendar as presented.

ROLL CALL VOTE: Ayes: (5) Clm. McTaggart, Ruggles, Tuller,
Mayor pro tem Markson, Mayor Riboni

Noes: (0) None

Absent: (0) None

Planner Steinbeck: Thank you. Mr. Mayor and the Members of the Council, in reviewing my MEMO of February 22 which the Council as well as the people listed at the bottom of the MEMO have had since last Friday, in the January 23 meeting, the Council considered and approved, certified, actually, the Final Environmental Impact Report (FEIR) for Laurel Wood Farms as being adequate, approved the General Plan revision for the Laurel Wood Farms property to urban residential, approved the rezoning on the property to single family residential and annexed the property to the City of Sonoma, all by resolution.

After considerable discussion, the Council requested Mr. Bonnoitt, the applicant's engineer, to come back with various, different alternative designs for the Tentative Map, dealing with street configuration. The discussion at that time was how to preserve the Council's future option for either street extension or cul-de-sac streets in the area dependant upon an overall General Plan review of the entire ease side. We have submitted as an attachment to the memo, the originally submitted Tentative Map showing the "T" intersection, an alternative design labeled as Alternative Design 1, that was originally labeled "A", but since we have another Alternative "A", we changed these three to 1, 2 and 3. Alternative Design 1, which shows a double hammerhead cul-de-sac, I guess it's the way we describe it, with a small parcel along either end of the north and south stubs of the cul-de-sac to give the Council better future control whether or not to extend those streets at sometime in the future. These maps also indicate the potential alignment of a future street if and when it would be extended connecting to the north to the 50' right of way easement shown on Parcel Map 5110, Mr. Chiotti's, and I believe we also have Mr. Chiotti's letter attached for the Council's review, and to the south a potential street could go along the Becker and Del Secco property line. Again, Alternative 1 is the Staff recommended alternative because we feel this will give the Council an option dependant upon what happens in the surrounding area. I might also note that on Alternative 1, 2 and 3 I sketched in the pond area which was omitted from these particular maps. Alternative 2 shows the original cul-de-sac configuration as first proposed by the applicant before the Staff requested to see the "T" intersection, again resulting in 16 lots. Alternative 3 is a cul-de-sac elbow with a direct stub to the south. That direct stub to the south could also be changed to another cul-de-sac as shown in Alternative Design 1 to give the Council an option if you wish to have that option. Alternative "A" was reproduced out of the FEIR. This was prepared as one of the alternatives as part of the EIR process, shows a single cul-de-sac and 12 lots as well as reservation of the 150' open space easement to the east of the subdivision which is a requirement of any subdivision map that you approve according to the Conditions of Approval which we have listed in previous reports. Again, Staff is recommending approval of Alternative Design 1 and any action by the Council should be subject to the Conditions of Approval which were formerly passed on to you. We did not reproduce them for this meeting. I'm sure you still have copies from the last meeting. So with that I'll try to answer any of your questions. The City Attorney may have something to say at this particular point. I don't know, Mr. Mayor, when it would be appropriate to say something about the lawsuit that you have a copy of.

Mayor Riboni: Thank you, Mr. Steinbeck. According to the question that I have asked regarding the lot square footage that you could present on the board, if you could go over that, I think that would be what the average is in Monte Vista Estates as well as what's proposed in the various alternatives.

Planner Steinbeck: Back in 1981, looking at a Staff Report after you had contacted me today, Mr. Mayor, we did calculate an average lot size and show the minimum lot size for the existing 69 lots that are encompassed by the heavy dark line on the map here known as Monte Vista Estates Subdivision, Units 1 through 4. The smallest lot in that area was 6,623 square feet with an average lot size of around 9,000 square feet, slightly less. The first, the Tentative Map that is actually submitted by the applicant at this time with the "T" intersection has a 7,000 square foot minimum and a 9,000 square foot average lot size. Alternative 1, which is being recommended, shows a 6,360 square foot minimum, with a 8,740 square foot average. And then across the board, I don't have to read the numbers, I believe everybody could read them, or, if not, I'll just go through them anyway. Alternative 2, minimum lot size 6,000 square feet, average lot size 9,150 square feet. Alternative 3, 7,175 square feet minimum, 9,175 square feet average.

Alternative "A", about 8,500 square feet minimum, and about 12,700 square feet average lot size. That's the alternative with 12 lots.

Mayor Riboni: Thank you, Mr. Steinbeck. Before we move on to possibly any comments from Mr. Klein, we'll ask if there's any questions on Mr. Steinbeck's report from the Council? No questions from the Council. Thank you, Mr. Steinbeck. Mr. Klein, do you have any comments to make?

City Atty. Klein: Very briefly, Mr. Mayor and Members of the Council. Mr. Steinbeck referred to a lawsuit that was filed earlier today by Concerned Citizens for City of Sonoma as an unincorporated association and various other people against the City and against Robert and Carol Dowd, which challenges the adequacy of the City's General Plan to support the subdivision and the adequacy of the EIR which the Council has certified and contains an allegation, generally, that the residential zoning of the property under the circumstances constitutes kind of a spot zoning. The matter will be set for hearing by the Court 3 to 4 weeks from now if the plaintiffs wish to pursue it to an application for a preliminary injunction. There is no judicial restraint at the present time. I would advise the Council to proceed with the hearing as if the lawsuit didn't exist. I don't think it's necessary to make any further comment upon it or to consider it except, of course, to the extent that anybody in the audience may wish to make some point concerning the lawsuit and ask for your consideration.

Mayor Riboni: Thank you, Mr. Klein. Any questions from the Council of Mr. Klein? Hearing no questions from the Council of Mr. Steinbeck or Mr. Klein, I'd like to hereby declare the hearing open (7:44 p.m.). This is a general hearing. Anyone wishing to speak, will step forward to the microphone, give their name and their address so that the City Clerk may have a proper record of their comments. So the General Hearing is now open.

John Flitner: Mr. Mayor and Members of the Council. My name is John Flitner. I'm an attorney at law with law offices in Santa Rosa, California. I'm here representing the Concerned Citizens. I do have another meeting to attend so I will excuse myself fairly quickly after my remarks. But I do wish to respond to Mr. Klein's remarks and also the Council. As you know, this matter has been before you before. It is a matter of some controversy, at least insofar as my clients see it. My reason for being here this evening is to offer you an olive branch, if possible, as well as acknowledge the fact that a lawsuit has been filed. As you know, the EIR was certified as adequate last month and the last filing date was on the 26th of January, and 30 days thereafter, if the plaintiffs wished to have raise any of the issues they feel are inadequately addressed to in the EIR, they must institute a proceeding. That was one. The last day was the 25th, which was Saturday, which carried it forward to this day. No restraining order was filed at this time because it's thought that this matter might be resolved by the Council and that's a better place to resolve it than in the courts since you are the ones who resolve this matter generally with regard to zoning and land use matters. But I would like to make these comments, and I think the Council, at least some of them, have acknowledged them in their remarks, that I have read relative to this matter. I know they have been acknowledged by the Planning Commission because I was present at some of those meetings, the meeting when they considered that, that is, the General Plan. I think there is a question about consistency with the General Plan. I will acknowledge that you amended the General Plan to deem it to be the same and to allow this development, but the larger issue also arose as to whether or not it was proper, at least important enough, to consider the whole area before this development was considered. We submit to you that it was. That issue, we think, is still one that is worthy of your consideration. Secondly, there were some questions about the EIR in its adequacy. One of the things that was not addressed in the pleadings today was the traffic. I know one of the recommendations recommends a "T" intersection which will open up the traffic to the north and to the south. It seems to me that is a question that these people have addressed and I don't know that the EIR adequately responds to that. I'm not here to criticize or to litigate those matters before you this evening. I do think the people that I represent have some proposals. I discussed this with Mr. Steinbeck on occasion on the telephone and he has indicated to me that the Concerned Citizens never brought forth for the Council consideration what they thought would be a reasonable alternative to these development proposals. I would also like to allay any beliefs that they're against any form of development whatsoever. But I would observe that they feel it

should be consistent somewhat with what their uses are. They're located on the edge of the City. They're located next to a rural-type atmosphere and, generally speaking, cities do recognize lesser densities as you extend to the outer limits of the City. So, I think it's reasonable for them to consider that the densities to their east would be less dense than those that they had. At that time this was not in the City limit. Those questions, I think, they would like to address at greater length to you, with you and offer you some alternatives to those that have been proposed. With that I'll close my remarks and thank you very much.

Mayor Riboni: Thank you, sir. Anyone else at this time? Mr. Bonnoitt?

John Bonnoitt: Mr. Mayor and Members of the Council. John Bonnoitt, 145 East Napa Street and representing Bob and Carol Dowd. I'll make my comments brief. As you know, we were asked to do these alternate lot designs. We presented 3 alternates to you, all of which conform to the R-1 zoning, which you've granted to the property. They all significantly exceed the requirements of the R-1 zone and all three of these plans, together with the original one that we submitted, are all comparable to the lot sizes in the adjoining subdivision. We do feel that after looking at these plans, that the Alternative 1, which Staff is recommending, seems to us to answer all of the various concerns that you had about the street patterns because the subdivision, as we have designed it in Alternative 1, is actually a cul-de-sac. It can be finished as a cul-de-sac with no need for barricades or anything that would indicate an intention on the part of the City to extend the streets. On the other hand, these cul-de-sacs are located at the property lines, with a parcel in between as you are well aware from Mr. Steinbeck's report, which would give you the option of going to the north or the north and to the south or neither place. It would seem that if your studies of the east side of Sonoma indicate, whatever that study indicates, this Map No. 1 will respond, and can be workable into any of those schemes. So, we seem to think this one should take care of the concerns that you have. On the other hand, the others are certainly, if you do select one of the others, certainly no objection on our part. So with that, Mr. Mayor, I'll close my comments. Thank you.

Mayor Riboni: Thank you, Mr. Bonnoitt. Anyone else?

Ron Cuda: My name is Ron Cuda. I live at 20 Quedo Court, Sonoma. For the record, I would like to say that I personally believe that Dr. Dowd should not be allowed to build any more than 8 homes on 4 acres. For almost three years we've been hearing nothing but problems. Tonight, I would like to offer what I feel is a solution. We have two plans which we feel that the neighborhood could live with and Dr. Dowd could live with. Mr. Steinbeck, could I get you to put these on the wall?

Planner Steinbeck: Which one do you want first?

Ron Cuda: Thirteen. Our first plan is called Alternate Design 13 Units. We didn't call it 1, 2 or 3. We had to come up with something so we called it as it was. This utilizes the entire 4 acres. Let me first preface by saying that I'm not a civil engineer, and that I'm not a designer of property lots, nor do I profess to be. So, the configuration of the street design or all that, may be a little off and I apologize. I tried to do it as close, as accurate as possible. The average lot sizes in Monte Vista are approximately 9,000 square feet as Mr. Steinbeck noted. What we have tried to do here is come up with some comparable lot sizes, or, maybe, just a little bit bigger. You also notice that the street design reflect that of a cul-de-sac, yet with an opportunity to open the street up, if, in fact, it is ever justified at a later date. It was explained to me that this concept would require Becker, Del Secco, or any future owners of the property to the south, to petition to the Council to put the street through, rather than to expect it if it were a stub street. All right, Mr. Steinbeck, my second plan. Are there any questions on this one? My second plan, our second plan is called Alternate Design 14 Units. What we have done here is include an additional 50 feet to the east and changed the whole project plot from 520' x 346', approximately 4 acres, to 570' x 346', approximately 4.39 acres. Again, we have utilized the same street design, but as you notice, we have designed it in such a way where they would all reflect nice lot sizes to complement the theme: Laurel Wood Farms. We honestly feel that Dr. Dowd would not lose on either of these designs, monetarily. In fact, it's my personal belief, that Dr. Dowd would gain monetarily because these lots

would be of greater value because of their size. The idea of the street and the nice neighborhood that the project abuts all preponderately produce a better than average subdivision. In addition to the Conditions of Approval that were dated August 28, 1981, I believe, Mr. Steinbeck, those would be the conditions you were referring to just a few moments ago, we would add the following:

1. All lots would have single driveways, and again, they would reflect similar lot sizes of our Alternate Plan 13 or 14. Again, I'm sure some designer, or builder, or whoever could prove me wrong on some of the actual dimensions, but to try to keep consistent with that idea is what we're asking.
2. That the additional land known as County and Dr. Dowd, Dr. Dowd's ranch, would be placed in perpetuity, never to be developed as Dr. Dowd has originally proposed.
3. That a construction street be designed to enter from Dr. Dowd's property off Seventh Street East and that Avenue del Oro not be put through until after completion of the project.
4. Consideration is given for dust control.
5. Prior to erecting any buildings, the neighbors affected would have the opportunity to present to Dr. Dowd solar locations where future proposed solar locations so that no building would affect the same.
6. Strong, and I underline the word strong, consideration be given in saving some or all the willow trees.
7. In reference to Appendix "B", Conditions of approval, page B-1 of the Final EIR, paragraph 5, item d., it states: Prior to project approval the appropriate sewer alternative should be selected by the County Sanitation District and necessary improvements required of the project developer.
8. We would ask all recommended mitigations in the Final EIR be strongly considered by the City Council before final approval of the Tentative Map.

As you, the Council, are now aware after the meeting of January 23, 1984, we, the neighborhood, felt that we have been done such an injustice that we instructed our attorney to reinstate our lawsuit. He did so, and as a result, a trial has been set for about the middle of March. If either of these plans and conditions are accepted, we, the neighborhood collectively, would pledge to you that we would drop the lawsuit and promise never to oppose this particular project again. We hope you view these proposals as a spirit of cooperation from our neighborhood and see it from our part as a generous compromise. Thank you.

Mayor Riboni: Thank you, Mr. Cuda.

Planner Steinbeck: Mr. Mayor, just a point of clarification, if I could, please?

Mayor Riboni: Yes, Mr. Steinbeck has a point.

Planner Steinbeck: On the Conditions of Approval as listed on our Staff Report to the City Council for the 23rd (of January) which was dated January 19th, Ron, I think you had a copy of that, we recommended approval of the subdivision subject to the Conditions of Approval as listed in Appendix "B" and then we added 12 Conditions of Approval which were a direct reflection of the mitigation measures proposed in the Draft and Final EIR. When you consider it appropriate I can go through some of those. They do, in some cases, duplicate what Ron was just proposing. Whenever you feel that's appropriate, Mr. Mayor.

Mayor Riboni: Right now is fine.

Planner Steinbeck: The following additional conditions suggested as mitigation measures in the EIR were read.

1. The first condition was that access for construction equipment and vehicles shall be from Seventh Street East across the remaining portion of the Dowd property. (That's for all construction equipment and vehicles.)
2. The underground storm drain alluded to in Condition 5(g) shall connect to the existing 48" storm drain located near the frontage of 672 East MacArthur Street.
3. The preliminary soils report shall recommend the proper construction, foundation and building pad requirements for the development.
4. The developer shall be required to use watering for dust control on and around the project site during construction. (I might say that's a very usual condition of approval and one that's enforced, we hope, very strenuously. It's a daily operation on our inspector's part.)
5. The speed of all trucks and vehicles within the site during construction shall be limited to a maximum of 15 miles per hour.
6. Dust control after construction has been completed shall be continued as necessary until vegetation has taken place.
7. A 150' strip of land located directly to the east of the proposed subdivision shall be reserved by a method mutually agreeable between the Sonoma County Water Agency and the City of Sonoma for possible future construction of the Nathanson Creek bypass.
8. The applicant shall make all reasonable effort to restrict noise during site and building construction so that it will not exceed levels normally associated with such projects. (I might also say that the applicant's contractor or whoever would be building the property would be subject to our standard noise ordinance limits for construction of 8 a.m. in the morning to 7 p.m. in the evening.)
9. All homes shall be oriented and designed to maximize solar access.
10. All homes shall be completely insulated to State energy standards as per Title 24 of the California Administrative Code.
11. The existing ditch running through the Dowd property on the site's western boundary shall be replaced by an underground storm drain system.
12. Curb inlets at the west boundary of the subdivision shall be installed and connected to the new storm drain so that run off from the new subdivision would not flow into Monte Vista Estates Subdivision along Avenue del Oro.

That, along with the Conditions listed in Appendix "B" in the EIR, were the recommended Conditions of Approval.

Mayor Riboni: Thank you, Mr. Steinbeck. Any questions of Mr. Steinbeck? Sir?

Gregory Rodeno: Good evening, Mr. Mayor, ladies and gentlemen of the City Council. My name is Gregory Rodeno. I am an attorney for Robert Dowd. I would like to make a couple of comments. Now that this matter has been shuffled over into the litigation field, I feel a little freer to comment. First of all, I recognize, in that light let me say, I recognize that the objectors to this project feel that their proposal constitutes a compromise for the dismissal of their litigation. First of all, I think that's an inappropriate thing for you to consider at all. Second, because that is primarily a concern of my client. Secondly, until the statutory time period as set forth in the Code of Civil Procedure 1094.5 passes, which is sometime in early May or late April, the plaintiffs in this lawsuit really have nothing to offer us since the City Council action can be challenged on grounds other than the EIR adequacy. The EIR deadline, which expired today, is a public resources code something like the 26000 section. These are two independent grounds. So, pending the running of that statute of limitation, there really is nothing that they can offer you because they cannot control or hinder anybody except the four named plaintiffs. All the rest of the citizens of the City of Sonoma have an open shot until sometime in May. Okay. Secondly, the number of lots, well, let me say I find it a little surprising, if you will, that after all the lengthy hearings that you have had some of which I have been a part, we come down to two lots: 14 versus 16. I think the presentation by Mr. Bonnoitt, the three alternatives, is responsive to the zoning of this property which is R-1, is responsive to the City's concerns regarding future traffic and future development on the east side of the City of Sonoma. I think it's incumbent upon you to make a decision to approve a tentative map based upon planning and zoning considerations and not on peripheral ones. I think those are the primary issues which must concern you, from the issues which have been raised. I think Mr. Bonnoitt has responded to all of the issues which have been raised in the course of these hearings with regard to planning and zoning. His submittal is appropriate and I urge your approval of what was submitted as Design Alternative No. 1. Thank you. If you have any questions I'll be happy to answer them. If you have any questions about what the statutes mean I would prefer that you ask Mr. Klein. I'm sure he'd advise you. Thank you.

Mayor Riboni: Thank you, sir. Anyone else?

Malcolm Stone: Malcolm Stone, 65 Sereno Court. Just a quick rebuttal, Mr. Rodeno's argument to Mr. Steinbeck. I believe I just heard it a few minutes ago, request that the City never received anything from our crew and that's why we did present it tonight. This was something that was requested so I did want at least to reply to that. I just have one quick question. On these lots that are Alternative Design 1, most of these are 60 feet wide and I'm just wondering how could a house be built on that narrow of a lot considering the setbacks? Maybe Mr. Steinbeck or somebody else can answer that for us.

Planner Steinbeck: Mr. Mayor, do you wish me to respond to that?

Mayor Riboni: Yes, please.

Planner Steinbeck: The smallest lot width would be on Lots 14, 15 and 16 of the subdivision, listed as Alternative Design 1. There are others in there, too, that have the 60 foot width. I see Lot #13, now upon further looking. A 60 foot width lot with a side yard setback of a combined 15 feet, 5 foot minimum, leaves you a 45 foot width for a house. They are built upon all the time at that particular width. That's the minimum lot width allowed by the zoning ordinance for that particular kind of lot. But with the setbacks of 15 feet combined in the side yard, you could end up with a house that could be 45' x 86', roughly, if it was a square house totally built out to the building setback line. So, 40' x 80' is 3200 square feet. That's still a rather large house. So, yes, in answer to the question directly, it is possible with the setbacks.

Mayor Riboni: Thank you, Mr. Steinbeck. Anyone else? Any other comments? 'Cause when I close the general hearing I will receive no other comments unless they are specific questions asked of Councilmembers or Staff or the City Attorney. So, I want this made clear before I do close the Public Hearing. If you wish to make any statement, now is the time to do it. Last call.

Ed Mitchell: Mr. Mayor, Councilmembers. My name is Ed Mitchell and I live at 3745 Grove Street, Sonoma. Before I start on my comments I want to make a few comments. First of all, I don't believe I know any members of the Concerned Citizens group, nor am I well acquainted with Dr. Dowd. I think I have met Dr. Dowd on two separate occasions, but I'm not a friend. I don't consider myself a close friend (of his). The third thing I want to say is that I am a developer and builder in this area. I guess what I'm more concerned about is not whether the lots are 13 or 16 (in number) but rather that this subdivision be approved. First of all, this last year we've built 48 units in the County here, in this County, 'cause I've never been able to get those kind of densities and whatnot approved in the City limits. I think we've still done a fine job of maintaining the integrity of the land, the oaks, things like that. That was apparent last week in Miriam Ansell's comments when the Planning Commission, when they reviewed our project out at Oakwood. She made those comments. What I'm more concerned about is, I moved here approximately 8 years ago and I could not find a home to buy or live in of this type or the type that people live in. You could find condominiums all over the valley, thousand square foot, nine hundred, seven hundred, whatever. These are nice, medium priced homes. That's what we need and, frankly, you know, I don't think their approach, I don't think they would intimidate me by filing a lawsuit and that bothers me a little bit that that was their approach. I've been coming to these meetings and I've never said a word. I've watched you over the last 2-3 years struggle with this thing. I don't know that this alternative which they submitted tonight was ever submitted to you before 'cause I never saw them and I was at all of these meetings. And you file a lawsuit, and turn around and want less density units. That, to me, is intimidation in the wrong manner. These alternatives should have been submitted previously and they should have been considered by you first. I still maintain that whether there's 13 or 16 (lots) it still can be done well. The other thing that I want to urge you, is to approve this, simply because this is what we need. And if you don't approve this, then maybe there are some of us on the west side over here, I live in Diamond A, maybe we should sue you for not buying this kind of housing because we're getting all the condominiums. You know, we're getting out here at Fiesta Market, we're getting 89-90 units, I don't know what it is. We're getting the same thing over here at Vista Hermosa, 7 to 8 units to the acre, and I just think this is the kind of housing we need and it's time you approve this thing. Thank you.

Malcolm Stone: Malcolm Stone, 65 Sereno Court. I'd just like to say again, back in the days when we were with LAFCo and the Sanitation and our County Supervisor, Bob Adams, invited the gentleman to our neighborhood meeting and submitted a compromise for them to work out with Dr. Dowd and we were turned flat down, in the LAFCo meeting. I just want it for the record.

Mayor Riboni: All right. Any other comments? Or Statements? Not hearing any further, I'll declare the Public General Hearing closed (8:09 p.m.) and will come back to the Council for their comments and possible action. Mr. Tuller?

Clm. Tuller: Mr. Mayor, I wonder if Mr. Klein or Mr. Steinbeck would inform us just a little bit more of the dead line that we're working under. Is it today? Are there alternatives to that so we know how we're working under?

Planner Steinbeck: I'm not exactly sure, Mr. Tuller, exactly what dead line you're talking about?

Clm. Tuller: The one I'm talking about, Mr. Steinbeck, is the one, as I understand it, if the Council does not take action that the law automatically approves or sets this into motion.

Planner Steinbeck: I asked that same question of Mr. Klein earlier today in a telephone conversation, Mr. Tuller, and he indicated that because of the court action that was filed that would automatically extend whatever time period we're dealing with there, and I'd asked John to expound upon that.

Clm. Tuller: I'd appreciate it.

City Atty. Klein: That's true, but upon the important qualification that we were anticipating the possibility of a temporary restraining order which would have the effect of stopping the Council from acting tonight. There was no application as the suit unfolded. There's no application made, as

Mr. Flitner said, for an immediate restraining order. That's why I made that opening comment to you that I would suggest you proceed as if the suit didn't exist. At the present time, I don't think that that time limit is effective. When the time limit is important, the Statute does provide that the development project stands approved as submitted. Now, I'm not clear myself, though, as to the position of the tentative map in the overall development project. Mr. Steinbeck might have a comment on that or Mr. Rodeno. As you know, you've approved the annexation, the rezoning and so forth in the project as it was originally submitted. Whether the tentative map is something of a later origination or whether it's still within that stretch of time as it has been extended. Mr. Steinbeck indicates yes.

Planner Steinbeck: It was all filed at the same time, Mr. Klein.

Gregory Rodeno: Mr. Klein, if I may comment, Gregory Rodeno. It's my understanding that if all elements of the proposal were submitted concurrently, that the AB 884 dead line does apply to the tentative parcel map which has been submitted and it's my understanding that that dead line is March 3rd or thereabouts.

Clm. Tuller: March what?

Gregory Rodeno: Third.

Planner Steinbeck: Second or third, I believe.

Mayor Riboni: Thank you. Anything further, Mr. Tuller?

Clm. Tuller: Mr. Mayor, I asked a question simply because I find it very, very difficult at the Council level to do the planning on this. One of the reasons we have a Planning Commission, and one reason we have a staff, alternate plans come in to get a fair type of look at it. It really needs to go through the process that is set up to do that and for us to be put in a position of doing the planning, I just think is a very difficult position to be in. It's late. It's very late.

Mayor Riboni: Is there any other comments from the Council? Questions? No one? Mr. Ruggles?

Clm. Ruggles: Is there any great reason why (Alternative Design) #2 couldn't be adopted?

Planner Steinbeck: That's Alternative Design #2 as submitted in the packet? Is that what you're talking about?

Mayor Riboni: If that's a question, Mr. Ruggles, there's no reason why it could not be adopted. No, that is one of the alternate designs which has been presented. The first alternate, Design #1, was the one recommended by Staff for approval. There's absolutely no reason why #2 nor #3 could not be adopted. No reason, whatsoever.

Mayor pro tem Markson: Your Honor, if it's in order, I would like to discuss a little bit Alternate Design #1. It, personally, appeals to me because it does, indeed, give us the option that we, the City Council, I feel, need. It gives us the option of providing access and egress to different streets on different parts of town. As we look at the overall area and the length of Avenue del Oro, I would feel that the traffic concerns by opening this up would probably enhance that area from the standpoint that not everyone would have to go down Avenue del Oro. They could also go out other streets. In the future, as it stands now, they would be cul-de-sacs and also, that, in the future, if it doesn't work out we really have kept all the options open. That's my feeling at this point in time. I really want to keep as many options open as possible. Regarding the filing of the lawsuit, to me it wasn't totally unexpected. It happens that the decisions of city government rest with Planning Commission and City Council, in this regard, and we hope to carry them out to the best of our ability.

Mayor Riboni: Thank you. Anyone else?

Clm. Tuller: Mr. Mayor, I will speak up for Alternate Design No. 1. I won't go through what the Vice Mayor just went through as the reasons again

for supporting it. But I find this has the greatest possibilities of any of the designs that have come through. I have some concern, as did Mr. Stone who brought up the question of the lots that are the 60 foot wide lots, the three of them, especially the long narrow ones, but I do know that what Mr. Steinbeck says is very, very accurate, that they're being built upon all the time and, certainly, that size lot there's going to be lots and lots of space, despite the fact it is so much narrower. So, I would like to say that Alternate Design 1 has some merit.

Mayor Riboni: Thank you, Mr. Tuller. Is there any comment regarding designs? I'll just make an initial comment. I prefer the elbow design, Design #3, with the addition of a cul-de-sac at the property line between Mr. Becker and Mr. Del Secco's property. 'Cause with a "T" street it means that the street could automatically be extended. I just feel that the elbow design with an exit to the south only is not only of the best interest to the adjacent parcels, being Mr. Becker's parcel and Mr. Del Secco's parcel, but it is the closest exit to a main thoroughfare, that being East MacArthur Street. I feel that any circulation, after looking at the overall comprehensive map, any additional circulation from any development from properties to the north, that circulation patterns could be made out properly for entrance and exit on East Napa Street as well as Fifth Street East without the necessity of bringing in additional traffic through this proposed street that may bring those residents directly to East MacArthur Street. So, I would feel that Design #3 with the addition of a cul-de-sac at the intersecting property lines of Mr. Becker and Mr. Del Secco as shown on the plan would be an appropriate design. I feel, again, that Avenue del Oro is a long street and I certainly concur. I feel that by extending it to the north could make it even longer, if that sounds appropriate. I just feel that Monte Vista is a well-designed subdivision in itself. I feel that the addition that was provided for with a stub street, when Avenue del Oro was put in, for the development of adjacent property is proper. I feel that with this development of Dr. Dowd's parcel, that an exit to the south only is appropriate and that, again I say, any further development to the north can find a circulation pattern to Fifth Street East and to East Napa Street. Those are my initial feelings. Mr. McTaggart?

Clm. McTaggart: I would just make a few comments and give my thoughts on the subject. The first comment would be, and I think it's inappropriate to talk about what's involved in the litigation here for the simple reason that all the people involved are not able to get up and probably shouldn't get up in a public forum and talk about settling that kind of thing. The thing was made in good faith but I just don't think I'm in a position to, as a city councilman, to settle lawsuits up here, typically when the presentation is that if you do what we'd like you to do then we'd settle the lawsuit. I don't think it was done in bad faith. I think the problem is that this Chamber is never filled with more than a fraction of a percent of the population of this City and yet we 5 councilmembers up here are elected by 6200 or 6400 people. To govern those people as we hope that's the rights of a majority, always respect the rights of the minority. As to the rights of the minority, we start talking about constitutional rights, which can include land use. What we don't see here is the benefit of the alternate plans as compared to the problems that the Concerned Citizens have with the EIR. As I see it, plans proposed may be compromises but they really don't address the things in the EIR that you may feel are wrong. So, the remedy to this problem, the problems exist in the EIR and if they wish to continue litigation that's their prerogative to do so. The Court will have to decide whether the City was at fault or look to something or whatever. I think the proposals and everything that's been made, pays lip service to lower density. I realize that if you'd have your druthers you'd have no density whatsoever. I respect that position, but that's not what we're here to deal in. I don't think that's the way it's going to end up. At least as far as the Council's action is concerned. I think Design No. 1 is the best because it doesn't burn any bridges, it doesn't automatically do anything. Putting artificial barriers such as constraints on sewer or streets or lighting or fuel or anything else is an excuse to control, is rather a club-footed way of going about controlling zoning. I think it would be a real mistake to cut off the options here by not having the configuration that Staff has recommended and that is known as Design 1. For all those reasons, I could support Design 1.

Mayor Riboni: Thank you, Mr. McTaggart. Any other comments? Any further considerations? Mr. Ruggles?

Clm. Ruggles: I feel that Mr. Dowd should have his 16 units and, I guess I'll say as I said before, put another nickel in so to speak, I think #2 would make everybody happy including these people who buy the lots. But in looking over the maps, in theory, it looks all right, there's that close up (1 foot strip) space, that future councils have the ability to stop it and the whole neighborhood, including the 16 people who buy these houses, plus all those of Monte Vista, would be just as unhappy with the extension of future streets as they are now. I have a question on Alternate 1. Would it be legally possible in the future to put 2 houses on that cul-de-sac in the north and 2 on the south and to let the people who live on the south side continue to live on a cul-de-sac?

Planner Steinbeck: You mean to actually extend the street a bit further and put a different cul-de-sac bulb? Is that what you're talking about?

Clm. Ruggles: No. No. If Alternate 1 is adopted, is it possible for future planners to have 2 lots in the north face of the cul-de-sac and the 2 lots in the south face of the cul-de-sac?

Planner Steinbeck: Are you asking like in a situation what's like at the end of Cordilleras Drive now on the north side, the Preston/Smith Lot? Is that what you're thinking about?

Clm. Ruggles: No. Lots 5 and 6, in my opinion, is it possible to have 2 lots there to face on the cul-de-sac?

Planner Steinbeck: I see what you're saying. Actually create 2 other cul-de-sac lots. Not without those properties to the north or to the south going through the same type of application procedure that Dr. Dowd's going through for subdivision approval on his property.

Clm. Ruggles: They would have to get permission to have those lots face in that direction?

Planner Steinbeck: That is correct. The Council would also have to grant access no matter what the lot design.

Mayor Riboni: Any further comments?

Clm. Tuller: Mr. Mayor, if it's in order I'd like to move for the adoption of Resolution #18-84 approving Alternate No. 1 for the Laurel Wood Farms.

Mayor Riboni: It's moved. Is there a second?

Clm. McTaggart: Second.

Mayor Riboni: It's moved and seconded for the adoption of the Resolution. Any further discussion on the question? May we have the roll call on the Resolution?

City Clerk: Clm. McTaggart: Aye
 Clm. Ruggles: Aye
 Clm. McTaggart: Aye
 Mayor pro tem Markson: Aye
 Mayor Riboni: No

Mayor Riboni: The Resolution was adopted on a vote of 4 to 1 adopting Alternate Design #1.

Mayor Riboni declared a recess from 8:26 p.m. to 8:38 p.m.

FWD Rowland was excused from the meeting.

CITY OF SONOMA, CALIFORNIA
CITY COUNCIL
REGULAR MEETING: JANUARY 23, 1984

CALL TO ORDER

7:31 p.m. - Municipal Court/
Council Chambers, 177 First
Street West, Mayor Riboni
presiding

EDGE OF ALLEGIANCE

Mayor Riboni

ROLL CALL: Present: Clm. McTaggart, Ruggles, Tuller, Mayor pro tem Markson,
Mayor Riboni

Absent: None

Also Present: City Clerk Berto, City Mgr. Arner, Planner Steinbeck,
PWD Rowland, City Atty. Klein, Brenda Gillarde of
WPM Planning Team

1. CONSENT CALENDAR:

- a) Council minutes of 1/8/84 - approve.
- b) Minutes Joint Public Hearing November 21, 1983 - approve.
- c) Payment #12 to McDevitt and McDevitt in the amount of \$40,417 - Fire Station Reconstruction - approve.
- d) Payroll Register 1/12/84; Warrant Register 1/23/84 - approve.

Mayor pro tem Markson requested that typo error on page 4 be corrected to read: 7) Tennis Courts at High School. It was moved by Clm. McTaggart, seconded by Clm. Tuller, and unanimously adopted, to approve the Consent Calendar as presented.

2. PUBLIC HEARING

- a) Consideration of Final EIR, General Plan Revision, Prezoning, Annexation and Subdivision Tentative Map request for Laurel Wood Farms

Planner Steinbeck introduced Brenda Gillarde of WPM PLANNING TEAM, who would give a brief presentation on the Final Environmental

Impact Report for Laurel Wood Farms. Planner Steinbeck reported that the Environmental Impact Report was prepared in accordance with State Guidelines and it adequately discusses all environmental issues and comments on these issues. As per the City's Guidelines for Environmental Review, the Council has the final authority, as you do in subdivisions, annexations and prezonings, for the adoption process of the EIR.

This Final EIR (FEIR) contains: (1) The draft comments and recommendations received on the Draft EIR (DEIR) (2) The consultant's responses to those comments (3) A list of persons, organizations and public agencies commenting on the DEIR.

In the Staff Report done last Thursday and Friday, we quoted Section 15151 of the State EIR Quidelines which discusses adequacy of a FEIR. I would remind the Council that the FEIR is a tool which allows a decision making body to take into account environmental consequences of a project. An important part of Section 15151 states that the evaluation of environmental effects of the proposed project need not be exhaustive but the sufficiency of the EIR is to be reviewed in light of what is reasonably feasible in this particular case. So with that setting the stage for your consideration of the FEIR, Brenda (Ms. Gillarde) can give us a brief summary of some of the major points in the responses. Thank you.

Ms. Gillarde: Good evening. The document before you is the FEIR which consists of two parts: the response to comments which is in blue and the remainder of the text is the body of the EIR which is in white. Some minor textural changes were made to the DEIR but in essence the document remains pretty much the same as it appeared to you as the DEIR. I'd like to briefly outline the scope of the comments that were received and our response to some of the more outstanding issues or, also, if additional information was created as a result of these comments.

Only one comment was received at the state level and that was from the Department of Fish and Game which, I believe, we did discuss last time but it concerns biotic resources of the site. As I said at that time I did talk with the Fish and Game people and their concern was focused on the willow trees and their potential wildlife resource. We recommended that a qualified botanist visit the site to ascertain the health of the trees and to make a recommendation as to their preservation or removal and to recommend a list of suitable replacements.

Two comments were received from county agencies. The first one was from the Sonoma County Planning Department. They had two concerns: one was with a consistency evaluation that the EIR made concerning one of the policies of the County General Plan. Their comment was that the project was not "partially consistent" as the EIR stated but actually "inconsistent" and from a policy standpoint we concur. That evaluation was amended in the text of the EIR from "partial" to "inconsistent." The second issue that they brought up was concerning growth inducement. They noted that based on their review, the EIR did not discuss growth inducement with relation to urban residential development. I pointed out the pages where the EIR did discuss that. They also asked a question regarding: is there some distinguishing feature about this site that sets it apart from other parcels in this south east area. From a physical standpoint it's similar in its physical characteristics of other parcels, being flat and without extensive vegetation on it. Perhaps, a couple of things that might make it a little bit different is that it is adjacent to an existing urban residential density area. It also has a direct connection via an existing street. But there are other parcels in this south east area that also have these characteristics, so it's not unique in that sense.

The second letter received from a county agency was the Sonoma County Water Agency which simply stated that they found the drainage calculations and conclusions adequate. There was really no response needed.

I'd now like to discuss comments received from the public sector. There were approximately 7 major letters from various groups or individuals or concerned citizens, some rather extensive consisting of 20 questions or more. In the front of the document, in the blue pages, is a complete list of all people that submitted letters or expressed oral comments. I won't attempt to go through all those comments as we would be here a long time but I would like to focus on a couple I thought would be particularly significant. The first is from Mrs. Bell and she was concerned about the adequacy of the 48" culvert. I attempted to have that resolved by the County Water Agency. However, they indicated their files were incomplete regarding run-off calculations for some of the existing projects in the area. So what that meant was that additional calculations needed to be generated before that determination could be made. That request was taken back to Mr. John Bonnoitt, who did do an additional set of calculations based on run-off from Monte Vista Estates. Those additional calculations used a standard hydrologic method of calculating run-off from impervious surfaces. The results of those calculations yielded that the project run-off would slightly increase storm flows by 1.0 cubic feet per second at West MacArthur Street or 1.5%. Using that flow rate in combination with the run-off from Monte Vista, the Sonoma County Water Agency was then able to look

at those figures and make a determination on the adequacy of that culvert. They found that the culvert was designed adequately to handle that run-off. The culvert is actually designed to handle run-off from that entire water shed, which, I believe, is shown on the figure that is provided in the blue section of the DEIR. The results also determined that the installation of the 36" line north of MacArthur Street would take care of the run-off that is now flowing out of that ditch, across the street, and on to the Bell property. So instead of that being free-flowing, it would be transported via pipe to that 48" culvert. It was also stated that conditions south of Este Madera would slightly worsen as a result of this 1.5% increase and that is due to the ditch at the southern end of Este Madera which is not completely adequate to handle storm run-off. But that in no way would affect the capacity of the 48" culvert.

There was an extensive letter from the Concerned Citizens of Sonoma and there were 3 issues that I would like to specifically point out. One is their concern that the EIR stated that 48 homes would be serviced by Avenue del Oro, where, according to their calculations, it would be 57. The EIR estimate was based on field observations. It's possible that a few homes could have been missed. Additional homes that would use Avenue del Oro would not affect the calculations for Scenario I which was based on the standard 10 trips per day. Scenario II was based on actual trips generated by existing homes using Avenue del Oro. If there are additional homes actually using that street, the actual trips per day would decrease because you have the same total traffic volume per day but more people generating those trips. The second concern was about the safety of Avenue del Oro, the width being less than what the EIR stated. The EIR stated it was about 40'. It's actually 34' and that's approximately 2' less than what the standard residential street in Sonoma is. However, two parking lanes and two travel lanes could still be provided for and it is the judgment of the City's Department of Public Works that that would not create an undue safety hazard and there are diagrams in the blue section of the EIR which illustrate the differences in the street configurations. Those were the two main issues that I wanted to bring up. A lot of the other concerns had to deal with additional traffic questions, questions on sewer, some, I think, which were raised at the last hearing. We have responded to all of the citizens concerns and other people from the private sector that have submitted comments. We tried to do it in as complete and clear manner as possible and I am available here to discuss individual responses if there are questions. Thank you.

Mayor Riboni: Thank you very much. Mr. Steinbeck, is there anything further?

Planner Steinbeck: Not on the FEIR.

Mayor Riboni: Any questions from the Council on the EIR?

Mayor pro tem Markson: From what you told me and from what I could realize, it would seem that Mrs. Bell's flooding problem would be made better than what now exists from the calculations that you have presented.

Ms. Gillarde: Yes. That is the conclusion.

Mayor Riboni: Any other questions? The action that is desired is that we adopt Resolution #5-84 certifying that the FEIR has been completed in compliance with the California Environmental Quality Act and the State Environmental Impact Report Guidelines and that this City Council has reviewed the information contained in this FEIR. That is the action desired and the action in order to bring this EIR to its conclusion before we move on to the other items, specifically on the parcel itself.

Mayor pro tem Markson: Your Honor, I make a motion that we adopt Resolution #5-84 certifying that the Final Environmental Impact Report has been completed in compliance with California

Environmental Quality Act and the Environmental Report Guidelines and that the Council has considered and reviewed the information contained in the Final Environmental Impact Report prior to consideration of actions relating to this project.

Mayor Riboni: It has been moved for the adoption of the Resolution. Is there a second?

Clm. Tuller: I second the motion, Mr. Mayor.

Mayor Riboni: And second. Any further discussion on the question?

Clm. Tuller: Yes, Mr. Mayor. I just like to comment on what I consider the thoroughness that has been gone to in answering concerns and in the manner that the answers are laid out. I find it very readable, very understandable, and I think that whether it's proponents, opponents, Staff, Council, whoever may have read them, must recognize and appreciate the work that went into them and I, for one, would just like to express that I thought it was exceptionally clear.

Mayor Riboni: Thank you, Mr. Tuller. Any further comments on the question? No further comments on the question, will the City Clerk please call the roll.

City Clerk: Clm. McTaggart - Aye.
Clm. Ruggles - Aye.
Clm. Tuller - Aye.
Mayor pro tem Markson - Aye.
Mayor Riboni - Aye.

Mayor Riboni: All right. The Final Environmental Impact Report has been certified and now, Mr. Steinbeck, we move on to the other particular items and then at that time I can open up the Public Hearing and invite any and all comments regarding the specifics. Mr. Steinbeck.

Planner Steinbeck: Yes, Mr. Mayor and the members of the Council. The remaining actions for the Council to consider and we request that you take their consideration separately but you can hold the Public Hearing jointly on the items, are: a General Plan amendment application for Laurel Wood Farms, specifically; a rezoning, again for the 4.1 acre portion of the property that we are dealing with; the annexation of that 4.1 acre property; and then, the tentative map application on the same property.

First of all on the General Plan amendment. The Planning Commission, as you know from reading the minutes, has recommended that a General Plan amendment for the entire east side of town be considered before the Council takes any action on the items I have just outlined. Staff is recommending that you go ahead with the General Plan revision, rezoning and annexation but withhold approval of any tentative map request since that involves a specific street pattern. We feel that the General Plan revision or a look at the General Plan in the east side of town is necessary in order to properly ascertain where the actual streets should go through the proposed Laurel Wood Farms Subdivision. We do feel that there is ample precedent for the Council to consider individual General Plan revision applications as we indicated in the (Staff) Report. There have been 15 revisions processed since 1974, nine of which involved individual properties and individual requests. Again, we agree that additional study needs to be done on the east side of town. We believe that the circulation pattern must be established before the Council takes action on the tentative map.

On the rezoning portion of the application, the Council, if it follows the Staff recommendation and changes the General Plan designation to urban residential, the consistent zoning for urban residential would be Single Family residential and that would be my recommendation, also. As to the annexation, the Local Agency

Formation Commission, by their Resolution #772 on July 1, 1982, approved the annexation of the westerly portion of the Dowd property, the Laurel Wood Farms property, into the City of Sonoma and to the Sonoma County Sanitation District and it also authorizes the detachment, at the same time, from the Schell Vista Fire Protection District. This Resolution was attached for your review as part of this report. Our recommendation on the annexation is that the Council adopt your Resolution #8-84, which is attached in draft form, ordering reorganization of the territory that was designated by LAFCo as Avenue del Oro Reorganization #1. That's LAFCo's name for the Laurel Wood Farms property as we all know it.

As to the Tentative Map, again our recommendation is that you withhold approval until street configuration in the area can be better ascertained but we did include a list of Conditions of Approval if the Council decides to go ahead this evening and approve the Tentative Map. These Conditions of Approval would include all those listed in Appendix B of the Draft and Final EIR, as well as the additional 12 Conditions of Approval as listed in the Staff Report that were taken directly out of the Draft EIR. Those were the mitigation measures that were suggested in various sections of the Environmental Impact Report.

As the Council is aware, you've received many letters both for and against the project. Instead of copying a volume of letters we listed names and addresses of persons against the development, and attached those to Staff's Report. We also listed persons in favor of the proposal, with addresses. I might indicate now, that after reading over the Staff Report again today, I made an error on the bottom of page 3, Persons in Favor, that included some agency letters which should not have been listed as such. Then we included the Resolution from LAFCo and we also included the petition that was submitted back in August to the Planning Commission from the Concerned Citizens of the area. So with that we'll stand ready to answer any of your questions, Mr. Mayor.

Mayor Riboni: Thank you, Mr. Steinbeck. Any questions from the Council on the Staff Report?

Clm. McTaggart: If I understand the staff report correctly you're recommending approval of all actions except the Tentative Map until the design of the subdivision could coincide with the General Plan study and development north and south of the Dowd property?

Planner Steinbeck: That is correct.

Clm. McTaggart: As it stands now, neither the property to the north nor the south is in the City limits and neither is zoned more dense than suburban residential. Is that correct?

Planner Steinbeck: I believe the correct County zoning is a rural residential zoning with a 3-acre minimum, 5-acre density. At the present time that is correct. It's not in the City limits.

Clm. McTaggart: Another question. What if we complete the annexation and rezoning and when the result of the study of the east side which calls for a General Plan amendment concludes that there might not be substantial development north or south, what would happen, then, on the Tentative Map? That would go to a cul-de-sac?

Planner Steinbeck: That would be my recommendation. Yes, if that's what the study, in fact, shows, that would indicate there would be no additional development that would hook up to Avenue del Oro. If, on

the other hand, it showed the north/south street configuration, it would go with the configuration as shown on the existing Tentative Map.

Clm. McTaggart: Thank you.

Mayor Riboni: Any other questions on the Staff Report?

Mayor pro tem Markson: I'll ask mine later.

Mayor Riboni: All right. Therefore, hearing no further questions at this time I'll hereby declare the Public Hearing opened (7:57 p.m.). Anyone desiring to speak on this subject will step forward to the microphone and give their name and their address for the record that the City Clerk can keep an accurate account of the proceedings of tonight's meeting.

Adrian Martinez, 117 East Spain Street, architect for the project: I would just like to briefly go over the design concept of the project so that we can look at this as a physical thing and, also, what the physical impact will be visually on the neighborhood. As far as the street configuration, the course is not set. My feeling is that a subdivision like this should be something that integrates into the fabric of the community of Sonoma, not only Sonoma historically but also the existing neighborhood adjacent to it with small houses. They're above average parcels. They average about 9,000 square feet minimum. Parcels in an R-1 zone is 6,000 square feet and one of the things I particularly want to keep as part of the design is a sense of openness, space and this is being done by the so-called linear park, which will be essentially an easement for the residents of this development that it be treated as sort of a unit, not unlike the State Hospital. At any rate, we have blended one long lineal street into another. We have significant street trees that recreate an atmosphere, a rural residential character to the development.

Now, the houses are to be custom designed. I will be involved in a number of the houses that will be designed with few of the houses possibly by our own group and involving a few other people. They're to be what you might call the simplified farm house that we'll be using: sloped roofs, horizontal siding, wood siding, earth tones, covered porches, dormers. This is the essential layout. I want to design something that is essentially Sonoma, not something that has come in and been imported as we have seen in a few of the subdivisions that have been done in other parts of Sonoma. So, what you see on the wall is a conceptual design. This is specifically the intent we want. We will plant significant street trees, creating a linear park, a sense of openness and sense of style that belongs to Sonoma. Thank you.

Mayor Riboni: Thank you.

John Bonnoitt: Mr. Mayor and members of the Council. My name is John Bonnoitt, 145 East Napa Street. I'm the Civil Engineer for the project, representing Bob and Carol Dowd. You're all, of course, very familiar with this project and its various engineering ramifications and so I'm not going to make a lengthy presentation to you. I would just like to highlight three issues. First, I'd like to once again point out that the design of the subdivision and the proposed General Plan amendment and rezoning are entirely consistent with the present development within the City limits adjacent to it, that is the Monte Vista Estates Subdivision. The lot sizes in our project are comparable to the lot sizes in Monte Vista Estates. On the street configuration, I once again submit to you that the Dowds will put in any street configuration (sic. northerly or southerly) that the Council feels is appropriate. Their initial proposal to the City was to put in a cul-de-sac street with no stubouts either easterly or westerly. The Staff, at that time, felt that it was appropriate to provide a "T" intersection to allow for possible future development to the south and to the north and so our proposal was amended, I believe, just prior to its formal submission to you. Dowd was perfectly willing to put in the "T" intersection or cul-de-sac or a stub street to the north only or a stub street to the south only. As to the Staff recommendation for deferring action on the Tentative Map, I'd just like to point out that the effect of this will be to delay this project likely into the 1985 construction season instead of the 1984 construction season. If I understand the process correctly, which would be that should the Council decide to conduct a study of this section of the east side of town, you would likely engage a consultant to advise you on this and come up with some sort of recommendation to you, after which, you would have to conduct public hearings on the proposed General Plan amendment. You would almost, undoubtedly, have

to engage a consultant to prepare an environmental impact report on your proposed General Plan amendment and go through the various hearings that are pertinent to the act, just as we have done, and it's unlikely that it can be done until, certainly, within about a six month period. I think it's reasonable to assume that you wouldn't conclude the final action on this General Plan amendment until some time in the late summer and, if the Tentative Map is held up until that time, it would be unlikely that we could proceed with the project until the next season. So, of course, we would ask you to consider making a decision on the street pattern this evening, if you can, and approving our Tentative Map and allowing us to proceed with the project. Thank you very much.

Mayor Riboni: All right. Anyone else?

Ron Cuda, 20 Quedo Court: On November 3, 1983 that the Planning Commission voted 4 to 2 and asked, they proposed to the Council, recommended to the Council, that Doctor and Carol Dowd withdraw their application for a subdivision until a General Plan study has been done on the entire east side. Mr. Steinbeck, tonight, has recommended, also, that the City Council deny or ask Dr. Dowd to withdraw his Tentative Map until a study has been done and Mr. Steinbeck, I would like you to know that the entire Monte Vista Estates agree with you on this. We'd also like to see this done. We feel that the application should be withdrawn until such time as a complete study is done. So, everybody seems to be in cooperation on the review hearing with the exception of the builder, himself. We would also recommend that no rezoning, no annexations, or no resolutions be adopted until such time as a study has been done. It would only make common sense that before you push through the project you would know exactly what the project is.

I know we've seen some nice pictures tonight, but really, that's no assurance as to how many homes, what sort of configuration the streets would be, and many, many, many other things that would take into consideration for this project. Let's just take for a moment what would happen if a General Plan were amended tonight and later on the east side study showed that, in fact, the east side should be left intact. Because of the possibility, just thinking, that the study wouldn't be, we hope, wouldn't it be a factor that Dr. Dowd was allowed to slip under the wire. In other words, Dr. Dowd was allowed to go ahead and build his project and then, later on, they found out that this little stub sticking straight up was not in compliance or did not go along with the General Plan study. It is my recommendation and our recommendation that you cannot do a General Plan revision, you cannot change the zoning from urban to suburban, you cannot ask to be annexed into the City with good conscience until a study has been made. Therefore, again, we would ask you to simply ask Dr. Dowd to withdraw his application until the study has been made.

One other thing I want to point out is that we're kind of losing sight of what's going on here, all of a sudden I'm hearing that we're building a project adjacent to Monte Vista. It sounds like all of a sudden that there's this little field there, we're just going to add some houses to an already existing project. We have to remember that development stops somewhere. You have city, then you have county. Exactly right there is county and until it's annexed into the city it is right now, I believe, 3-acre parcels. So it doesn't go along with the rest of the neighborhood. Yeah, it's land, it's all next to each other, but it's zoned totally different. You've got county. You've got city. You've got a totally different General Plan that suggests that it should stay rural.

So, in order to go on tonight and rush through all these little annexations, these rezonings and all these other things you want to do, you'll change it totally without a study and why should this little plot of land that sticks straight up into the county and allow it to be built and then let's study all the rest of it around, to the sides of it, and top of it, and if it doesn't coincide, then no one else can build. Mr. Becker, sorry but the General Plan says you can't build but "How come Dr. Dowd was allowed to build" "Well, that's because we had 2 1/2 years of meetings and everybody got tired." I

think the most sensible course to take this evening is to deny the project or ask Dr. Dowd nicely to withdraw his project until such time as we all study it and we all could agree that, in fact, it should be built or it should not be built and I thank you.

Frederika Evans, 657 Denmark Street: That's between Fifth and Seventh Streets East. I can give you a personal experience in the water that we are having on Denmark Street now. We live in the spring in the most evil smelling polluted water. We can see the micro, whatever, isms in the water without looking through a microscope. When I moved to Sonoma 3 1/2 years ago, my neighbor across the street very kindly came and told me: "You know, your property is going to flood out this winter. I didn't know if I should tell you that, but my husband said go and tell her, she's new, and I think she should know." I got to work and found a ditcher, Carl Eliason, who very kindly came and helped me run a 24" pipe for in excess of 150 feet. I ditched the rest of it down the east side of my property. I have spent over \$10,000 which I could substantiate in figures to you in saving my property. The 5 acres to the east of me is a swamp. Carl Eliason, in back of me on Napa Road and some other people I know there, his office was flooded out last winter. The situation becomes more aggravated every winter. It's becoming worse. To me, whatever happens to the development of the Dowd property is immaterial. Sooner or later someone is going to have to handle the run-off water that we are dealing in down on Denmark Street and Napa Road. It should come now. I phoned Dr. Dowd personally. I said that you have a chance to do a wonderful thing. You can set your heels and say I want to do something and to resolve a piece of property but first the county and the city are going to have to deal with what's happening to the east side of town. Sooner or later it has to be handled. To turn your back on it is going to amount to a mammoth law suit one day because there aren't too many people here going to come to town and spend \$10,000 to save their property. Horses are walking in mud. People can't use their property. The fields in back of me can't be used and it should be in relation to the proper methods dealt with now. I'm not the only person on Denmark Street who's getting up, but I mean, I'm the only person who's talking. I've talked with every media I can talk to. But there are other people suffering just as much as I am.

Janet Smith, 21500 Broadway: I feel the same as this woman does. I have seen flooding at the south end of town in the county. I feel the City should watch where their water's going 'cause you're hurting not only the county but the people that come here. Thank you.

Dave Chambers, 19800 Eighth Street East: That's in the County. that was our choice to live in an area of lower density and when we came to the Sonoma area and spoke with realtors we found that there was an action proposed by a resident in the area for a subdivision and that that action had been denied. We were relieved by that because we took that to be a signal regarding policy that the county would remain as county. That was a factor in determining our choice to purchase the property that we did, that is, what we would look at outside the window now. If the action you take is to approve all those changes we will now look at houses of considerably greater densities than we thought we were going to look at when we purchased the property. A fair number of us in that area are now in the county and we feel that for you to make a decision without regard to study or without allowing the people who live in that area to present their points of view would be unfair.

Lee Bell, 707 East MacArthur Street: I'd like to endorse the comments of all the previous speakers and add one comment of my own that Mr. Steinbeck has been at great pains to say how there are ample previous precedent for a zoning amendment for this property. I would like to say that one more zoning amendment is just going to establish one more precedent for all the other people in the area to say "I should be able to do it, too."

Malcolm Stone, 65 Sereno Court: I just like for the record on the Final Environmental Impact Report and I don't mean to belabor but for the record there are a lot of things in here that have not been answered. I'm not going to get into it tonight but maybe down the

stream. I would like to present a letter or at least point out to the City Council and particularly Brenda Gillarde, I have a letter here from the Department of Fish and Game dated December 20, 1983 and one of their major points that they say here is that the 'project be redesigned so that the willow growth and pond, both, the area can be retained as a wildlife habitat. We also recommend that the project incorporate cluster housing to provide larger areas of open space. Changes we propose can save much but not all of the wildlife value of this area. We encourage you to work within the City of Sonoma to implement these changes to protect wildlife. Strong local involvement is usually much more effective than state agencies comments. Sincerely, Theodore Wooster, Wildlife Services Supervisor.' This gentleman is saying that he'd like to see both of the areas saved. Up to within the last 48 hours and many times previously, our group has tried to work compromises with Dr. Dowd. We felt that this was one of the ways of resolving this problem as ladies and gentlemen. There are answers to problems, to anything, if you can sit down as ladies and gentlemen and hope you can work them out. As to this meeting date at this time, Dr. Dowd has not ever responded to any one of these offers, even to sit down or discuss the matter with us. We feel we have a unique neighborhood and we're going to fight for it. If we have to pursue other means, we will. It is very important to us. We spent a lot of time, a lot of money. We are raising our children here. People are retired here. We've got older people that aren't here tonight that because of their health, they can't speak or they just can't get involved. But they've given us moral support as well as monetary and I think those people, if we need more signatures, would be glad to get them. We had, at one time, we had over 300 signatures of people that oppose any further annexations to the City of Sonoma and if we need more signatures to prove to the City Council to listen to the people and to what we're saying, we'll go get them. Thank you.

Mayor Riboni: Any one else?

Fred Reichardt, 830 Cordilleros: For people who usually don't get up and talk and I'm one of them, I've been here for two years now on this project and I usually don't say too much, but I'd just like to ask a few questions and one particular. When we went to court with Judge Eyman and he talked and he gave a problem, he was for instancing, I don't know if it was ever answered. I really came here on Page AD-7 on the Blue and then Page 19 on the White (FEIR), where we got to talking about how many homes are allowed on each acre. And like the Judge said a year ago, if I had 50 acres that means I can build 100 homes if we had two homes per acre. But if I want to keep 45 acres to myself that still means I can build 100 homes on five acres. So, in your study, I would like this to be defined. Maybe, the word clustering is great, but it really confuses a lot of people when we get down to talking about it. Thank you.

Rick Maffioli, 507 Avenue del Oro: that's spelled m-a-f-f-i-o-l-i, misspelled last time. I'm a native son here. This is 1984-1985. You're not going to stop growth but I go along with the rest of these people here. Let's look into the whole east side. I have a sister who lives down on Watmaugh Road. Her mother-in-law donated this land here for this building. Her land is flooded down there. She don't want to get involved in this thing. She's too old to come up here. She says they don't listen and all that. I go along with the other people. Take all the east side in and study it before we put one little finger out there whether it's a cul-de-sac, a "T" or not, because they're all going to go in front of my house, if it's cul-de-sac or a "T" and I'm here for the traffic problem. I don't know where all you people up there live. I know where Riboni lives because my son just bought a house next to him on the west side of town. Maybe he got away from the traffic over there. He'll tell me later or when we get over there. That's all I can say. Thank you.

Mayor Riboni: Just one simple correction if I could. I usually don't interject in the public hearing but the land that this building is on was not donated. It was purchased, I believe, for the amount of \$175,000 or \$180,000 from Annie Montini.

Rick Maffioli: But you (the City) also had a piece of property down

there on Eighth Street that you sold for about a third that the City sold. Let's not get into that.

Mayor Riboni: Right. Any one else?

Gloria Barbieri, 630 Avenue del Oro: Just 2 1/2 years ago, my husband and I retired to Sonoma and the first winter we were here I was totally aghast at the water coming down Avenue del Oro. I thought I was going to have to get a rowboat to get out of my house. And now, after looking at these homes, I'm sorry to say that they look more like townhouses and I'm really worried about how you're going to develop this area. Because since I've been here, I come from Millbrae, down the Peninsula, and I came to Millbrae 30 years ago and Millbrae was a very small community. But the people took a very big interest and it grew but it grew beautifully. The homes were put into the right places and if you ever go to Millbrae it's a beautiful community and we came to Sonoma hoping it would be the same. So, I have a lot of faith in the Council that they will make Sonoma a beautiful place.

Mayor Riboni: Any one else? If I hear no other comments under the Public Hearing, I'll close the Public Hearing (8:22 p.m.) and come back to the Council for their comments, questions or statements.

Clm. Tuller: Mr. Mayor, my only question is how are we going to proceed at this time? Are we going to proceed with these four additional issues one by one or are we going to group them together? What is your pleasure?

Mayor Riboni: Mr. Tuller, it is designated, I believe, that each of these have to have their own specific resolutions. We did discuss them in general in the Public Hearing section. We do have to adopt each one as an individual resolution, at least as I understand it from Staff, and I believe that's correct, too, Mr. Klein, from our legal counsel. We do have to adopt each resolutions.

City Atty. Klein: You have to adopt the resolutions individually, Mr. Mayor, but, I think it is integrated and can be discussed and considered without breaking it down by subject matter.

Mayor Riboni: Thank you.

Clm. Tuller: Mr. Mayor, I'll get started on the General Plan. I find myself, I believe, in agreement, with most of the comments that the east side should have a General Plan study. I have no disagreement with that. The Planning Commission had recommended that a General Plan amendment for the east side of town be considered by the City Council. Up to that point, at least, I agree with that portion of it. I think it is obvious that there's a great concern out there how that's developed. I share that concern. I do hope our City will develop as the last speaker indicated. I find myself in agreement that a General Plan study should be undertaken. I have no problem with that at all.

Mayor Riboni: Thank you, Mr. Tuller. Any other comments?

Mayor pro tem Markson: I, too, am in favor of a General Plan study. I realize that people who have moved here recently, two years being recently compared to the length of time some members of the Council have sat on the Council, are concerned that we will try very hard to keep the city as it is. It's also very interesting to realize that before there was Avenue del Oro there was also rural land there, too. And as one gentleman said that you must have progress and progress was his concern and Sonoma shows its concern with its 100 units per year that we have for growth. We also show our concern by listening to what you have to say and to the environmental impact report. I am going to push very strongly for a General Plan study on the east side. I think it's been 10 years. I think we need to look at it from the standpoint where growth should occur, and how we can achieve a balanced town.

Clm. Tuller: Mr. Mayor, I have a question for Mr. Steinbeck. Mr.

Steinbeck, our General Plan was adopted in 1974. Is that correct?

Planner Steinbeck: Land Use Element, Circulation, Open Space and a couple of others that escape my memory now, were 1974. We have added the Safety Seismic, the Safety and Noise and Housing Elements since that time over the years. But the Land Use element which shows the land use designation was 1974.

Clm. Tuller: Does my memory serve me wrong, but, I thought prior to 1974 that under the area (sphere) of influence that that was zoned R-1, R-2 out there? I am reasonably sure, but I'm not certain. Can you confirm it?

Planner Steinbeck: I haven't looked it up recently, Clm. Tuller, so I couldn't say for certainty one way or the other.

Clm. Tuller: Mayor Riboni, do you recall that? I just bring it up as a point of interest.

Mayor Riboni: No, I do not.

Clm. Tuller: That this area has been studied and it has gone both ways.

Mayor Riboni: The part I recall is the 8th Street area prior to '74 was R-R. The answer is rural residential. Specifically from 5th to 7th (East), I don't recall.

Clm. Tuller: Just a question.

Mayor Riboni: Any other comments? Questions?

Clm. McTaggart: Mr. Mayor, I have a question of Mr. Steinbeck. Ed, with respect to the proposed General Plan study that is being discussed for the east side, would that require an environmental impact report document?

Planner Steinbeck: Yes, no doubt about it.

Clm. McTaggart: More general than what was required of the applicant?

Planner Steinbeck: That is correct. An environmental report for a general plan study can be more general in nature than a specific project environmental impact report. Yes. But you still need to have one. We will be the lead agency and the preparer of that through a consultant, most likely.

Clm. McTaggart: Another question, I guess, could be the area that you would specifically refer to would be "the east side - Napa Road to MacArthur - 5th to 7th - city limits to 8th".

Planner Steinbeck: Yes. City limits to 8th, Napa Street to MacArthur.

Clm. McTaggart: Yes. I meant Napa Street.

Planner Steinbeck: That was the area as specified by the Planning Commission, Clm. McTaggart.

Clm. Tuller: To the south?

Clm. McTaggart: The existing City limits to 8th East, from MacArthur Street on the south side to Napa Street on the north side.

Mayor pro tem Markson: What would be the anticipated length of time that study would take, Mr. Steinbeck?

Planner Steinbeck: I would guess you'll probably be looking, with all the public hearings involved and the input that you would need early on from the members of the public, at a year. We talked

earlier at the Planning Commission level of 6 months. I think that's a real optimistic guess.

Mayor pro tem Markson: Let me ask the consultant what you think?

Brenda Gillarde: Nine to twelve months.

Planner Steinbeck: Just as an example, our 1974 General Plan study was about 18 months long. By the time you got to the actual adopted document there were, if I remember correctly, about 4 months of just public hearings on that General Plan at that time.

Mayor pro tem Markson: In knowing how the Council takes a very cautious step in most every manner we could have 2 1/2 years of meetings on this one. I don't foresee us rushing into that nor rushing into anything new.

Planner Steinbeck: And I wouldn't want to rush into it, either.

Mayor pro tem Markson: Right. Of course, I don't consider rushing into anything tonight, either.

Mayor Riboni: Mr. McTaggart?

Clm. McTaggart: Just a couple of comments here responding to the audience's comments and so forth. Ron Cuda says it's city and county and so forth and I appreciate that, but then you're inside looking out you don't want the outsider coming in. But, where you're living now used to be the county about 15 years ago before your subdivision took place. So we're not saying everybody who's being critical of it lives in Monte Vista. Where you live now used to be what you're looking at, it's vacant next door. That's not a good excuse to fill up what's next door but, if you like living in Sonoma, but unless you live in the Pueblo, some one built your house and he was "a quality" developer and you're just enjoying the hell out of it. The second point I want to make....

Voice in the audience: We paid for it.

Clm. McTaggart: Well, that's right and Mr. Dowd paid for his property, too, in defense of his position. Let's not point. I'm being quite honest with you. I'm trying to be rational and objective. I find it difficult to respond to the argument that because I'm here, these others shouldn't be here.

Voices in the audience: No. No. That's not true.

Mrs. Barbieri: We want people to come. We want it to be done properly and we'll be happy. That's all we want is for people to come. We came here. We have nothing against the project if it's done properly.

Clm. McTaggart: Properly is some question.... We can all sit here and talk about reasonable development, proper development, but when we sit down and have to make the decision, then we have to get a little bit more specific and that's where the buck stops right up here. We're going to have to make that decision somehow and I hope that it's equitable to everybody. The point I'm making is that because you see grass on one side of the fence doesn't mean there wasn't grass on your side of the fence at one time, either.

Secondly, it has been my experience that a well thought out development will cure more problems than it will create in terms of flooding, sanitation and so forth. There are solutions to them. Thirdly, everyone's talking about the flooding the last two years. If you look at the City's flooding history for 20 years you'll find the last two or three years have been extremely heavy years. That's just the story of flooding in Northern California the last three years and three years before that, if you were even

here then, you would realize we had drought. Sure, I could go out last year and I go out this year in late December and see flood water running in front of my house. I don't go up the street and curse my neighbor and say you made the rain come down the hill. Because he didn't. The density of the rain is what made it come down. So, I'm through wrestling with all of these.

I do have a problem with the General Plan amendment with this particular project. I think the problem I have is how to design a street in a subdivision where you don't know for sure where that street is going to end up. The problem that I don't have is that the stub street at the end of Avenue del Oro is intended to go somewhere besides that fence. I can say that, because I can recall back in '74 or '75 either at Planning Commission or City Council, having a discussion about that very street. The discussion we had, I think, was with the County. The County said we are redoing the General Plan because they were doing a county area plan on the east side of the City. The topic of the discussion was that the City is looking to that area.....I have a difficult time saying that the island should not exist at all because I don't think that was the intention. I don't think that's what the configuration shows and I just can't support the concept of no development there as that, I don't think, was ever the intent.

I don't know what compromises have been discussed between the neighbors and Dr. Dowd, but I haven't been a party to any compromises nor have I had any neighbors call me to come look at it or talk to me about it. I don't know what you have in mind. What I'm trying to do is not sit and count heads or signatures on petitions. When it's all over I intend to talk to all of you. And if you offer me a cup of coffee, fine. And I will buy you a cup of coffee. If we can't, there's something wrong. I don't know what my answer is yet. I'm just thinking out loud.

Mayor Riboni: Mr. Tuller?

Clm. Tuller: Mr. Steinbeck, regarding Resolution #6-84, is this basically authorizing the study in that general area? I'm not sure I'm reading that right.

Planner Steinbeck: In our Staff Report recommendation, we made a two-fold recommendation regarding the General Plan. First of all, to approve the amendment for this particular piece of property and following that, to authorize us to look into different ways, methods and costs of an overall General Plan study. The Resolution #7-84 deals with this specific application before you, only.

Clm. Tuller: What about Resolution #6-84?

Planner Steinbeck: You're right, Resolution #6-84. I was looking at the wrong one. It deals with this application only.

Clm. Tuller: Okay. We're not talking about that one now. As I understand, Mr. Mayor, we're talking about authorizing the general study of that area. Am I right or wrong?

Mayor Riboni: There was as a discussion point, yes. What you're asking was the wording of the resolution. The resolution is specific.

Clm. Tuller: Right. You don't have the resolution or do we need a resolution?

Planner Steinbeck: At this point we were hoping that the Council would adopt a minute motion asking us to look into the procedures for conducting the study and come back with further details and specific information at another meeting date. We feel strongly, also, that the study needs to be done but we do need to present specifics to you on how we recommend that study be done.

Clm. Tuller: The motion that I want to put forth, then, is for the general study of the entire area, not specifically for the Dowd property at this time. So, Mr. Mayor, if it's in order I would like to move that we authorize the Staff to look into the means, methods, whatever it takes, to initiate a General Plan study for the easterly side: 5th Street East to 8th Street East, from MacArthur to Napa Street, that area in there.

Mayor pro tem Markson: If that's in the form of a motion, I shall second the motion.

Mayor Riboni: It has been moved and seconded. On the question I have a question. What you're asking for, Mr. Tuller, is a feasibility report from the Staff?

Clm. Tuller: That's right.

Mayor Riboni: And not the authorization to proceed with a General Plan revision?

Clm. Tuller: That's exactly what I'm asking. I think we should give Staff an opportunity to have input to us to what we might even want to know what it's going to cost and things like that before we decide to do it, although, I think this Council is pretty well determined to do it, regardless. But nevertheless, I think Staff should have that opportunity to tell us all the nuts and bolts and whereforealls and maybe give us some time, a better time schedule on it, too. I think it's in our best interest to have that first.

Mayor Riboni: All right. Question on the motion.

Clm. Ruggles: This resolution, then?

Mayor Riboni: No. No, this is not a resolution. This is a motion.

Clm. Ruggles: This motion has no effect on the other deliberations that have taken place tonight?

Mayor Riboni: No, it does not.

Clm. Ruggles: I favor the General Plan study.

Mayor Riboni: Okay. Any other comments? Mr. McTaggart?

Clm. McTaggart: I guess a rhetorical question, then. The reason we're talking about a General Plan revision for the "east side" and talking about costs is for this project and no other reason I'm aware of. I don't know of any other applications before the City at this time.

Mayor pro tem Markson and Mayor Riboni: No.

Clm. Tuller: Clm. McTaggart, I feel, beyond this project, I think we have reached the point in growth and concern in that area that we need this study, regardless of this project. I would feel that that is under our influence, the City's influence, out that area. I think it makes good planning to get that study behind us.

Clm. McTaggart: Well, as a matter of fact then, we can justify a special study to the south and to the southwest because we have, in fact, annexed a great deal of new territory, with a great deal of more housing to the southwest. We're proposing a major hotel immediately to the south, etc. etc. Are we really saying: look at the whole General Plan? I could see the concern because this project is here and we should have looked at it before that. I was wondering, if this project is not approved, then we're talking about a General Plan Study. Is that the intention?

Clm. Tuller: Mr. McTaggart: I think part of the answer there is that we're asking for a feasibility and it's very probable or it

just may be, that your thoughts will be incorporated in the Staff's report back to us. Indeed, we will need to think of this General Plan amendment as more than the area that I said. So, I think what you're saying is probably good input to the Staff and, maybe, that's what exactly what they'll come back to us with.

Mayor pro tem Markson: That doesn't surprise me, either. We have to start somewhere and the where that we start is on the east side of town and I concur we should probably, in our step by step deliberation, take a look at everything.

City Manager Arner: For the Council's information. We started the preliminary work on the 1984-85 budget and that would be one of the programs we would recommend be included in the '84-'85 budget is the entire review of the Circulation, Land Use elements of the General Plan. We would request, in a conversation with Mr. Steinbeck that we had, that it include analyzing growth on the east side of town, all the way to Napa Road, as well as, I said, the Circulation element. The Circulation element, the traffic problems and growth questions surrounding the community will be the two major issues the community will confront. I have no idea at this point in time, we're looking in terms of dollars and cents, I'd anticipate that Mr. Steinbeck and Ms. Gillarde are too optimistic in their projection on the time frame. We're looking at 18 months or more before that type of process can be completed.

Mayor Riboni: I'd just comment that this motion is for a procedure to follow in that Staff is directed to do a general feasibility study, present data back to the Council on whether we should proceed with a General Plan Study in the area. I would be in favor of the motion. I am not too much in favor, generally, of studies upon studies. I speak sometimes very point blank about it. I think a lot of these studies are a waste of money. I think we postpone a lot of things and put a lot of money and a lot in consultant's pockets, with all due respect, that I feel that a lot of good common sense can handle these situations without spending tens of thousands of dollars on a lot of data and spending a lot of years, a lot of hours at meetings. If Staff will prepare and present back to the Council some of its particular data on what the costs and time factors are involved, I certainly would be in favor of that motion, but I certainly would like it to be noted that I reserve the right that I may very well vote against the proceeding of any General Plan amendment if I feel there is a "waste of time" in that matter. Not that we should not study or update our General Plan but some of the criteria established of what we have to follow, I feel, is an excessive amount of bureaucratic red tape for all concerned, residents, City, City costs, applicants, everyone involved. Just too much red tape. Now, back on the motion. We have a motion made and seconded. We're on the question. Anything further on the question? All in favor of the motion signify by saying aye.

Ayes: (5)

Mayor Riboni: Opposed?

Noes: (0)

Mayor Riboni: Motion carried 5 to 0 to proceed with the feasibility study.

Mayor Riboni: Now, anything further on the specifics?

Clm. Tuller: Which one shall we take up?

Mayor Riboni: Whatever is the pleasure of the Council, Mr. Tuller.

Clm. Tuller: Mr. Mayor, the next issue in front of us as we go down the list here is the approving or the discussion of approving a General Plan amendment for the Dowd's property for Laurel Wood Farms. I find myself in agreement with my colleague, Clm. McTaggart, where I feel that this property was intended to be developed and that I, myself, feel that the General Plan revision

to include this is in order and I have no particular feelings that would cause me not to support it. I have read, I have listened for 2 1/2 years on this and I appreciate the input that has come on this and it really has been one of the best organized, and I say this as a compliment, best organized opponents that I have ever been involved with in a long time. We've had the applicant, proponents, the opponents. We've had the Court. We've had the Staff, the public, the Planning Commission, the City Council, the community at large on this and every conceivable thought and idea has been put forth and as a member of the Council, of course, I had the privilege of reading all the minutes, and all of that, and, indeed, I have read it, every one of the 13 to 14 meetings on it, those public hearings on this, and Mr. Mayor, I just don't have any trouble going ahead with this. I had some trouble going ahead with it, obviously, but I find that it's something I'm going to support.

Mayor Riboni: Is there any discussion from the Council on the specific resolutions? Mr. McTaggart?

Clm. McTaggart: I'm just wondering. What we're saying in the Staff recommendation is that we would annex, prezone as part of the annexation. That will be processed now, but the Tentative Map on this particular subdivision application will be withdrawn or withheld until the General Plan revision for the area was completed so we could decide, not if the subdivision will exist, but its configuration as it finally forms out will comply. Rhetorical or otherwise, what happens if we do the annexation, the pre zoning and complete that and we now have a stub of R-1 zoned land out there but, either the General Plan amendment study or the applicant decides to do nothing. Seems to me we've annexed property for this specific purpose of dealing with this specific subdivision and it could very well end up without ending there but with some R-1 land. Am I reading something that's not there?

Planner Steinbeck: Anything's possible.

Clm. McTaggart: All or a combination.

Mayor Riboni: Yes, Mr. Arner.

City Mgr. Arner: The Council recalls for consideration the growth management plan limiting residential growth within the community to 100 planning units per year? We also dealt with the problem of "are we driving up the value of land within the City limits, therefore, making housing less affordable, less available to our children, our neighbors, our friends and to those people we don't know." In that regard, in Walt Smith's Report, we talked about annexing properties directly adjacent to the City. The City Council has a policy that says properties are annexable if public services can be provided and if they border on City limits. In that regard, if Mr. Dowd did not move forward with the actual construction proposal, the City Council would not err. In essence, you've provided additional land for residential growth for a future date. Your planning policies have not been set aside.

Mayor Riboni: One question I have is regarding this Tentative Map. Mr. Steinbeck, if I could. Example: if we proceeded with the adoption of these particular resolutions and doing what was just mentioned, annexing this land into the City into an R-1 designation, why is it necessary that this would have to go into a complete General Plan study, or revision, or amendment in that entire quadrant prior to the time that varying types of Tentative Maps with different configurations - "T's" or "L's" or "Cul-de-Sac's" or whatever could not be presented back within another reasonable amount of time prior to this so-called 9 months to a year?

Planner Steinbeck: Well, the circulation part of what would be planned in the east side of town would be one of the things that would fall out of the rest of the study, Mr. Mayor. You would

have to first deal with the issue of how far do we want growth in the area, what effect will that growth have and if we are going to have growth in the area, what kind of street pattern would we recommend. I see it as one of the later items as far as that study. Is that typical of what you would say, Dick (Public Works Director Rowland)?

PWD Rowland: I think you've got to determine whether you're going to have additional roads before you can determine where you want the streets to stub out in this particular subdivision.

Planner Steinbeck: Again, in our recommendations, as far as the Staff Report, we're saying straight out: "Commit to a development on the property." We're just not sure of the exact street configuration of that particular development.

Mayor Riboni: But you still feel that with the latter end of a study regarding that entire quadrant from Fifth and Seventh (Streets East), East MacArthur to Napa Street before we could determine whether we want to accept a "T" or an "L"? I think I could look at a map now and say what I feel could probably be appropriately two possible ways to go.

Planner Steinbeck: It's been discussed in public meetings that we could run a street north or south from this particular development now. It's not a physical impossibility. We have become aware that Mr. Chiotti has an easement that's coming southerly from his property on Napa Street as part of the EIR process and his letter was included as part of the FEIR. That 50' roadway easement is called by the County at the time of his minor subdivision Sixth Street East, is only one property away from Dowd's, only a few hundred feet. The extension to the south could go along the Becker/Del Secco property line, the joint property line, and go all the way to MacArthur without any obstruction. So, the feasibility of extending the street is really not a question. What the question becomes is: where, how far, are you going to go with extending those streets, with extending growth in the east side and that question has to be decided before you say and yes, that growth will be serviced by these streets.

Mayor Riboni: Thank you, Mr. Steinbeck.

Mayor pro tem Markson: Mr. Steinbeck, as a point of information for myself, Avenue del Oro at this present time does end in a stub street?

Planner Steinbeck: That's correct.

Mayor pro tem Markson: It didn't deter the people from buying the property because the stub street was there. It could go without saying that if there were stub streets on Laurel Wood Farms it would have probably the same kind of effect as it has in Avenue del Oro in that it is there.

Planner Steinbeck: Except that you're saying that we're providing for future growth in the area and, I think, we shouldn't do that blindly, that we should know what the consequences of that might be.

Mayor pro tem Markson: And in the beginning what they said was that Avenue del Oro and this stub street was that we were planning for future growth in the area.

Planner Steinbeck: That could be inferred from the stub street. That's correct.

Clm. Ruggles: What would be the attitude and what would be the effect on the General Plan study we're talking about if there was just a cul-de-sac as originally designed?

Planner Steinbeck: As we stated in the Staff Report, if the Council chooses to go with some sort of cul-de-sac configuration

that would pretty much indicate that no further street circulation through Avenue del Oro would ever happen. It just couldn't be provided for through individual private lots. It also may be a way of saying: "No other growth on the east side is appropriate. We're not going to provide for a proper circulation pattern in the area." And that's what I'd be looking at.

Clm. Ruggles: Why would you say that?

Planner Steinbeck: Well, there would be no looping of Avenue del Oro, either in the water system or in other utilities or for future bleeding off of some of the traffic if you went to the cul-de-sac street. So what I'm saying is if you go for the cul-de-sac which is an option before you as presented in the Staff Report, then that would, it would not provide for the actual extension of streets as the "T" intersection would.

Mayor Riboni: Mr. McTaggart?

Clm. McTaggart: After due reflection and hours and years of study, in the name of the defendant, the plaintiff and various other things not spoken or not admitted here, it seems to me that the problem is that as much as I would like to go along with the Staff recommendation for all good reasons, the applicant will not be benefitted by his application because the Staff is saying: "Do the annexation. Do the rezoning but do not give the man his right to develop until we have a General Plan revision." It seems to me preeminently rational to say that we should do nothing until we have the General Plan revision amendment because Dr. Dowd isn't going anywhere in a hurry without that. Rather than sit here and squeeze the toothpaste tube until it's dry and then decide we need more toothpaste, what I'm going to suggest is that we deny the Tentative Map application, the annexation, the rezoning, all the stuff without prejudice in so far as Dr. Dowd has spent and opponents have spent a great deal of time on this, to decline the Tentative Map to coincide with the General Plan revision. I don't see what we're doing for the applicant or the people who live over there. This is really not favoring either side, to throw Dr. Dowd a bone, and make some commitment and then while we're studying, deciding what the heck the General Plan says, where, in fact we follow Staff's recommendation saying Dr. Dowd, you withdraw or we'll deny it anyway and you come back when the General Plan revision has been done. Although we're saying only the configuration of streets, it strikes me as being as effective as any other reason we're saying it for. So why not stop burning our bridges and bring it back. To add to what I say, if we're not going to do a General Plan amendment then I'll not go for the subdivision. The reasons being there are 24 conditions that will be appended to the Tentative Map. One of those Conditions has 10 sub-conditions, all of which add up to meeting all of the problems, which actually would improve drainage, improve sewage in the area and not be a blight in the neighborhood that the antagonists say this plan would be. However, there's the problem of the General Plan amendment. If we're going to do a General Plan amendment, it seems to me if we do a study, do it for everybody. Logically, I just can not go any other way because Dr. Dowd is not going to go anywhere until we do that General Plan study and other subdivisions until we know what the country is out there. So, Dr. Dowd is not going by Staff recommendation or by my approach.

Mayor Riboni: Any further comments. Mr. Ruggles?

Clm. Ruggles: It's time to give my speech now. I've gone up and down that street a number of times and I've assumed that anybody who would buy a home there, see the end of this street, could assume that sometime in the future that something else was going to happen at the end of the street. I favored a cul-de-sac originally. I wasn't involved in the suit because I did vote against that plan for various reasons. There was two of us who did for different reasons. Not that I was against the development

for that particular piece of land. It seems to me for the happiness of the neighborhood that a cul-de-sac is the answer, myself. Alternative "A" or something like that, depending on the economics of the thing. It seems to me, then, everybody that lives on Avenue del Oro for the foreseeable time knows where they're living and knows what to expect. Now, I comprehend that the police and the fire are not enthusiastic because of the time element to do what we're talking about tonight. Seems Dr. Dowd will be in for another 2 1/2 years, whatever, and the neighbors will be in turmoil for 2 1/2 years before anything happens. This Nathanson Creek thing would make it possible to have a bicycle path, that sort of thing, hiking trail, that could connect up with other parts of town, and so the neighborhood for the next generation would know where they stand and there could be some kind of access to a future bicycle and hiking trail so they would not necessarily have to feel any sense of being closed in. I've gone up and down that street and I don't see one house where anybody could say they really aren't enjoying open space. So in so far as you go to the end of the cul-de-sac there's two houses, maybe, from their bedroom windows, into the backyard. I looked at property both north and south. It's mostly large homes, large acreage. It seems to me that all that area could be developed in some kind of same fashion without hurting Dr. Dowd, without hurting the neighborhood. I don't know how many lots Dr. Dowd would have to make to make it economically feasible 'cause one plan here shows 12 lots from the consultant. I'm very uneasy about dealing with everybody for 2 1/2 years and I don't know, I can't think of a soul who'll be happy. As you say, who got the fees for doing all the work?

Mayor Riboni: I'll just make my comments so it's generally understood where I feel. I would be in favor of the General Plan amendment and in favor of the rezoning to single family residential. I'm in favor of the reorganization of the territory into the Avenue del Oro Reorganization #1 but I would like to look at 3 or 4 different planned outlets for that location, specifically, in the cul-de-sac, a southern exit. I am not in favor of a northern exit. I do not feel that the area should have a through street. I would certainly feel that if anything should be considered it should be a street towards the MacArthur Street side. A configuration of the lots is also something that could be designed. Overall, I am in favor of the proposal but I do not feel that a year to look at a map and determine whether a street to come out or whether we should cul-de-sac it, why that can't be decided within the next month or two at the very most. Overall, I am in favor of the General Plan amendment for this particular parcel and would like to see some various configurations of lot layout be proposed and brought back in the very near future, not next year.

Clm. Tuller: Mr. Mayor, I'd like to say that I could basically support your thoughts there very closely. I feel very very strongly that a delay for a year or 18 months or if it should take longer than that, quite hopeful it shouldn't take longer than that on the outside, I just think that it's unfair to everyone. I think it's unfair to those who are the opponents. I think it's unfair to those who are supporting it. I think it's unfair on staff, also. I think there's an area of responsibility. I share it. It's my fault as much as anyone else and I think all of you, all of us, share it, that, if indeed, the general study of that area is necessary, and I agree to that, made a motion to that effect a short time ago, if that's necessary and we all see that rather clearly then I would say to you that that should have been done a year and half ago. I should have said it a year and a half ago. I should have said it two years ago and so should have you. We're all in this planning, we've gone through like I've said, 12 to 14 different public meetings and we share that responsibility and to ask those who are trying to develop it to be punished or deny a good project, and I agree with the Mayor, and I agree with Mr. McTaggart, that I think this is a good project. I think it is eminently unfair. So I make it very specific, Mr. Mayor, I agree with the General Plan amendment in that area to R-1, agree to the

rezoning which is R-1 and the annexation and then the Tentative Map, I'm sure we can get some agreement on and discussion further. But upon your direction we can take action on Items 2, 3 and 4 and get down to Tentative Map discussion when that's an appropriate time.

Mayor Riboni: That's up to the pleasure of the Council. What action do they wish to take tonight?

Mayor pro tem Markson: I think the pleasure of the Council is that we deal with what's at hand and we deal with planning for the future and I cannot believe that 4.1 acres is going to make a dramatic impact in planning for the future. So, therefore, I being the one that wasn't here 2 1/2 years ago to say why don't we study the General Plan, I will be the one that will say, that will make a motion, to adopt Resolution #6-84 approving a General Plan amendment on the westerly portion of the Dowd property for Laurel Wood Farms.

Clm. Tuller: I would like to second that, Mr. Mayor.

Mayor Riboni: Motion is made to adopt Resolution #6-84 approving the General Plan amendment. Any discussion on the question? Madam Clerk, the roll call on the Resolution.

City Clerk: Clm. McTaggart: No.
Clm. Ruggles: Aye.
Clm. Tuller: Aye.
Mayor pro tem Markson: Aye.
Mayor Riboni: Aye.

Clm. Tuller: Mr. Mayor, if it's in order, I'd like to move for the adoption of Resolution #7-84 for rezoning the westerly portion of the Dowd property consisting of approximately 4.1 acres to R-1, Single-Family Residential.

Mayor Riboni: It has been moved. Is there a second?

Mayor pro tem Markson: I'll second it.

Mayor Riboni: And a second. Any further discussion on the question? May we have the roll call on the Resolution?

City Clerk: Clm. McTaggart: No.
Clm. Ruggles: Aye.
Clm. Tuller: Ayes.
Mayor pro tem Markson: Aye.
Mayor Riboni: Aye.

Clm. Tuller: Mr. Mayor, I believe we also need the annexation and then we can get down to the Tentative Map discussion. I'd like to move for the adoption of Resolution #8-84 ordering the reorganization of territory designated as Avenue del Oro Reorganization No. 1 involving annexation to the City of Sonoma and Sonoma Valley County Sanitation District and detachment from Scheil-Vista Fire Protection District.

Malcolm Stone: Any discussion on any of these items?

Mayor Riboni: Just a moment. There's a motion. Is there a second?

Mayor pro tem Markson: I second it.

Mr. Stone: I just see it here in the minutes (agenda) that's all I see it.

Mayor Riboni: Is there a second?

Mayor pro tem Markson: Yes.

Mayor Riboni: On the question we have a question from the

audience and and not from the Council. Mr. Stone?

Mr. Stone: My question was and I'm reading from the minutes (agenda) here, it says public hearing on rezoning, public hearing on the annexation.

Mayor Riboni: We had that. I said, initially, we were combining all the items together under the Public Hearing portion.

Mr. Stone: So we can't, at this point, the public cannot speak or comment on these items?

Mayor Riboni: You can ask questions. But once the Public Hearing is closed, and that's why I hesitated and asked if there were any further comments on these particular items. Anything further on the question? May we have the roll call on the Resolution on the reorganization?

City Clerk: Clm. McTaggart: No.
Clm. Ruggles: Aye.
Clm. Tuller: Aye.
Mayor pro tem Markson: Aye.
Mayor Riboni: Aye.

Mayor Riboni: Now, is there any further discussion on any item?

(At this point in the meeting, most of the audience left the Council Chambers.)

Mayor pro tem Markson: Now we have the Tentative Map?

Clm. Tuller: Mr. Mayor, if it's in order I would like to have Mr. Steinbeck give us a review of the possibilities before us here on this Tentative Map.

Planner Steinbeck: Excuse me, Mr. Tuller, I didn't hear you.

Clm. Tuller: What I'd like is a summary on some of the problems in the various configurations of the subdivision that have been discussed. I'm not asking for a detailed explanation, going into the various plans, but we have several here that were brought out and discussed.

Planner Steinbeck: I'd be happy to review them with you, Mr. Tuller. As shown on the map in the DEIR, the actual Tentative Map application that was worked out between City Staff and the applicant on the street configuration at that time, was a "T" intersection providing for possible future street extensions both for the north and to the south. That is one alternative. We discussed the feasibility of that alternative earlier saying that it could happen, that there is nothing really standing in the way, physically, of extending those streets to the north and to the south at the present time. It becomes more of a policy question for the Council than a feasibility question. A second alternative would be a loop street, kind of an "L" street, with a stub street only to the south or only to the north, either way. The stub only to the south as indicated by Mayor Riboni is another possibility. The other action would be a cul-de-sac which would be a street coming off the end of Avenue del Oro now and ending in our standard city cul-de-sac bulb. Other possibilities on any of these would be a compromise in density as shown as one of the alternatives, not really suggested or recommended. As was indicated by Mr. Ruggles, the DEIR shows the cul-de-sac street with 12 lots. You can kind of pick the number, whatever seemed to be appropriate at that time. That's the alternatives that I see before you, Mr. Tuller. Is that what you wanted?

Clm. Tuller: Yes, fine.

Mayor Riboni: Mr. Tuller, if I can suggest, I know we do have the site development plan which was tentatively presented by the applicant. At this time, as I stated earlier, I'm not in favor of a "T" street, but I feel that we should have that as part of our consideration and consider both the bulb and the "L" street. I would just wonder if it would be possible to have the applicant

and his representative or his engineering representative, sketch some various proposals for lot configurations showing the possibilities of varying lot sizes with the cul de sac, the "L" and the "T" street with some varying lot sizes that would give us varying number of lots, also, that would come within the zoning capacity of the area and have this presented back to us within a reasonable amount of time, I feel the next couple of weeks or for your meeting sometime in the early part of February. Would that be possible? That's just a suggestion. Mr. McTaggart?

Clm. McTaggart: I have to explain my prior "NO" vote. The reason I voted "NO" on the annexation, General Plan amendment, etc. was that I didn't know what you were going to do now. If I had known I might have voted differently. It just seems to me to be totally illogical to say that 30 days is going to make a difference in looking at that. How are we going to divine the future of the north and the south from this property in 30 days? We just got through saying we need a General Plan revision study. I don't know what that's supposed to show, but it seems to me, it shows that it will allow development to the north and south of this. If we have that information I can defend or not defend an attack on the street configuration. The Mayor is saying he doesn't want to see it go north because he's decided he doesn't want to see development to the north. I was talking sometime to Ed this afternoon, and Ed (Steinbeck) said maybe it ought to go north because the guy above, one property away, has an easement in effect or on paper, the County, if I recalled, required an easement of Mr. Chiotti. What I'm saying is that Dr. Dowd is entitled to fair play, but it also makes common sense to me to not make the same mistake we just made at the east end of Avenue del Oro. We're just going through one of these things we created a while back and now we're faced with a snake with no tail out there. Now we're trying to decide what kind of a rattle to put on it. I can think of an argument for 15 street configurations there: a through street, a bulb street, a north/south street, a left hand "L", a right hand "L" and a "T". What I want to know is what are we going to do in 30 days that is going to make us pick a better configuration than you can pick tonight? If someone can answer that question for me I'll vote someday but I don't know what that answer is.

Planner Steinbeck: Mr. Mayor, can I offer a suggestion? Dick (FWD Rowland) just passed on what I think is a good suggestion and that's maybe we should look at a possible redesign of the Tentative Map that would leave options open if street extensions should be decided upon as part of the General Plan revision. You could leave those options open by designing in those street extensions as either a street extension or as a lot. It could be a lot that could be reserved as a street extension until the General Plan study would show whether or not the street would be extended. If, in fact, that policy decision said "NO" it shouldn't be a street, then the lot would be built upon. The only question of design there is what do you do with a cul-de-sac? You would also have to provide for the cul-de-sac turn around as part of that design.

FWD Rowland: It's possible that the stub to the south could actually come off the side and not lose anything in the design.

City Mgr. Arner: Dick, can you say that a little louder, please.

FWD Rowland: Yes. I was just saying that it may be possible that a possible stub to the south could actually come off of the south side of a cul-de-sac bulb without any actual loss in the design. You've seen it before. It looks like a big knuckle at the right angle turn. I'm not sure what will come of the study but it may be worthwhile to have Mr. Bonnoitt look at it and see if some of these options couldn't be built into the Tentative Map so that after that year or 18 months is over the options wouldn't be closed but there may be a couple of lots there that they couldn't have built on in the meantime. In the meantime, they would have the other 10 to 12 lots available to them.

Mayor Riboni: It sounds very reasonable and very appropriate.

Mayor pro tem Markson: It's an excellent suggestion because it gives one the answer for now and also the answer for the future. Excellent!

FWD Rowland: If it works. The geometry should be looked at.

Mayor Riboni: Mr. Ruggles?

Clm. Ruggles: I'd like to put in a plea again for settling it for the neighborhood. If it's a cul-de-sac then the neighborhood will be happy. If there's all these options, then the neighbors or whoever's going to buy those houses is going to be uneasy.

Mayor Riboni: Mr. McTaggart?

Clm. McTaggart: As I understand the suggestion that Dick Rowland has made it is that the cul-de-sac could be designed with a north and south stub at the extreme edge of the radius. Maybe, with a little bit of redesign it's possible to turn the street configuration, then all you have to do is cut through the street width to the cul-de-sac and continue it in either direction.

FWD Rowland: I believe the stub to the south would be further west (to align with the Becker property line), the easement that Ed (Steinbeck) referred to, but the same principle applies.

Mayor Riboni: I'd like to ask Mr. Bonnoitt, as you seem to be probably the individual that would be doing some of these, do you feel that a one month's time or say until the 13th of February, which would be 3 weeks from now, would be sufficient to sketch out some ideas that the Council could consider?

Mr. Bonnoitt: Yes, I do, Mr. Mayor. That's no inconvenience to my client, either, and we'd be glad to do that.

Mayor Riboni: All right.

Clm. Tuller: Mr. Mayor, I just want to point out to you that on the 13th of February I will not be in attendance at that particular meeting. I would like to be in on the discussion of it if I possibly could be.

Mayor Riboni: Then we'll have it on the 27th (of February).

Planner Steinbeck: Mr. Mayor, I don't want to throw another wrench into the works here, either, but we are dealing with an overall time limit problem that we dealt with at the Planning Commission. The operative date on that is March 2nd, I believe. We have to make a decision on the Tentative Map either for or against by that time.

Clm. McTaggart: I can support that. I can't understand the logic of delay for revision and tying it up. We'll have a full Council on the 27th. We can see what kind of street configurations we might have presented.

Clm. Tuller: Mr. Mayor, on second thought, I would not want to be an obstacle. If the Council feels they would like to move on the meeting prior to that, that's just the way it is. I'll be out of town on the 13th. I've known it for several months and I've even told the City Manager about it a month ago.

Mayor Riboni: I can't see that there will be an urgency. Instead of doing it in 4 or 5 weeks instead of doing it in 3 weeks, if Staff feels that's sufficient time and if the applicant feels that the 27th of February would not cause any inconvenience and also we're going to be making that March deadline with that. I have no objection to putting it off 'til the 27th. This is such an issue that we should have a full Council, Mr. Tuller, and I don't really

feel we should go ahead without having the full 5 members.

Mr. Bonnoitt: Mr. Mayor, that will be perfectly fine, the 27th of February.

Mayor Riboni: That's fine. Thank you, Mr. Bonnoitt. Therefore, this is not an action by motion but it could be an action by consensus that the action on the Tentative Map will be continued and agendized specifically for the meeting of the 27th of February. Does that meet with the consensus of the Council?

All the members of the Council concurred with this date.

Mayor Riboni: All right. By consensus, then, that is covered. Unless Staff has anything further on that subject and nothing further from the applicant on that subject we will take a five minute recess.

Mayor Riboni declared a recess from 9:20 p.m. to 9:28 p.m.

3. REPORTS

a) STAFF

1) General Municipal Election

City Manager Arner informed the Council that the

County Clerk is anticipating 180 separate ballots for the Primary Election. In addition, each Democratic voter will be given additional ballots due to the Democratic Party's request that delegates be voted for separately. Given the volume of work to be done and the City's experience in 1982 with the late election returns, Staff would strongly recommend to the Council that the municipal election date be moved to November and have it in conjunction with the General Election of 1984. The benefits to the community are decreased costs, increased voter turnout over the primary election, and quicker returns of the election results. In addition, due to the number of decreased candidates and ballot propositions, there will be greater focus on municipal elections and candidates participating in those elections.

It was moved by Mayor pro tem Markson, seconded by Cln. Tuller, to introduce Ordinance #84-1 entitled: 'AN ORDINANCE OF THE CITY OF SONOMA REPEALING ORDINANCES #81-13 AND #82-1 AND FIXING THE DATE OF THE GENERAL MUNICIPAL ELECTION TO COINCIDE WITH THE STATE-WIDE GENERAL ELECTION IN EVEN NUMBERED YEARS.'

ROLL CALL VOTE: Ayes: (5) Cln. McTaggart, Ruggles, Tuller, Mayor pro tem Markson, Mayor Riboni

Noes: (0) None
Absent: (0) None

2) Award of Mausoleum Bid

FWD Rowland reported 4 bids were received on

January 18, 1984 for construction of Mausoleum #7 in the Mountain Cemetery as follows:

Bidder	Amount
North Bay Monument 212 Davis Street Santa Rosa, CA	\$32,865.00
T. Daly and Sons, Inc. P.O. Box 366 Cotati, CA 94928	\$39,950.00
P and F Construction, Inc. 3737 Broadway Oakland, CA 94611	\$49,900.00

CITY OF SONOMA, CALIFORNIA
CITY COUNCIL
REGULAR MEETING: DECEMBER 12, 1983

CALL TO ORDER

7:30 p.m. - Municipal Court/
Council Chambers, 177 First
Street West - Mayor Riboni
presiding

PLEDGE OF ALLEGIANCE

Mayor Riboni

ROLL CALL: Present: Clm. McTaggart, Ruggles, Tuller, Mayor pro tem Markson,
Mayor Riboni

Absent: None

Also Present: City Clerk Berto, City Mgr. Arner, Planner Steinbeck,
City Atty. Klein, Fire Chief Mazza

1. CONSENT CALENDAR:

- a) Council minutes of 11/28/83 - approve. (corrected under Mayor and Council item)
- b) Ordinance Rezoning Annexed properties, amending the Zoning District Map adopted by Section 19.06.030 of the Sonoma Municipal Code. Introduced November 28, 1983 - adopt Ordinance #83-15.
- c) Disclosure Statement from Warren I. Jaycox - accept.
- d) Accepting Public Improvements in Coronado Manor Subdivision subject to completion of punch list items and payment of \$10,580 in lieu of street work on Fifth Street West - Adopt Resolution #85-83.
- e) Payroll Register 12/1/83; Warrant Register 12/12/83 - approve.

It was moved by Clm. Tuller, seconded by Clm. McTaggart, to adopt the Consent Calendar as presented.

ROLL CALL VOTE: Ayes: (5) Clm. McTaggart, Ruggles, Tuller, Mayor pro tem Markson, Mayor Riboni

Noes: (0) None
Absent: (0) None

2. PUBLIC HEARING

- a) Draft Environmental Impact Report for Laurel Wood Farms

Given to the Council in the Agenda Packet were the following:

- 1) Planning Commission minutes of 10/6/83 and 11/3/83 meetings.
- 2) Letter dated 12/7/83 from John D. Flitner, attorney representing the Concerned Citizens of Sonoma, listing 24 questions they have on the Draft Environmental Impact Report (DEIR).
- 3) Planner Steinbeck's MEMO dated 12/8/83 regarding City Council consideration of the DEIR.

Planner Steinbeck informed the Council that the Planning Commission held hearings on the DEIR and other recommendations as required. The Public Hearing before the City Council this evening will be on the DEIR for Laurel Wood Farms only. The comments and responses will then be compiled into a Final Environmental Impact Report (FEIR) addendum that, when combined with the original DEIR, becomes the Final Environmental document for the project.

Planner Steinbeck introduced Brenda Gillarde, representative from the WPM Planning Team which prepared the DEIR. Ms. Gillarde stated that the DEIR focused on land use, traffic, sewage and drainage. She then gave a brief summary of these four points and the recommended mitigating measures.

Planner Steinbeck interjected at this point and said that a number of the mitigating measures have been and will be recommended as Conditions of Approval before the applicant will be given final map approval.

At 7:52 p.m. Mayor Riboni opened the Public Hearing on the DEIR and asked for comments from the audience.

Ron Cuda, 20 Quedo Court, complimented Ms. Gillarde on a good DEIR but felt it was not complete. He said there were some components that needed to be added to the EIR. He questioned that no independent studies were done on sewer or water runoff. Mr. Cuda pointed out that the Planning Commission in one of its meetings

elected to study the zoning on the east side from Napa Street to MacArthur and from the City Limits to Eighth Street East. The Concerned Citizens of Sonoma agree with that decision. The study should be done first amend the General Plan if necessary and then do the EIR. Mr. Cuda also commented that no mention was made in the DEIR of a letter dated July 1983 from the Department of Fish and Games about the willows in the area nor about the pond and what is to be done about these two items. Mr. Cuda stated that Judge Eymann ruled that a full and complete EIR should be done. In his opinion, this has not been done.

Gary Maddox said there are questions that have not be addressed. He questioned that no soils test has been done. He asked that Ms. Gillarde get the questions they have from Atty. Flitner for review. He also requested that the General Plan study be done first, amend it, rezone the property, do the EIR, then look at the project for conformance. Do the project on its own merit. Do it right.

Short discussion was held between Council and City Atty. Klein about the direction from Judge Eymann on the preparation of the EIR which City Atty. Klein said he would again review.

Malcolm Stone, 65 Sereno Court, said that the first consultant hired to do the EIR spoke to his group and explained the EIR procedure. When WPM was hired there has been no face to face meeting with his group. He said he anticipated asking questions before the matter came to the Planning Commission. He thought the purpose of meeting with the consultant was to answer their questions before going to the Planning Commission. His group has questions on the sewer, water and traffic. There's also the 24 questions that Atty. Flitner has submitted and there are other questions that have arisen from the Planning Commission discussion. A majority of his neighbors also have questions they would like answered. Homes on Cordilleras were not included in the traffic study and he felt they should have been included in the entire study. Mr. Stone asked how many vehicles does a 0.1 increase represent in a street's TIRE (Traffic Infusion on Residential Environment) rating? Mr. Stone said the original consultant counted the vehicles coming from and going into Avenue del Oro and he would like to have these figures. He would also like to have the traffic survey recently done by the Police Department on East MacArthur Street. The Planning Commission, he said, recommended a traffic study be done on the east side. It should be done. Mr. Stone then presented a copy of a letter his group has sent to Theodore Wooster, State Department of Fish and Game, addressing their concerns on the biological report that Ms. Gillarde has found. Mr. Stone remarked that on page 13 of the DEIR, the Site Development Plan, shows dual driveways and single driveways. This is not consistent with driveways in the area or any part of the east side. No explanation is given for the dual driveways but these are still concerns of the neighbors.

Janice Smith, 21500 Broadway, said she is a county resident. In the DEIR, you mention water runoff to the south of this town. What will that do to the flooding in the County. Also, the sewer you are doing to increase. Are you going to increase the line all the way to the plant?

Jeff Anderson, 19651 Seventh Street East, said he has lived in the area for 27 years. There is a water problem and he spoke on his family's recent experience in building a new home and having to stand in 2½ feet of mud during construction. Mr. Anderson said the pond on the Dowd property is spring fed and there are artesian wells in the area. The water sits there until May. When Mr. Nazworthy first started to develop the Monte Vista Subdivision, the water was 7" deep. The water backs up to the large eucalyptus trees. Before the homes are built, a water study done by an independent hydrologist should be done now.

Ricciotti Maffioli, 507 Avenue del Oro, spoke on the number of cars going by his house and the potential danger to children. He said 16 more homes would add more traffic. A stop sign was put in on Fifth Street East (at France Street) to control the traffic. Traffic should be watched there.

Julie Waters, 553 Este Madera Drive, read a letter from Kay Seeger, Bacteriologist, 564 Este Madera Drive, regarding the pumping system for sewer located in Este Madera that is inoperative during power outages; untreated raw sewage leaking into the street at 560, 562 and 564 Este Madera; additional building creating more problems in Este Madera; sewer drains are insufficient; asking about what happened to the 100 new dwellings limits; and stating that the sewage treatment plant is already taxed to the limits.

Mayor Riboni replied that the sewer is under a County's agency. The Sanitation District spent 12 Million Dollars to upgrade the sewer plant. The plant is sufficient to handle sewage for the next 10 to 20 years. Some of the sewer lines are taxed to the limit but not the sewer plant. The other questions Ms. Seeger has should be directed to the County Public Works Department, specifically to the Sanitation District. Mayor Riboni said he takes exception to some of those comments in Ms. Seeger's letter.

Lee Bell, 707 East MacArthur, said her property routinely floods. Nothing in the EIR guarantees a solution to this problem. She said her property did not experience any flooding until a drain was put in from Dr. Dowd's property, through the Becker property onto MacArthur Street, down MacArthur Street and through her property. Nathanson Creek overflows now onto the Dowd property. What will happen to this water when the Dowd property is built on? Plans are to put this water in an underground drain. No study has been done on the capacity of the 48" storm drain. These are her major concerns of the EIR study.

Debbie Cuda, 20 Quedo Court, presented 69 letters containing 115 signatures (47 letters from residents in the surrounding area and 22 letters from residents from outside the area) stating opposition to Laurel Woods Farms as it is now proposed and asking that the FEIR not be done until the General Plan study and rezoning is done. Mrs. Cuda asked that the letters be made a part of the EIR.

Malcolm Stone asked if the hearing on the FEIR may be postponed from 1/9/84 to 1/23/84 to allow more time for review by the public. Mr. Stone also asked if it is correct that the Council, by law, will not consider the Laurel Woods Farms project until the FEIR is certified.

Mayor Riboni and Planner Steinbeck replied that if the Council determines the FEIR is adequate then the public hearing on the annexation, General Plan revision, rezoning and subdivision requests would be conducted following the certification of the FEIR. If the FEIR is not certified, then the Public Hearing on the other requests will not be held.

Planner Steinbeck remarked that the Public Hearing scheduled for 1/9/84 has been published, the property owners notified and the notices posted. A postponement to 1/23/84 would require renoticing but it would also allow adequate time to review and respond to the FEIR. The DEIR has been available to the public since August 1983.

By consensus the Council concurred that written questions on the DEIR can be submitted until 5 p.m. on Thursday, December 15, 1983. After that, any questions not addressed in the FEIR can be heard at the January 23, 1984 meeting.

Planner Steinbeck remarked that if a separate consultant is to be hired to do a drainage study there would be an additional cost to the applicant and the City. This may push the completion date beyond 3/1/84 on Dr. Dowd's application. A decision needs to be made this evening if the extra study is needed.

Mayor Riboni replied that an additional study regarding sanitation is inappropriate. Either the drain pipe is sufficient or it isn't. The question presented has been technically answered in the DEIR. The letter dated 9/29/83 from the Sonoma County Water Agency has found the information adequate. The questions raised this evening have been technically answered. The other members of the Council concurred with this statement.

Council and Staff held a brief discussion on the question raised earlier this evening if Judge Eymann actually ordered an independent sewer study. City Atty. Klein replied that the Judge ruled that an EIR be prepared on the project under CEQA guidelines. It is not unusual to hire a specialist in a particular field if the problem

is beyond the capacity of the consultant, but it is not mandated.

Clm. McTaggart stated that the court said an EIR was to be done. Staff defined the scope of the contract. There has been more time spent on this EIR than on any other EIR. The Council is bound to adopt a final environmental impact report. Clm. McTaggart said he didn't think the Council should extend the time to Thursday, 12/15/83 for submitting questions on the DEIR.

At this point Mr. Cuda again asked if the EIR asked for an independent study on the sewer and drainage. Mayor Riboni replied that it did not.

Mr. Cuda asked if the EIR could be certified without a General Plan study, even if the EIR says the project is not consistent with the General Plan. Planner Steinbeck replied that the EIR must be certified before the hearing is held on the General Plan revision, rezoning, etc. questions.

Malcolm Stone said that his group mistrusts the figures done by the developer's engineer on the sanitation question. He said the same figures are heard over and over again and are incorporated in the EIR.

Mayor Riboni pointed out that a county engineer reviewed the figures presented by the developer's engineer, reviewed all the technical data and certified in writing to the accuracy of the figures. Mayor Riboni said he takes credence in that and feels that the drainage measures are adequate and the same applies to the sanitation question. If the County engineer found the figures submitted by the developer's engineer to be improper, it wouldn't put its approval of the figures in writing.

City Mgr. Arner remarked that two different County officers certified as to the figures being adequate.

City Council: regular meeting: December 12, 1983
Clm. McTaggart stated that the sewer system analysis was prepared in 1982 and is a timely document. A registered civil engineer signed the plans. He is responsible to the public. It is not a fair statement that the figures are doctored.

In reply to a question from Mayor Pro Tem Markson, City Mgr. Arner explained that when an environmental consultant is chosen, the consultant is chosen by bid by the City. The developer does not partake in this selection in any way. The developer places money on deposit with the City to cover the consultant's cost and the scope of the study is directed by City staff.

At this point, Cuda again asked if the EIR could be certified without a General Plan study, even if the EIR says the project is not consistent with the General Plan. Planner Steinbeck stated that the Government Code Section 65957 allows an extension of time for a period not to exceed 90 days by mutual agreement to the accuracy of the figure. Mayor Riboni said he takes credence in that and feels that the drainage measures are adequate and the same applies to the sanitation question. If the County engineer found the figures submitted by the developer's engineer to be improper, it wouldn't put its approval of the figures in writing.

Mayor Riboni closed the Public Hearing at 9 p.m. City Mgr. Arner remarked that two different County officers certified as to the figures being adequate. The Council discussed briefly with Staff and Ms. Gilarde questions it had on TIRE, traffic level and the Nathanson Creek bypass. Planner Steinbeck stated that the sewer system analysis was prepared in 1982 and is a timely document. A registered civil engineer signed the plans. He is responsible to the public. It is not a fair statement that the figures are doctored.

City Council: regular meeting: December 12, 1983
Clm. McTaggart asked Ms. Gilarde to expand in the FEIR on the comments made by Mrs. Bell regarding how her property is affected by the runoff of water.
In reply to a question from Mayor Pro Tem Markson, City Mgr. Arner explained that when an environmental consultant is chosen, the consultant is chosen by bid by the City. The developer does not partake in this selection in any way. The developer places money on deposit with the City to cover the consultant's cost and the scope of the study is directed by City staff.

By consensus, the Council ordered the consultant to proceed with the preparation of the Final EIR; concurred that written comments on the DEIR would be received until 5 p.m., Thursday, December 15, 1983; stated the FEIR would be available to the public on January 13, 1984; stated the City Council will consider the certification of the FEIR on 1/23/84 and, if certified, a public hearing will be held thereafter on the annexation, General Plan revision, rezoning and subdivision requests for the Dr. Dowd project; directed staff to republish the legal notice, renotify the surrounding property owners and repost the notices for the subject hearing. The Council further stated that if the FEIR is not certified there will be no hearing on the other requests.

Mayor Riboni declared a recess from 9:12 p.m. to 9:29 p.m.

2. PUBLIC HEARINGS

- b) Continuation of Revised Creekwood P.U.D., Phases 2, 3 & 4 (Public Hearing closed) Given to the City Council in the Agenda Packet were the following:

- 1) Memo dated 12/7/83 from City Manager Arner recommending that tennis court development be reviewed as part of the 1984-85 budget deliberations and approve the redesign of Creekwood Phases 2, 3 and 4 as presented.
- 2) Letter dated 12/8/83 from City Atty. Klein stating that in his legal research there is no legal authority on the part of the City to mandate a homeowners association to operate a public tennis court.
- 3) Letter dated 12/9/83 from Henry F. Mayo, Sonoma Creek Partners, that in his negotiations with three different tennis club operators, each have reluctantly come to the same conclusion that it is just not economically feasible at this time.
- 4) Letter dated 11/1/83 from Domenic J. Paino, General Manager, Houston Indoor Tennis Club, Houston, Texas, stating that the proposed racquet/sports facility for the Creekwood development from the tennis standpoint is not economically justifiable.
- 5) Letter dated 12/5/83 from Paul T. Rivard, Tennis Professional, Olympic Valley, California, stating that it would not be financially practical to put a Tennis Club in the Creekside project.

Planner Steinbeck reported that City Mgr. Arner, in his MEMO dated 12/7/83, stated that in 1978 the City Council and Planning Commission approved a General Plan revision for the southwest area of town showing precise street alignments for Oregon Street, Studley Street, Sixth Street West and Seventh Street West. The purpose of this revision was to preplan the street pattern in this area as had previously been done in the northwest area of town. A street connection between the Studley Street extension and West Napa Street was shown through the Henris property. Phase I of Creekwood began development in June of 1983, and it became evident that increased traffic along Studley Street due to an eventual connection between Studley and West Napa would be highly detrimental to the 160± units planned for that area. Staff perceived that limiting through traffic on residential streets is more important than providing a "bypass" for Highway 12 through a residential area.

Planner Steinbeck pointed out that the current Creekwood site plan indicates a pedestrian path (which with widening to 10' could also be a bicycle path) along the former alignment of Studley Street which connects with a proposed pathway along Sonoma Creek. This pathway, when connected to the north through the Henris property, could provide the pedestrian and bicycle access to Napa Street as suggested by Ctm. Ruggles,

CITY OF SONOMA, CALIFORNIA
CITY COUNCIL

REGULAR MEETING: AUGUST 23, 1982

CALL TO ORDER

7:30 p.m. - Municipal Court/
Council Chambers, 177 First
Street West - Mayor McTaggart
presiding

PLEDGE OF ALLEGIANCE

Mayor McTaggart

ROLL CALL: Present: Clm. Markson, Riboni, Ruggles, Tuller, Mayor McTaggart

Absent: None

Also Present: City Clerk Berto, City Mgr. Arner, Fire Chief Mazza,
Planner Steinbeck, City Atty. Klein, PWD Rowland

CONSENT CALENDAR:

1. Council minutes of August 9, 1982 - approve.
 2. Plaza Use Application from Sebastiani Winery for southeast quadrant on 9/13/82 from Noon to 1 p.m. for picnic lunch - approve.
 3. Request from Sonoma Vintage Theatre for fee waived electrical permit - approve.
 4. Plaza Use Application from Retired Senior Volunteer Program for N/E quadrant on 9/14/82 from 9:30 a.m. to 2:30 p.m. - approve.
 5. Depot Park Application for reservation of picnic by Northern California Wisconsin Club on 9/26/82 or 10/3/82 from 9 a.m. to 8 p.m. - Approve 6 tables; approve date of 10/3/82.
 6. Review of Pasali's Poker Parlor After-hours permit - renew permit for 12 months.
 7. Payroll Register 8/12/82; Warrant Register 8/23/82 - approve.
- It was moved by Clm. Tuller, seconded by Clm. Riboni, and unanimously adopted, to approve the Consent Calendar as presented.

PRESENTATION

8. Certificate of Recognition to former Planning Commissioner John Glaese

Mayor McTaggart awarded a Certificate of Appreciation to John Glaese for his two terms as a member of the Planning Commission.

PUBLIC HEARINGS

9. Proposed annexation of the Avenue del Oro Reorganization #1

Mayor McTaggart continued this item to a date unspecified at the request of the applicant, Robert Dowd.

10. Amendment to Zoning Ordinance to delete "medical clinics" as conditionally permitted uses in R-1 and R-2 zones

Planner Steinbeck reported that the Planning Commission in its meeting of 8/5/82 recommended adoption of a zoning ordinance amendment deleting medical clinics as a conditionally permitted use in the R-1 and R-2 zoning districts. Reasons for this recommendation include: 1) The Planning Commission wishes to discourage the conversion of rental housing into office space due to the limited availability of rental space within the city. 2) The Commission perceives potential land use conflicts between proposed medical office conversions and surrounding residential uses especially in the area of the Sonoma Valley Hospital. 3) The Commission feels certain that there is sufficient land zoned R-3 and R-4 which could provide for additional medical office uses.

Mayor McTaggart opened the Public Hearing at 7:47 p.m. and called for comments from the audience. No one spoke. Mayor McTaggart closed the Public Hearing at 7:48 p.m.

Clm. Markson and Ruggles commented against the proposed amendment. Clm. Ruggles stated the area around the hospital was a logical area to have a medical clinic. The door should be left open to these property owners to make the change from residential use to medical clinic use. Clm. Markson said she had received many phone calls

CITY OF SONOMA, CALIFORNIA
CITY COUNCIL
REGULAR MEETING: JULY 27, 1982

CALL TO ORDER

7:30 p.m. - Municipal Court/
Council Chambers, 177 First
Street West - Mayor McTaggart
presiding.

PLEDGE OF ALLEGIANCE

Mayor McTaggart

ROLL CALL: Present: Clm. Markson, Riboni, Mayor McTaggart

Absent: Clm. Ruggles, Tuller (both excused)

Also Present: City Clerk Berto, City Mgr. Arner, Planner Steinbeck

CONSENT CALENDAR:

1. Council minutes of July 12 and 19, 1982 - approve.
2. Proposed resolution initiating reorganization of territory proceedings designated as Avenue del Oro Reorganization #1 - adopt Resolution #57-82; set public hearing for 8/23/82 at 7:30 p.m.
3. Donation of inoperative vehicle to Sonoma Volunteer Firemen's Association - approve.
4. Proposed sidewalk sale July 30 and 31, 1982 sponsored by Retail Division of Chamber of Commerce - approve.
5. Plaza Use Application of Sonoma Volunteer Firemen's Association for October 10, 1982 - Fire Prevention Week - approve.
6. Plaza Use Application of Assembly of God for September 18, 1982 - Grinstead Memorial Amphitheatre - music and speaker - approve.
7. Proposed resolution designating certain items of property to be surplus and providing for auction - adopt Resolution #55-82.
8. Proposed resolution authorizing City to enter into contract with State Cooperative Personnel Services - adopt Resolution #56-82.
9. Payroll Register 7/15/82; Warrant Register 7/27/82 - approve.

It was moved by Clm. Riboni, seconded by Clm. Markson, to approve Consent Calendar as presented.

ROLL CALL VOTE: Ayes: (3) Clm. Markson, Riboni, Mayor McTaggart

Noes: (0) None

Absent: (2) Clm. Ruggles, Tuller

PUBLIC HEARING

10. Consideration of one-year extension of growth limitation ordinance to 8/31/83

Planner Steinbeck reviewed his MEMO dated 7/22/82 on his recommendation for continuance of the Growth Ordinance Limitations for

an additional one year period, said period to expire 8/31/83. Planner Steinbeck provided an update of approved developments with carryover allocations of 40 units for 1982-83 development year. Adding the 40 units of unused allocations to the beginning 1982-83 allocation of 100 and then subtracting market rate housing from the Buti project, other minor development, and carryovers of phased projects from previous years, allows the processing of 115 dwelling units through the City's planning procedure for the 1982-83 development year. Planner Steinbeck also pointed out that an artificially low net allocation has not happened for the 1982-83 development year because of the small number of projects submitted. Planner Steinbeck recommended that the City Council extend the growth limitation for an additional one-year period of time.

Mayor McTaggart opened the Public Hearing at 7:37 p.m. and called for comments from the audience.

Malcolm Stone, 65 Sereno Court, asked if annexed territory is included in the growth limitation figure.

Planner Steinbeck replied that annexations are included as well as growth.

Valerie Pistole, 790 Michael Drive, spoke in favor of the proposed ordinance. She commended the Council for its stand and hoped that by Sonoma's leadership the County of Sonoma would take heed and do something similar. She encouraged the Council to adopt the ordinance and continue with this plan for controlled growth.

CITY OF SONOMA, CALIFORNIA
CITY COUNCIL
REGULAR MEETING: OCTOBER 26, 1981

CALL TO ORDER

7:30 p.m. - Municipal Court/
Council Chambers, 177 First
Street West - Mayor Tuller
presiding

PLEDGE OF ALLEGIANCE

Clm. McTaggart

ROLL CALL: Present: Clm. McTaggart, Parmelee, Riboni, Ruggles, Mayor Tuller
Absent: None
Also Present: City Clerk Berto, City Manager Arner, City Atty. Klein,
Police Chief Rettle, PWD Rowland, Planner Steinbeck

CONSENT CALENDAR:

1. Council minutes of October 13, 1981 - approve.
2. Proposed ordinance rezoning property at 472 Fifth Street West from R-1 (Single Family Residential) to R-4 (Intensive Multiple Residential). Introduced 10/13/81. - adopt Ordinance #81-10.
3. Payroll Register 10/22/81; Warrant Register 10/26/81 - approve.

It was moved by Clm. Parmelee, seconded by Clm. Riboni, to adopt the Consent Calendar as presented.

ROLL CALL VOTE: Ayes: (5) Clm. McTaggart, Parmelee, Riboni,
Ruggles, Mayor Tuller

Noes: (0) None
Absent: (0) None

PRESENTATION:

4. Certificate of Appreciation to Ray O. Bradbury, Parks and Recreation Commissioner

Mayor Tuller presented a Certificate of Appreciation to Parks and Recreation Commissioner Ray O. Bradbury.

PUBLIC HEARINGS

5. Amendments to Housing Element to conform to State Housing and Community guidelines

Planner Steinbeck reported that the Planning Commission in its meeting of 10/1/81 reviewed the additional

wording for the Housing Element as required by the State Department of Housing and Community Development and recommended adoption of the revised housing element.

Mayor Tuller opened the Public Hearing at 7:35 p.m. and called for comments from the audience. There were no comments. Mayor Tuller closed the Public Hearing at 7:36 p.m.

It was moved by Clm. Parmelee, seconded by Clm. McTaggart, to adopt Resolution #74-81 adopting the amendments to the Housing Element in conformance to State Housing and Community Development guidelines.

ROLL CALL VOTE: Ayes: (4) Clm. McTaggart, Parmelee, Ruggles,
Mayor Tuller

Noes: (1) Clm. Riboni
Absent: (0) None

6. Variance and condominium conversion application of Ray Gabriel for six apartment units under construction behind 399 West Napa Street for low/moderate income buyers

The Council reviewed the following: a) Application Statement dated 9/10/81 from Gerald N. Hill, attorney for applicants. b) Planner

Steinbeck's Staff Report dated 9/25/81 recommending approval of the application subject to the conditions a) that the sales of the units be in an affordable housing price range as defined on the appended table to the Housing Element entitled "Affordable Housing Prices by Income and Mortgage Rate;" and b) that the seller submit a copy of the deposit receipt on each unit sale and that the buyer of each unit submit verification to the City of income level.

Planner Steinbeck reported that the Planning Commission in its meeting of 10/1/81 recommended approval to the City Council of the project as proposed.

Mayor Tuller opened the Public Hearing at 7:37 p.m. and called for comments from the audience. There were no comments. Mayor Tuller closed the Public Hearing at 7:38 p.m.

Clm. Riboni remarked that he is less than enthusiastic about condominium conversions. He stated that when a contractor builds apartments they should be available as apartments. He suggested contractors should build condominiums if they want to sell condominiums. Whenever apartments are converted to condominiums it shuts out a number of people from occupying rental units. Clm. Riboni stated he does not favor the proposal and would vote against the application.

Clm. McTaggart remarked that he agrees with some of Clm. Riboni's sentiments. The problem is that apartments are not being built due to the bad economic situation. This condominium conversion seems a reasonable approach to make housing available to the low/moderate income population; it does meet a housing need and he sees no problem with this application.

It was moved by Clm. Parmelee, seconded by Clm. Ruggles, to adopt Resolution #75-81 entitled: "APPROVING A VARIANCE AND TENTATIVE MAP APPLICATION OF RAY GABRIEL TO CONVERT SIX EXISTING NON-OCCUPIED APARTMENT UNITS LOCATED BEHIND THE RESIDENCE AT 399 WEST NAPA STREET INTO INDIVIDUAL CONDOMINIUMS WHICH WILL BE SOLD AT PRICES AFFORDABLE TO LOW TO MODERATE INCOME HOUSEHOLDS" subject to the following conditions of approval:
1) Sale of the units in Beatrice Court Condominiums shall be in an affordable housing price range for persons of low to moderate income as defined in the adopted City of Sonoma Housing Element. 2) The seller of Beatrice Court Condominiums shall furnish copy of deposit receipts on each individual unit sale to the City of Sonoma, and the buyer of each individual unit shall submit verification of income level to the City.

ROLL CALL VOTE: Ayes: (4) Clm. McTaggart, Parmelee, Ruggles, Mayor Tuller
Noes: (1) Clm. Riboni
Absent: (0) None

PUBLIC HEARINGS

7. Amended Tentative Map application of L. B. Nelson for 8 additional dwelling units on west side of 7th St. W.

The Council reviewed the negative declaration, Planned Unit Development and Tentative Map applications of L. B. Nelson Corporation for approval to

allow construction of 8 additional dwelling units on property adjacent to the 68 unit project formerly approved by the Planning Commission and City Council. The applicant proposes the 8 additional units in lieu of the previously approved professional office on Lot 4. The addition of these 8 units on Lot #4 will result in a total of 76 units on the entire 6.5 acre parcel, which is under the maximum density allowed.

Planner Steinbeck reported that the Planning Commission in its 10/1/81 meeting recommended approval of this application subject to the same conditions of approval which were placed on the 68 units already approved.

Mayor Tuller opened the Public Hearing at 7:45 p.m. and called for comments from the audience.

David Robertson, representative of L. B. Nelson Corporation, stated the application is for the substitution of an 8-unit two-story residence from the two-story office building. He said he would answer any questions the Council may have on the project.

Mayor Tuller closed the Public Hearing at 7:46 p.m.

It was moved by Clm. Riboni, seconded by Clm. Ruggles, to adopt Resolution #76-81 entitled: "APPROVING NEGATIVE DECLARATION AND APPROVING TENTATIVE SUBDIVISION MAP OF NORRBOM ESTATES, A CONDOMINIUM."

ROLL CALL VOTE: Ayes: (5) Clm. McTaggart, Parmelee, Riboni, Ruggles, Mayor Tuller
Noes: (0) None
Absent: (0) None

8. Rezoning, annexation and tentative map application of R. Dowd for suburban residential zoning on westerly half of 8.74 acre property at 19725 Seventh Street East

The Council reviewed the following items:

1. Staff Reports of 8/27/81 and 9/24/81 to the Planning Commission.
2. Recommended Conditions of Approval for Monte Vista Estates Subdivision #5.
3. Subdivision location map.
4. Planning Commission minutes of 9/3/81.
5. Tentative map of the proposed subdivision.
6. A letter from Edward Gerhardt, 45 Sereno Court, and the staff letter in response to Mr. Gerhardt.
7. A letter to Planning Commission Chairman Ansell from Mr. George J. Gundlfinger, 24 Sereno Court, and the response to that letter.
8. A copy of the preliminary drainage study prepared by John J. Bonnoitt Associates, Inc.

9. A letter of response from the Sonoma County Water Agency regarding the hydrology and hydraulics information presented in Mr. Bonnoitt's drainage study.
10. A staff letter to the County Sanitation District regarding sewer capacity to serve the proposed subdivision and a letter of response.
11. A letter from Joseph and Lydia Guidi, 654 Avenue del Oro, protesting approval of the subdivision.
12. A staff letter to Dr. Dowd dated October 5, 1981, outlining the reasons for the Planning Commission's recommendation of denial to the City Council.

Planner Steinbeck reviewed the issues in his MEMO of October 21, 1981. He reported that the Planning Commission in its meeting of 10/1/81 recommended denial of the negative declaration and tentative map for Monte Vista Estates Subdivision Unit #5 to the City Council. This was on a vote of 5 ayes, 1 no and 1 absent.

Mayor Tuller opened the Public Hearing at 7:53 p.m.

John J. Bonnoitt, Civil Engineer and representing Dr. Dowd on this project, addressed the Council. He said he reviewed the General Plan with City Staff and noticed that a "clustered concept" development is in agreement with the General Plan. Originally, the plan was conceived as a cul de sac with no further extension of streets. After review and discussion with City Staff, the original concept was changed to the plan now presented. This revised plan was presented to the Planning Commission and it received adverse comments from the neighborhood. The strongest point in our plan is offering a true concept of clustering on property. We are not asking for an increase in the density. The General Plan allows development of 17 lots. The property owner has the option to divide the property into 1/2 acres each or clustering these lots against an area developed the same as to the west (Monte Vista Subdivision) and leave rural property to the east. If surrounding neighbors were encouraged to do the same then Seventh Street East would remain as a rural street. If developed into 1/2 acre lots you would have an urban neighborhood. The proposal conforms to City of Sonoma policies as to planning and growth management. We are aware of covenant to perpetually force the 4.75 remaining acres to remain undeveloped. Regarding the traffic, the General Plan will permit a certain number of dwelling units built in the neighborhood. That number of residents will generate a certain amount of traffic. Dr. Dowd's cluster development is designed with lot sizes from 7,000 to 12,000 square feet, averaging 9,000 square feet. Compare this to the zoning ordinance which allows 6,000 to 9,000 square foot lots, averaging 7,000 square feet. Dr. Dowd is offering to construct significant off-site drainage. He proposes a 900' storm drain going south through the Becker property to East MacArthur Street. The storm drain will be 30 or 36" in size and will cost about \$45,000 to complete. This offer is in hopes of solving the drainage problem. The neighbors are justly concerned with the construction equipment running in and out of Avenue del Oro. This is a great inconvenience to the neighbors. Dr. Dowd is offering that all construction equipment will move through his property from Seventh Street East on a road compacted to carry the heavy vehicles. The construction vehicles will not need to use Avenue del Oro as construction access for construction equipment. No road will go through Dr. Dowd's property, it will only be a temporary road for construction only.

Clm. Parmelee: Where will storm drain tie-in occur?

Mr. Bonnoitt: It will run down the east side of the Becker property into the existing ditch on East MacArthur Street which ends just east of Cordilleras Drive. There will be no change made to the drain on East MacArthur Street now. The drainage will be put underground. The ditch will be cleaned, widened and deepened and is conceived to take the drainage to East MacArthur.

Carla De Petris, 384 Chase, spoke on the preservation of the Dowd home which was constructed in 1906.

Gary Monnich, 641 Avenue del Oro: "I have a petition, signed by 42 residents from the neighborhood, recommending denial of Dr. Dowd's application. He then presented the petition to the City. Mr. Monnich stated there are a number of things that have distressed and grieved the people in the area. I'm under the impression that the Planning Commission took most of the objections into consideration. Mr. Monnich then asked about the letter from the Sonoma County Sanitation District regarding the capacity of the sewer. He asked was it or was it not a negative letter on the capacity of the sewer?"

Planner Steinbeck: "It is hard to tell if it was a positive or negative letter. It seems to be putting up a flag that there may be capacity problems in the area but I'm not sure." Planner Steinbeck then read the pertinent section from the letter.

Mr. Monnich asked if it didn't state in the letter that during the rainy season that the MacArthur Street pump was running over capacity. He said there are a number of things that bothered him about this subdivision.

Dr. Dowd moved the configuration of the development to one end of the property to maintain a rural atmosphere. If the area is opened up on both sides, the rural atmosphere is a joke. The southern exit is to go down the center of two large parcels to MacArthur Street. The General Plan maintains two lots per acre. The rural atmosphere is fine for Dr. Dowd and we have to suffer with the traffic of the 16 new homes. I consider it as strip annexation. It's not the complete parcel, and it's not large enough to consider annexing. The original plan for a cul de sac conformed to the existing subdivision and fit the plan which was originally established. The subdivision was redrawn for one reason or another for fire department and police department reasons. When Mr. Nazworthy developed this subdivision he built the thing with the design that it had no other alternate water source for the hydrant system. The hydrant system is already oversized and this is allowed for. Mr. Monnich said he also talked to Police Chief Rettle as far as the traffic problem. He said the neighborhood has to suffer the 23% increase in traffic due to the fire hydrant. The Police Dept. says whatever went with the Fire Department is what they generally went by. He (Police Chief Rettle) agreed with me that being that our street is a dead end street is the reason already we have no crime rate but it would also make it easier to apprehend burglars if it was on a standard street design. One contradicts the other. Why should we put in an area that has no crime rate and put in a street system where you can catch burglars. It doesn't make sense to him. Mr. Monnich asked about the impact of the project on Prestwood School.

Mayor Tuiler replied that two classrooms were closed at Prestwood School this year.

Mr. Monnich: "I think an environmental impact report (EIR) is necessary. We asked for an EIR. This was skipped over by the Planning Commission. Why isn't an EIR required for this subdivision? It should be required. It's a substantial size, has tremendous bearing on my property value and property value of neighbors. What would be the consequence if those streets opened up? The proposal has a lot of distressing points. Now is the time to look into this thing to make it as clear as possible to everyone. At some later date we don't want to say we didn't know this would have this effect. Regarding the water problem, my home is at 641 Avenue del Oro and is at the first catch basin for the drainage system for the subdivision from the eastern end. During times of heavy rains water comes out of the field so heavy and so strong that it floods the street, completely bypassing, probably 50% of the water passing the two catch basins in front of my house, running all the way to Cordilleras before terminating into the sewer system. The 30-36" storm drain dumping into a ditch on East MacArthur is far, far from adequate as far as a storm system. An EIR is almost mandatory."

Debbie Cuda, 20 Quedo Court: "In Lots 14 and 15 there is a pond that is proposed to be filled in." I question if filling in the pond will it take care of the water flow through there. There seems to be a spring under there. There are nebulous things in the whole proposal as to drainage, sewer system, etc. If this is annexed into the City and there are 16 units allowed on the 4 acres it goes against the General Plan when the General Plan calls for 2 units per acre. You want to put in 4 units per acre, thus shading the General Plan by calling it a cluster or whatever. The benefit of retaining the other 4.7 acres is in Dr. Dowd's favor and not in ours because clustering it is not a benefit and it is not a cluster project."

George Ewing, 871 Cordilleras: "Tying in the sewer at Cordilleras and East MacArthur is not fool-proof and not adequate as it floods now. Drainage as planned is inadequate."

Planner Steinbeck: "New storm drain is part of Conditions of Approval. Storm sewers will be put in according to city standards to tie into 48" line on East MacArthur. As to sanitary sewer that Mr. Monnich had talked about in the beginning, the Public Works Director and myself both reread the letter again and it doesn't talk about any existing surcharge and overflow of the sewer in the area now. I'll be happy to let Mr. Monnich read the letter again. I don't believe that comment was a part of this letter from the Sonoma County Department of Public Works."

Dr. Duke Lokka, 682 Avenue del Oro: "All traffic that will be going to the west will travel up and down Avenue del Oro. There is no other access. The road to the north will probably relieve some traffic if people are going to Sonoma. I can't imagine people using the road going to the south if they want to go to Sonoma. When you have a zoning area calling for two units per acre you should stick to it. Mr. Bonnoitt says it's a cluster. I can't see it as a cluster or I may not know the meaning of a cluster development."

Mayor Tuller closed the Public Hearing at 8:25 p.m.

Planner Steinbeck: "Regarding the drainage, Mr. Monnich talked of water coming from the field to Avenue del Oro. In the drainage plan attached to the packet, the problem, we think will be greatly improved if the subdivision goes in because the water will be taken from that area and pushed to East MacArthur to connect to the existing 48" drain. There will be catch basins installed at the westerly property line of the subdivision along Avenue del Oro to catch any street flow that would be coming down that subdivision area and pushing it back into the new storm drain. Actually, I think, that situation will be improved."

Clm. Parmelee: "Is there a spring?"

Planner Steinbeck: "The Public Works Director and myself looked at the pond. It seems to be shallow and about 9' deep. Water is there now. As with other parts of Sonoma on the east side, there is a high water table. At the construction site at Fourth Street East and France, the water table is higher than at this location. When the hole (pond) is filled and compacted there will be no problem."

PWD Rowland: "Where we have a high water table, there is often hardpan close to the surface. The water is trapped there. Prior to final design of the subdivision, a soil engineer will take a soil boring sample, do a report on it, and any conditions they do find will be designed into the final design of the subdivision. It does not seem to be a spring."

Clm. Ruggles: "Where is this in relation to the Armstrong property?"

Planner Steinbeck replied that the proposed northern extension of the street is about two lots east of the Armstrong property. The proposed southern extension of the street will bisect two large properties.

Clm. Ruggles asked if the street will be stopped there or go through in the future. Planner Steinbeck replied that at least with the street to the south, there's a good chance that nothing will be built in the way of the future street.

Clm. Parmelee stated she has heard concerns about 1) the park and asked is it proper for the area; 2) flooding - it may or may not be improved; 3) traffic and 4) an EIR - don't know what it will tell us. We are aware of 1) Prestwood School capacity; 2) aware of the 16 proposed houses; 3) It will cost more to live there now; as to traffic, we're better off with this plan than one with a minimum of 2 units per acre with a street going through to Seventh Street East. I'm concerned that if the street went through to Seventh Street East this would be a clever way for kids to get to and from the high school. I think it would protect the neighborhood better if the street went north and south. There has to be some provision for a park in the area if not along the swale where it is proposed. We heard about the Nathanson Creek bypass. We've not heard of anyone in favor of it. Water is being contained in Nathanson Creek and the creek doesn't flood that much. It may not be a proper place for a park. The proposed density may be too dense for the area. I have not seen the house on Seventh Street East. The City is only concerned with the 4 acres and the open space, not the house.

Clm. Riboni: "I saw the house and it is a fine remnant of our heritage. The present owners are willing to put it in reserve so that the property will not be further divided. I see the concerns of the people regarding the extension of the subdivision. I agree with the comments of the city getting further out into the rural area. I do not feel saturation of 16 units is proper. 1) I think Dr. Dowd's offer reserving the land for historic purposes is excellent. 2) I realize part of good planning calls for stub streets so that other properties as they develop in future can be extended and tie onto services that are made: sewer stubs, storm drain, curb, gutter, streets, water stubs, fire hydrants and all other necessities of having urban life. 3) This should be the last extension of Monte Vista Subdivision, the street should be a cul de sac and the number of lots cut in half. The maximum number of lots should be eight."

Clm. McTaggart: "I appreciate the concerns of the neighbors. What's involved here is a need for housing and the orderly growth of the City. An EIR is frequently used as a sword rather than as an information gathering tool. It's expensive and passes on the cost to the ultimate consumer, which is the same group of people as here tonight. An EIR was not done on Monte Vista Subdivision. I will not vote in favor to deny the negative declaration. Prestwood School is not overcrowded. Regarding traffic, each house adds traffic. I'm sure that not one of you here tonight walked. You all came in cars. You all contribute to traffic. If it can be handled reasonably, it should be allowed for in some way. To say traffic alone deters future development means there won't be any future development. Regarding the word "cluster", it can be defined the same as a number of units in a given space, not necessarily uniformly or evenly spaced. The question is, who's benefiting from a scenic easement? It's unfair to think that the people who look over a neighbor's land have a scenic easement over a neighbor's land. I see the problem is not answered about the sewer capacity. (Clm. McTaggart then quoted from the Sonoma County Water Agency letter) Now that the rainy season is near, we can have observation on the drainage capacity. I would rather see urban development in an urban area because the cost to extend services is expensive. It's nice to say one house per 1/2 acre. The property will probably be fenced off and you can't go through. I'd rather see no development than 8 units on a parcel that size. People need housing. It doesn't serve any purpose to have large parcels there. I'm not sure that stubbing the street to the north is desirable. Stubbing the street to the south makes sense. The lot sizes in the proposal are equivalent to the existing Monte Vista Subdivision. I lean toward favoring this development. This is a logical boundary and finishing of the existing subdivision. This will stop development to the east."

Clm. Ruggles: "What kind of park are we talking about?"

City Manager Arner: "The General Plan says a linear park along the swale (Nathanson Creed bypass.) The General Plan says park in the area. It's an onerous burden to place a park site on 16 units. The developer will pay \$1,000 per lot to go towards park development. Also, the Bond property is in the area (19990 Seventh Street East.) We are awaiting urban expansion in that area before developing the Bond property. The General Plan recommends a neighborhood park in that area. Neither Staff nor the Parks and Recreation Commission feel that the swale is a logical location nor that the developer should be required solely to provide for that park site."

Clm. Ruggles: "What's Dr. Dowd's proposal?"

Planner Steinbeck replied that Dr. Dowd will keep his land as open space with his one house on the parcel. Staff brought up park development because of the designation in that area of the General Plan.

Clm. Ruggles: "The proposed subdivision will come into the City and Dr. Dowd's parcel will not come in?"

City Manager Arner: "Staff recommended the eastern half (Dr. Dowd's parcel) which fronts on Seventh Street East not be annexed. It will be a heavy burden on the city to provide services to Seventh Street East. It's logical for Dr. Dowd's parcel to remain in the county. If Dr. Dowd's parcel came into the city, the police and fire vehicles would have to go into the county area and up Seventh Street East to reach Dr. Dowd's property. Dr. Dowd says he would go either way, either annex his parcel to the city or not annex. Staff recommended that his parcel not be made a part of the city."

Mayor Tuller: "We heard about the rural atmosphere, General Plan, EIR need, drainage system, traffic, lot sizes, sewerage, Dr. Dowd's willingness to come in or stay out of the city, Dr. Dowd's willingness to legally bind himself to keeping his parcel in open space, and the impact of the proposed subdivision on Prestwood School. Clm. McTaggart sums up my view point closer than any other view point. I lean towards favoring this project. Many areas of concern have been addressed clearly and solved. We do not want to make a Lake del Oro on any portion of this. An EIR is an additional cost. It is not needed. Remember, the General Plan is general, it's a guideline and not cast in cement and we are not required to follow it word by word. Regarding cutting the parcel into 8 pieces, costs to extend services out there will be prohibitive for the city. There are strong feelings about housing costs. It's a major topic of conversation these days. If we don't do something to make houses reasonable and available then we're all responsible if we make it more prohibitive for people to get involved in housing. We know what the cost of the lots will be, about \$50,000 to \$70,000 - expensive! It's better to take 16 homes. If 8 homes are allowed the services are the same for water line, sewer line, drainage system, streets, sidewalk, gutter, etc., then the costs to each lot (8 units) would be astronomical for everyone. This is a reasonable project, not highly desirable, but not undesirable for the city. I will favor development."

Clm. Parmelee asked if there was any feeling to cutting the number of units to 13?

Clm. McTaggart: "We'd accelerate the costs for each single family dwelling if the number of units are reduced. If someone wants 1 to 10 acre parcel, he will not come here. A lesser number of units will spread the cost for streets, sidewalk, all these approvals and all these hearings, over to the ultimate consumer. The smaller number of consumers, the greater the cost. The developer changed the configuration of the development to meet the objections of the neighbors. I will not favor a reduction in the number of lots as it will only increase the expenses."

Malcolm Stone, 65 Sereno Court: "We need legal counsel. You owe it to yourself to check out Avenue del Oro. It's the longest dead end street in town. I talked to the people there and we want to maintain what we have. There's a traffic problem now. Put a lot of thought into what you're doing. Far be it for me to tell another man what to do with his property, but I think this will be a big mistake if it's approved. Clm. Riboni came closest to the solution. I improved my home, others did the same. Open that area up and we'll have houses clear to the foothills. I'd like to see the city limits stop where we are. We need legal counsel. We need our legal rights protected."

Clm. Parmelee said she appreciated the offer of Dr. Dowd to allow the construction equipment to go over his property rather than burdening the people on Avenue del Oro and would like to add this to the Conditions of Approval. She then moved to adopt the negative declaration.

Clm. McTaggart asked Clm. Parmelee if she would consider amending her motion to add that a flow check on the sewer system as alluded to in the Public Works' letter be made part of the motion. After a brief discussion it was the consensus of the Council that these two items be deleted from the motion and added to the Conditions of Approval.

Clm. Riboni stated he needed more data presented regarding the effects on the neighborhood, topography, runoff, storm drain, layout and GPM before the negative declaration is substantiated. He said a full EIR is not necessary but other data is needed. He said Clm. McTaggart has asked for information on the adequacy of the sewer trunk line in the area. At this point there was a brief discussion between City Attorney Klein and Clm. Riboni regarding voting on the negative declaration. Clm. Riboni stated that if there's not enough information for me to qualify the negative declaration that he would not vote for the motion. If the other councilmen feel there is sufficient information, they can pass it on their own individual vote.

Clm. McTaggart remarked that the final map may not be recorded if the Council is not satisfied, if after observation by the Public Works Department, that the drainage is not adequate.

PWD Rowland remarked that he had talked to Don Bean of the County Public Works Department about this matter. The County doesn't know at what point the line becomes overloaded and they say the surcharge is difficult to observe over a short period of time. The Sanitation District may ask for compensation from Dr. Dowd for future sewer construction as a condition of annexation to the Sanitation District. It would not be possible, said PWD Rowland, to adequately observe and analyze the sewer system prior to filing the final map for the subdivision.

Clm. McTaggart remarked that as indicated, the Sanitation District does not have available now data on the behavior of the sewer system for the additional 16 units. In processing the annexation will Dr. Dowd be asked to set aside compensation or dollar amount for future sewer work?

PWD Rowland replied yes.

Clm. McTaggart seconded the motion to adopt the negative declaration.

ROLL CALL: Ayes: (3) Clm. McTaggart, Parmelee, Mayor Tuller

Noes: (2) Clm. Riboni, Ruggles

Absent: (0) None

It was moved by Clm. Parmelee, seconded by Clm. McTaggart, to adopt Resolution #77-81 entitled: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA PREZONING TO SINGLE FAMILY RESIDENTIAL AND APPROVING A TENTATIVE MAP FOR MONTE VISTA ESTATES SUBDIVISION UNIT #5 ON THE WESTERLY PORTION OF PROPERTY OWNED BY DR. ROBERT DOWD AT 19725 SEVENTH STREET EAST IN ANTICIPATION OF ANNEXATION" subject to the following two additional conditions: a) Access for construction equipment involved in construction of the subject subdivision shall be from Seventh Street East only; and b) The underground storm drains alluded to in Condition #5g shall connect to the existing 48" storm drain located near the frontage of 672 East MacArthur St.

Clm. Ruggles remarked that he favors some kind of development for this property. He first thought this was a possible solution. He could see problems in the future and the City could end up with a dead end street. His impression is that the neighbors want to stop the city limits where it is now. He said it's unrealistic to anticipate future development. No one has said what size development it should be. He said he was first inclined to vote for it but he would not vote for it now.

Clm. Riboni said he concurred with Clm. Ruggles. Dr. Dowd has a right to develop but an effort should be made to get additional information. He said he did not favor the development as presented. The City or the citizens in the area will not benefit from this development.

Clm. McTaggart stated that he can recall at either a Planning Commission or City Council meeting, when Mr. Bonnoitt was presenting the last part of the existing subdivision (Monte Vista) there was a discussion about whether there should be a cul de sac in there or the stub street as it now exists. The conclusion finally was to do exactly what we see: have a stub street for the reason that the City would then be able to continue to the adjacent development. The streets are exactly consistent with his recollection of the discussion although he doesn't remember exactly who made the presentation, Mr. Bonnoitt, Mr. Nazworthy or someone else. With respect to the street and the general approach to the area that what is being proposed in the Dowd subdivision, is exactly more or less what the City was anticipating then.

The roll call on the adoption of Resolution #77-81 was as follows:

ROLL CALL VOTE: Ayes: (3) Clm. McTaggart, Parmelee, Mayor Tuller
 Noes: (2) Clm. Riboni, Ruggles
 Absent: (0) None

Mayor Tuller declared a recess from 9:15 to 9:25 p.m.

PUBLIC HEARINGS

9. Appeal of P. Sosnowski of Architectural Review Commission's denial for remodeling project at 1051 Broadway

The Council reviewed the following: a) Letter of appeal dated 10/14/81 from Gerald N. Hill, attorney for Heritage Investments and Properties of Sonoma NV (Paul Sosnowski) and

- b) Planner Steinbeck's MEMO dated 10/21/81.

Planner Steinbeck reported that the Architectural Review Commission in its October meeting moved for approval of the remodeling of the northwest and northeast corners of the building at 1051 Broadway as long as the design included vertical trim pieces which were to be made an integral part of the building as specified in the Architectural Review Commission's earlier approval (November 1980) of the remodeling of the southeast corner of the building. The motion died on a vote of two ayes, two noes and one abstention from Comm. Chantler, who declared a conflict of interest on this project.

Mayor Tuller opened the Public Hearing at 9:30 p.m. and called for comments from the audience.

Gerald Hill, attorney for the applicant, requested approval of his applicant's proposal for the remodeling.

Mayor Tuller closed the Public Hearing at 9:31 p.m.

It was moved by Clm. Parmelee, seconded by Clm. Riboni, to uphold the appeal and approve the remodeling of an existing building at 1051 Broadway with the condition that vertical trim pieces are to be made an integral part of the remodeling of the northeast and northwest corners.

ROLL CALL: Ayes: (5) Noes: (0) Absent: (0)

COMMISSION RECOMMENDATIONS

10. PARKS AND RECREATION

- a) Fund \$12,933 for Community Pool Refurbishment

The Council reviewed the following: a) Letter dated 10/14/81 from John Meyn, President,

Sonoma Sea Dragons Swim Team, requesting \$12,933 from the City of Sonoma to help with the refurbishing of the community swimming pool at the high school. Mr. Meyn stated in the letter that it will cost approximately \$55,000 to completely replace the entire filtering system, replaster the entire pool tank and other miscellaneous repairs. b) City Manager Arner's MEMO dated 10/23/81 reporting that the Parks and Recreation Commission in its meeting of 10/21/81 considered this request and recommended that a one-time General Fund expenditure be authorized for the refurbishment. City Manager Arner suggested, that if the Council approves this request, that the City retain

Note: Highlights and annotations made by staff use this format.

Attachment 7

FINAL

ENVIRONMENTAL IMPACT REPORT



CITY OF SONOMA
SONOMA COUNTY , CA.

JANUARY 1984

PLANNING TEAM
wpm

1500 "J" STREET, SUITE 2E, MODESTO, CA 95354 (209) 522-4466

Written Comments on the Draft EIR

Correspondence from John Flitner/EIR Response

LAW OFFICES

FOSTER, MONROE, FLITNER & BUCHANAN

AN ASSOCIATION, INCLUDING PROFESSIONAL CORPORATIONS

420 E STREET

P.O. BOX 1898

SANTA ROSA, CALIFORNIA 95402

B. SCOTT FOSTER

JAMES C. MONROE

JOHN D. FLITNER

LAWRENCE C. BUCHANAN

(CERTIFIED FAMILY LAW SPECIALIST)

ELLEN D. VOGT

December 7, 1983

TELEPHONE
(707) 528-3866

Mr. Ed Steinbach
Planning & Building Director
City of Sonoma
No. 1 The Plaza
Sonoma, California

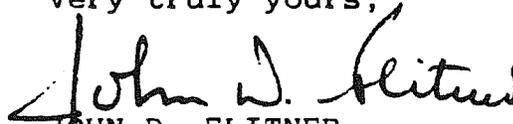
RECEIVED
1983
CITY CLERK

re: Laurel Wood Farm project

Dear Mr. Steinbach:

Enclosed please find the questions raised by me at the planning commission meeting of October 6, 1983, relative to the draft EIR. As I had indicated, the questions I presented referred to pages of the Administrative Draft. As was noted, the Planning Commission then had before it the Draft EIR. I have revised the comments mostly by page references to refer to the Draft EIR. Consequently the comments would now address the discussions set forth in the draft EIR.

Very truly yours,


JOHN D. FLITNER

JDF/jes

Encl.

cc: Malcolm Stone

QUESTIONS RAISED BY THE DRAFT ENVIRONMENTAL IMPACT REPORT (HEREIN-AFTER REFERRED TO AS THE dr. EIR) WHICH ARE EITHER NOT ANSWERED OR REQUIRE FURTHER CLARIFICATION

1. If this is a full EIR as stated on page 1, (Section 1.1, third paragraph), where does it consider the potential impact of the project on the overall county and city general plans and any other land use or general plans or studies prepared for the area?

2. In view of the observations by the Court and arguments made this evening, how can the City of Sonoma be assured that any acreage ". . . be excluded in perpetuity from future development . . ." by any known planning or zoning tool as inferred on page 6 (Section C, second paragraph) of the dr. EIR?

3. Is the City of Sonoma being placed in the position of finalizing a project because of previous actions taken by other public agencies, such as the Local Agency Formation Commission and the Sonoma Valley Sanitation District? (Page 9 (first paragraph) of the dr. EIR).

4. Regardless of how traffic is routed or controlled, that is by cul-de-sac on the project, by an extension from Seventh Street East or by some future street stub, will not any of these alternatives have a traffic impact upon the existing residence on Avenue Del Oro and depending on the selection made, won't any street extension or street stub have additional growth-inducing impacts? (Page 10, first 2 paragraphs, Figure 3, page 13).

5. Existing policies prohibit the extension of sewer beyond the urban boundaries. How can the project be considered to be consistent with that policy (page 20 dr. EIR, paragraph numbered 3), unless the City makes it consistent through the pending proceeding?

6. How was this project consistent with existing City policy regarding the discouragement of development east of Fifth Street East as stated on page 22 (paragraph entitled "Potential Impacts") of the dr. EIR?

7. The statement that the "recently updated housing element indicates very little available land in the western portion of the City" which was found at page 22 paragraph 2 of the Administrative Draft of the EIR has been removed from the dr. EIR. The number of dwelling units per acre has been omitted from lines 5 and 6 of Section A of "Section 3.3 ZONING", page 23 of the dr. EIR.

8. In view of the fact that development to the north, west, east and south is all low density or vacant land, how can a relatively high residential density project be considered at the site? (See pages 4, 6 and 15 of the dr. EIR).

9. How can all of the policy decisions suggested at pages 24 and 25 of the dr. EIR be made for the City of Sonoma from this project?

10. There is no statement as to the agricultural capacity of the soil and its ability to support vegetation. (Page 27, dr. EIR).
11. With regard to the portion of the dr. EIR on vegetation and wildlife (page 35 dr. EIR) does it adequately focus on the existing forms of plant and animal life and their relative abundance or scarcity?
12. What assurance does the planning commission or the city have that bus schedules and routes will be established to accommodate new residents in the area? That is, what authority exists for the statement in the last paragraph, page 36 of the dr. EIR?
13. Does the Govers Engineers study referred to at pages 45 and 46 of the dr. EIR include the 20 homes, more or less, currently being built at Fourth Street East and France Street?
14. How much additional capacity would be created by the parallel line proposed on East MacArthur Street as stated on page 47, under "Recommended Mitigation" of the dr. EIR? In that connection, what is proposed to mitigate drainage problems by other methods not discussed in the dr. EIR, such as additional open drainage ditches to accommodate the run off?
15. What is the status of the project mentioned at page 47, paragraph 1 b. of the dr. EIR?
16. What does this project and the actions proposed by it do to the City's growth projections? (Page 49, third paragraph, dr. EIR).
17. Where will the proposed bypass channel proposed by Sonoma County Water Agency be located? (Page 50, dr. EIR, third paragraph).
18. Who is and who retained Mr. Irving Schwartz? (Page 49, dr. EIR, page 55 dr. EIR).
19. What is the drainage impact south of the 48" storm drain proposed near the frontage at 672 McArthur Street? (Pages 54 and 55, dr. EIR).
20. Who will pay for the underground storm drain mentioned at page 55, at paragraphs 1 and 3 of the dr. EIR?)
21. What evidence supports the statement that elementary and high school students are within walking distance of their respective school sites as stated on page 57 of the dr. EIR?
22. Does the statement at page 57, paragraph F relative to walking distance to schools consider school students who are bused to Justin in Napa?

Response to Mr. Flintner's Letter of December 7, 1983

1. Page 17 of the DEIR contains a table showing the land use designations for the site according to four different planning documents:

- the County of Sonoma General Plan
- the City of Sonoma General Plan
- the South Sonoma Valley Specific Plan
- the Sonoma Growth Study

Pages 20 and 21 provide a detailed analysis of project consistency with stated planning policies in these four documents.

The EIR concluded that the project application was not consistent with any of the four documents' directive for land use on the site (page 22).

2. A standard public easement would be established to reserve the 150 foot strip. Language would be incorporated into the easement which would specify its use and state uses not permitted. Development would be a non-permitted use. The language of the easement would be reviewed by legal counsel to ensure that uses within the easement conform to its intent.

Note: Although the question was about preserving the property from future development, the response appears to make reference to the Bypass easement (which encompassed a 150-foot strip), not the scenic easement.

ity. This question should be
anning Commission and/or City

15. As of December 22, 1983 annexation, rezoning and tentative map application were filed on November 14, 1983. An EIR has been required by the Planning Commission and consultant proposals are being solicited.

16. Page 21 of the EIR states that only 26 units have been counted against the 1982/83 allocation. The actual effect of the project's 16 units on the City's 100 unit per year maximum would be reevaluated at the time of project approval. Any development through annexation is included in the calculation of the 100 unit maximum. The reason for adoption of the 100 unit maximum is to assure that the City has water to year 2000.

17. The Sonoma County Water Agency has not determined the exact alignment but anticipates it will pass through the Dowd property. Therefore the Agency recommended* reservation of a 150 foot easement at the eastern edge of the site. The EIR reinstates this recommendation as a Condition of Project Approval (pp. 54 and 55).

18. Mr. Schwartz is a registered Civil Engineer who was retained by Del Davis Associates, the former EIR consultant for the Laurel Wood project. He was also contacted by WPM during the course of preparing the EIR.

19. Please refer to Response #C on page AD-19.

20. The applicant will fund all recommended storm drainage improvements.

* Letter from William Stillman, Sonoma County Water Agency to Ed Steinbeck, City of Sonoma Planning Director. Dated September 17, 1983

Oral Comments on the Draft EIR

Statement of John Flitner/EIR Response

4. Comments from John Flintner, attorney representing the Concerned Citizens of Sonoma:

a. Comment: Project is not in conformance with General Plan.

Response: The EIR states this conclusion on page 22. Discussion of General Plan issues occurs on pages 15 to 26 of the DEIR.

b. Comment: The possibility that future development could occur on the remainder of the Dowd property was not adequately addressed in the EIR.

Response: The requirement to establish a scenic easement on the remainder of the property was one of 12 conditions of project approval made in August 1981. This condition was based on the current project application. If the applicant should amend his project design, the extent and location of the easement could change.

To ensure no development, the easement could be established in perpetuity, i.e., it would remain in effect even if the property is sold. Language could be included to the effect that no development (i.e., residential, commercial or industrial) could occur within the easement.

c. Comment: Mr. Flintner made reference to a number of additional questions which were submitted in written form.

Note: Both the comment and the response refer to the scenic easement.

He did not respond to these questions as they were based on the Administrative Draft EIR. However, he amended his comments based on the Draft EIR. Response to those comments is contained on pages AD-41-45.

area which surrounds the City. Lands to the west include the existing Monte Vista Estates subdivision which is developed to a density of roughly four single family units per acre. The area north of the project site is generally vacant with the exception of dispersed single family residences receiving access from East Napa Street. To the east are single family rural residential properties which are accessible from 7th Street East. To the south lies the Becker property which fronts on East MacArthur Street and contains a residence and two associated structures. The property just east of the Becker parcel also receives access from East MacArthur Street and is developed with six structures.

C. PROJECT HISTORY

In the summer of 1981, Robert F. Dowd and Carol J. Dowd made application to the City of Sonoma to consider a request for annexation of a 4 acre portion of an 8.74 acre parcel to the City of Sonoma, rezoning of the 4 acre parcel to R-1 (single family residential district) and subdivision of the 4 acre property to provide 16 lots to be developed for single family residential purposes.

The original site layout design proposed 16 lots on the westerly 4.37 acre portion of the property with the remaining easterly parcel (4.37 acres which contains the residence of the project sponsor) to be excluded in perpetuity from future development by means of a scenic easement or other instrument acceptable to the City Attorney.

The circulation system proposed at that time consisted of the easterly extension of Avenue Del Oro to a cul-de-sac which would terminate approximately 100 feet west of the easterly property line of the project site. No through roadways were proposed.

Air Quality
Mitigation Measures

Recommended Mitigations

1. The following measures should be added to the existing Conditions of Approval (see Appendix B):
 - a. Use watering dust control on and around the project site.
 - b. Restrict all trucks and vehicles within the site to a maximum of 15 miles per hour.
 - c. Use watering dust control on all exposed areas, until vegetation has taken place.
2. To encourage the use of non-auto transportation and reduce air pollution, the City could consider establishing a right-of-way for a pedestrian/bikeway trail through the project area (i.e. north, south and east of the project site). This right-of-way could be aligned along the proposed Nathanson Creek Bypass (see page 50 for discussion of Bypass). Establishment of such a right-of-way is recommended¹ as a longer term planning consideration and is not necessarily mandated by project development.

¹City of Sonoma General Plan, p.29.

Runoff and Drainage

Existing Conditions and Mitigation Measures

C. RUNOFF AND DRAINAGE

Existing Conditions

The site is mostly grass covered with a small pond or depression and willow trees. The site slopes about 1% to the southwest. A small drainage ditch is located along the westerly boundary from north to south, which is the easterly boundary of Monte Vista Estates. This ditch carries water from East Napa Street and surrounding area, through the site, and discharges in a roadside ditch flowing westerly along the north side of East MacArthur Street.

There is no storm drain "stubbed" to the site. The closest drainage inlet is located in the existing Monte Vista Estates subdivision, about 500 feet southwesterly from the east end of Avenue Del Oro, between Sereno and Quedo Court. "According to some property owners along Avenue Del Oro, this system is already somewhat overloaded during heavy storms."¹

There are three drainage issues which directly and indirectly affect project development. First, the drainage ditch paralleling the site's western boundary is inadequate to handle present runoff. As a result, overflow occurs onto Avenue Del Oro. Second, the Bell property, located directly east of the Este Madera subdivision and south of the Monte Vista subdivision (and the project site), experiences flooding due to the inadequate storm drain facilities along the north side of East MacArthur Street. Third, the bypass channel planned by the Sonoma County Water Agency for Nathanson Creek will pass through the site at some point. The channel is being designed to eliminate current flooding along the creek through the City of Sonoma. Reservation of a 150-foot wide easement on the project applicant's property is recommended.

¹Drainage report by John Bonnoitt Associates, Inc. September 11, 1981. Available for review at the City Planning Department.

Potential Impacts

The previous section outlines several potential impacts:

1. Without storm drain improvements, current drainage problems experienced by adjacent property owners will continue.
2. Development of the proposed subdivision, subject to the conditions proposed by the City, would not aggravate existing drainage or flooding conditions, and will correct drainage problems presently being experienced by residents in the area.
3. Development of the site would not aggravate current flooding along Nathanson Creek.

4. The option of constructing the Nathanson Creek Bypass may become less feasible if the site and surrounding areas continue to develop.

Recommended Mitigations

The following measures are included in the existing Conditions of Approval (Appendix B):

- Engineering calculations and plans for all drainage improvements shall be submitted to the Sonoma County Water Agency for approval. (Condition of Approval No. 3.)
- Grade all lots to drain directly to the street unless otherwise approved by the City Engineer. (Condition of Project Approval No. 4.)
- Storm drains and related facilities shall be installed on-site and off-site as required by the City Engineer. Drainage facilities shall be subject to approval by both the Sonoma County Water Agency and the City Engineer. (Condition of Project Approval No. 5g.)
- File with the City a scenic easement for the easterly 4.74 acres of the property. (Condition of Project Approval 11.)
- The on-site storm drain shall connect to the existing 48 inch storm drain located near the frontage by 672 East MacArthur Street. (New Condition of Project Approval per Resolution

Note: The scenic easement and the bypass easement are identified as separate mitigation measures (see following page).

The following measures should be added to clarify the existing Conditions of Project Approval for drainage improvements:

1. Install an underground storm drain to replace the existing ditch running through the Dowd property along the site's western boundary.
2. Install curb inlets at the west boundary of the new subdivision. These would be connected to the new storm drain so that runoff from the new subdivision would not flow into Monte Vista Estates along Avenue Del Oro.
3. Install an enclosed underground storm drain from approximately the southwest corner of the Dowd property, extending southerly to East MacArthur Street, and then westerly connecting to the existing 48 inch storm drain located near the frontage of 672 East MacArthur Street. (See Figure 7.)

4. Establish that a 150 foot wide easement on the Dowd property must be provided for the future alignment of the Nathanson Creek Bypass.

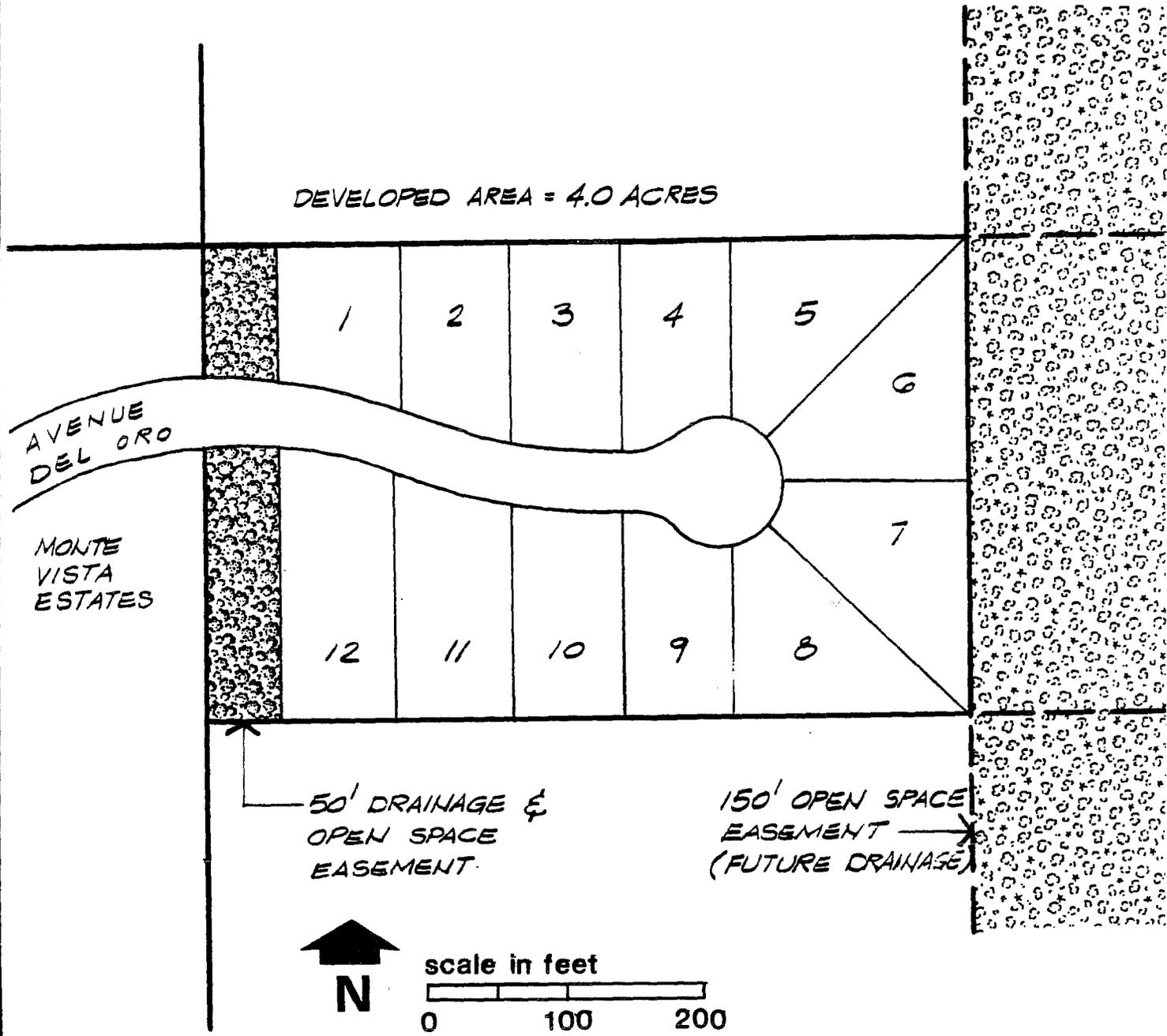
Literature Consulted

- Letter from Irving L. Schwartz, C.E., dated March 9, 1983.
Letter from Louis Chiotti, dated February 18, 1983.
Letter from John J. Bonnoitt, Civil Engineers, dated September 11, 1981.
Letter from William R. Stillman, P.E., Sonoma County Water Agency, dated September 17, 1981
Letter from B.T. Mayes, P.E., Sonoma County Water Agency, dated January 17, 1983.
Sonoma Drainage Master Plan Report (preliminary), dated June 21, 1978.
Letter from Clayton and Neroli Bell, dated March 6, 1983.

Persons Consulted

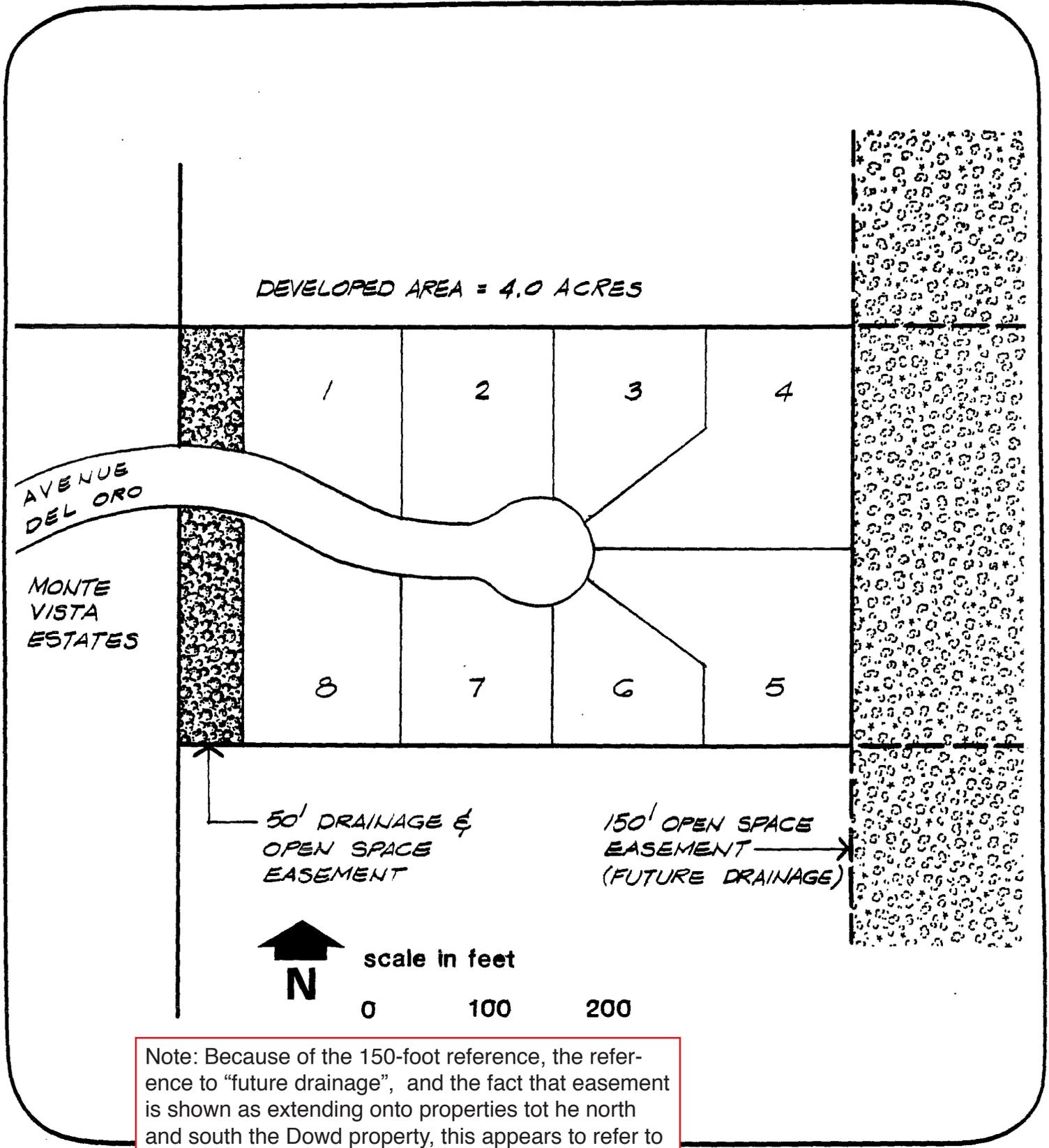
- Conversation with William R. Stillman, Sonoma County Water Agency, July 12, 1983.
Conversation with John J. Bonnoitt, Civil Engineer, July 13, 1983.
Conversation with Charles Rowland, Department of Public Works, City of Sonoma, July 13, 1983.

EIR Project Alternatives



Note: Because of the 150-foot reference, the reference to "future drainage", and the fact that easement is shown as extending onto properties to the north and south the Dowd property, this appears to refer to the Bypass easement.

Alternative A



Note: Because of the 150-foot reference, the reference to "future drainage", and the fact that easement is shown as extending onto properties to the north and south the Dowd property, this appears to refer to the Bypass easement.

Alternative B

Appendix B

Conditions of approval for Monte Vista Estates

10. Any outstanding assessments which can be paid in full shall be paid in full by the subdivider prior to filing of the final map.

11. The developer shall file with the City a scenic easement deed or other instrument acceptable to the City Attorney guaranteeing that no additional dwelling units be constructed on the easterly portion of the subject property. Said deed or instrument shall be approved and recorded prior to recordation of the final map.

12. Annexation proceedings shall be complete prior to recordation of the final map.

SCENIC EASEMENT
CAN THE PUBLIC WALK ON THIS?

Note: What became the Laurel Wood subdivision was originally known as "Monte Vista Estates No. 5." The project was actually approved under that name in 1981. Subsequently, the approval was invalidated through a lawsuit that led to the requirement for an EIR.

As shown in these conditions, the concept of a scenic easement predated the EIR, although it was in turn referenced and incorporated in the EIR as a mitigation measure. As with the subsequently adopted Council resolution that required the easement and as set forth in the easement itself, the key prohibition is on the construction of additional dwelling units.

Attachment 8

Correspondence

- A. Letter from Drs. Lori and Mike Maggioncalda (April 6, 2012)
- B. Letter from Vince and Jean Parisi (April 4, 2012)

4/6/12

To:
The Mayor and Members of the City Council

City of Sonoma

No. 1 The Plaza

Sonoma, CA 95476-6618

RECEIVED
APR 06 2012
CITY OF SONOMA

Re: Appeal of Finding of Consistency Re Proposed Construction

Within an Easement

Pertaining to APN 128-031-053 (19275 Seventh Street East)

Hearing Date: April 16, 2012

Dear Mayor Sanders and Members of the City Council:

We are writing to express our support of this appeal as it impacts our property at 720 Appleton Way, one of the 5 homes bordering 19275 Seventh Street to the west. Our home is in the middle of the property line so the implications of development on the proposed location just to the east of our fence line significantly impacts our view and open space. This is not simply a case of the NIMBYs (Not In My back Yard) but was the primary factor leading to the purchase of our home 10 years ago. In fact, we lived across the street from our current location (706 Avenue Del Oro) in a home which we sold for significantly less than the purchase price of our current home BECAUSE of it's open space and view.

When we purchased our home in 2002, we researched extensively what is referred to as the "Easement" from Robert F. Dowd and Carol J. Dowd for "Open Space" on the Dowd property adjacent easterly to Laurelwood Subdivision (see attachment). At City Hall at that time a map was shown to us that demonstrated an area where we were told "there could be no structures". There is a small historic barn which runs along a small fence and appears to be approx. 150 ft from our fence line. We were told that "that barn was to remain but once removed (or no longer able to be maintained) could not be replaced or rebuilt". This 'strip' of land was to remain open with the exception of agriculture and/or livestock. We do not recall precisely the individual who gave us this information but reference to the "Open Space" was made, and NOT only as it pertains to increasing population density but as it pertains to ANY structures. Much time was spent on this process and a decision to make the substantial purchase of our home was based on the information in the document approved by City Council 3/11/85 and a verbal explanation of the above parameters. The 5 properties along this property line in fact were marketed at a substantially higher selling price than similar sized homes in the Laurelwood Subdivision because of this open space behind them.

It is interesting that the Calhouns and Parisi (our bordering neighbors) were given the same information independent of us concerning the small barn and its ability to remain

as a structure on the open space but no other structures could be placed on that property up to (roughly) where it currently stands. It is also interesting that all 3 of our purchases were made with the impression that that space up to roughly the 150 ft' set back was to remain "open and scenic". We had not compared notes on this topic until this issue arose and clearly similar guarantees were expressed to us independent one from another. The Parisi Family, in fact, were original owners of one of the first homes built on the Laurelwood Subdivision in 1985.

When we were first informed of plans to move the stable from a location behind the home at 19275 Seventh St. East to a location within this open space area and just beyond our back fence line we assumed there was a misunderstanding. The City Planning Department then responded to the owner of the property with a document dated Feb 24, 2012 that is attached. This interpretation is inconsistent with the above information we were given at the time of the purchase of our properties. It is also inconsistent with the 3rd paragraph of the 2nd page of the Easement Document approved by City Council which states that "The said property shall not be used for anything else that is not natural or compatible to the neighboring properties". It is from this that the appeal process was initiated by the Calhouns and one we are fully behind. Pictures and graphics have been submitted that demonstrate the proximity of the relocated stable within 60 ft. of the fence line of our properties and 300 ft further from the property owner. The potential for lowering property values and the impact on our open space that we were all assured of is obvious. This open space is precisely that which drove up the selling prices of our homes and was assured to all of us, independently, as the benefit to purchasing these properties.

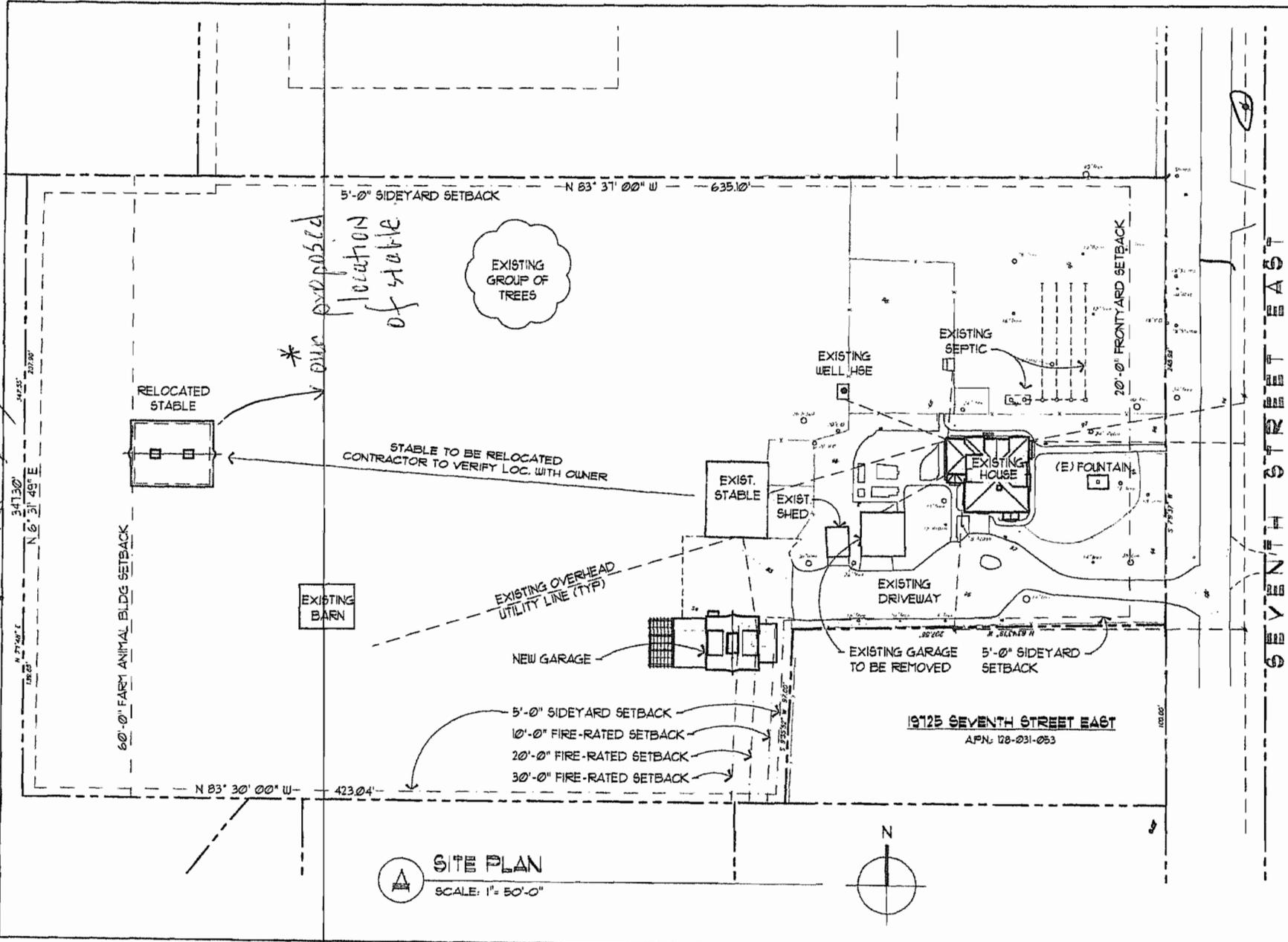
Mr. Richard Hicks, an attorney representing this appeal, has submitted Environmental Impact Reports that were not available at the time of the City Planning Office's findings dated Feb 24th, 2012 (attached). We feel that in light of these findings it is clear that the intention of the "open space" was to remain clear of ANY structures and remain both open and "scenic". This is also eluded to in the City Council Minutes at that time. We therefore submit a request that this space be honored in this respect and the current plans for movement of the stable to it's proposed location 60 ft from our fence line be placed beyond the 150 foot set back referred to in documents presented by Mr. Hicks. The attached site plan underscores the proximity of the stable to our property and the significant distance from the property owners primary dwelling. There are obvious concerns considering the nature of this structure as well and it's remote location away from the property owner and so closely adjoined to our residential neighborhood. We have suggested the above compromise to the property owner.

We appreciate your time concerning this matter and regret the discourse between neighbors.

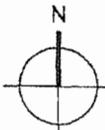
The image shows two handwritten signatures in black ink. The top signature is 'Lori Maggioncalda' and the bottom signature is 'Mike Maggioncalda'. Both signatures are written in a cursive, flowing style.

Drs. Lori and Mike Maggioncalda

Appleton
 ← 120' →
 Appleton



△ SITE PLAN
 SCALE: 1" = 50'-0"



ROBERT BAUMANN
 ARCHITECT

726 Broadway
 Sonoma, CA 94426
 Tel: 707.998.7047
 Fax: 707.998.7044
 rba@robertbaumann.com

BLANUSA RESIDENCE
 19125 SEVENTH ST. EAST
 SONOMA, CALIFORNIA 95416

SITE PLAN

ISSUE DATES:	2/17/12
2/17/12	PLNG DEPT

A0

1.8

March 5, 1985

MEMO

TO: City Manager Arner

FROM: Public Works Director Rowland

SUBJECT: Dowd Easements for Open Space and Nathanson Creek Bypass

Transmitted herewith are copies of the following:

1. Easement from Robert F. Dowd and Carol J. Dowd for "open space" on the Dowd property adjacent easterly to Laurelwood Subdivision.
2. Easement from Robert F. Dowd and Carol J. Dowd for the proposed Nathanson Creek bypass channel across the Dowd property adjacent easterly to Laurelwood Subdivision.

These easements were required in connection with approval of the tentative map for Laurelwood Subdivision. It is recommended that the City Council accept the easements and authorize recordation thereof.

Richard L. Rowland
Public Works Director

RLR/ssc

Attachment

This matter came before the City Council / Commission at a regular meeting on 3/11, 1985

ACTION:

- Approved *Re 015-85*
- Approved subject to conditions *Q 4*
- Disapproved *absent 1*

E. Beito
Signature

Perin

APR - 9 2012
CITY OF SONOMA

The Mayor and Members of the City Council
City of Sonoma
No. 1 The Plaza
Sonoma, CA. 95476

Re: The Proposed Construction Within the Easement at 19275 Seventh Street East
Hearing Date: April 16, 2012

Dear Mayor Sanders and Members of the City Council:

We are writing to ask you to please consider the following information as you review and evaluate the relocation and construction of buildings on the easement at 19275 Seventh Street East.

My wife and I live at 708 Appleton Way. We were the first house built in the Laurel Wood Subdivision, with our backyard facing the open space on the Doctor Dowd property. Doctor Dowd recently sold the property and the new owner has filed to construct buildings and move a stable onto the existing easement. When we first purchased our home we were told by our realtor, Steve Youngdahl, and the Planning Department that we would always have the beautiful pasture land and open space behind us. This view was of course reflected in the price of the homes on our side of the street. I was assured that the Dowd's Property easement could never be split or built upon. We were the first home built in December of 1985, and when the lot next to us was completed, about a year later, the original owners, Ron and Donna Price, whom I remember researched it as well, and reaffirmed it with us as we were all excited about the beautiful open space behind us. Today, Kevin and Bernadette Calhoun live there and recall the same confirmation from the City and their realtor.

We have been in our home for twenty-seven years and absolutely love living here with the open space behind us. We relied on our understanding that the restrictions on that property would remain, and so we made substantial renovations in remodeling our home around the open space views. We have an open see-through fence in the backyard so we can enjoy the view and then a few years ago we remodeled our kitchen with a large scenic bay window and French doors in the family room that open onto the backyard to capture even more of the open space view. The price of our home reflects the value of the open space restrictions.

I hope that you will take all this into consideration when you look at all the facts concerning the open space easement for the property on Seventh St. East and uphold the original intent for that land.

Thank you for your help.



Vince and Jean Parisi
708 Appleton Way
Sonoma, CA. 95476
April 4, 2012



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 8A

Meeting Date: 4/16/12

Department

Administration

Staff Contact

Linda Kelly, City Manager

Agenda Item Title

Discussion, consideration and possible action regarding establishment of a Sister City relationship with Tokaj, Hungary, requested by Mayor Pro Tem Brown

Summary

Bill Boerum, President of the Sonoma Sister Cities Association, and George Webber, Chair, Sonoma-Tokaj Committee (in organization), have approached the City Council expressing a desire to explore a sister city relationship with Tokaj, Hungary. Tokaj is known as the most renowned of Hungarian wine cities. The Council of Tokaj has approved the proposed sister city relationship. The benefits of such a relationship are outlined in detail in the attached memo from Mr. Boerum and Mr. Webber, as well as in the attached letter from the Mayor of Tokaj, Janos Majer.

If Council concurs, an agreement could be negotiated between the City of Sonoma and the Town of Tokaj, in order to formalize the relationship. The agreement would be similar to our other sister city agreements. The City of Sonoma currently enjoys sister City relationships with six cities: Aswan, Arab Republic of Egypt; Chambolle-Musigny, France; Greve in Chianti, Italy; Kaniv, Ukraine; Patzcuaro, Michoacan, Mexico; and Penglai, China. The Phan Rang, Vietnam relationship was endorsed by the City Council, however, the relationship did not materialize.

Mr. Boerum has also included an update on activities by other Sister City Committees of the Sonoma Sister Cities Association, which is also attached. Chambolle-Musigny is represented by its own association.

Recommended Council Action

Discuss, consider, and if desired, approve in concept a Sister City relationship with Tokaj, Hungary, and authorize the City Manager to draft an agreement establishing such Sister City relationship, and authorize the Mayor to sign the agreement on behalf of the City.

Alternative Actions

Council discretion.

Financial Impact

All costs are to be funded by the Sonoma Sister Cities Association. Traditionally, City Manager and City Clerk staff time have been required to draft staff reports, review agreements, produce letters, set up meetings, order letterhead, and Public Works staff time has been required to set up and take down flags of sister cities. Actual costs have included gifts such as keys to the City or books.

Environmental Review

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

Status

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

Attachments:

Memo from Bill Boerum and George Webber
Letter to Mayor of Tokaj from Mayor Sanders

cc: Bill Boerum and George Webber, via email



Sonoma Sister Cities Association

Aswan, Egypt • Greve in Chianti, Italy • Kaniv, Ukraine
Patzcuaro, Mexico • Penglai, China

SSCA Center • 205 First Street West • Sonoma, CA 95476
501(c)(3) Federal Tax ID: 68-0108056

March 29, 2012

To: Mayor Joanne B. Sanders and City Manager Linda Kelly

From: Bill Boerum, President – Sonoma Sister Cities Association, and
George Webber, Chair - Sonoma-Tokaj Committee (in organization)

Subject: Sister Cities Relationship with Tokaj, Hungary

Background & Summary

As Sonomans we know that over 150 years ago Count Agoston Haraszthy of Hungary in his determined search for the best land and grape-growing conditions established a vineyard and winery East of Sonoma. The wine caves hewn by Haraszthy from the hillside (still functional) are similar to those in the area around Tokaj. Haraszthy's Buena Vista enterprise, of which there is much to tell, laid the foundation for the California viticulture and wine industry. The history of Buena Vista and the saga of the adventurous Count have enthralled visitors and locals. The bicentennial of the Count's birth on August 30, 1812 will be celebrated with great fanfare at Buena Vista and Sonoma later this year.

Over the years, the Buena Vista Winery has had a number of owners who only passively recognized its rich legacy. However just a year ago, Jean-Charles Boisset, an international wine entrepreneur acquired Buena Vista. Mr. Boisset owns and operates wineries in France, Italy and Canada, as well as in Napa and Sonoma Counties. Mr. Boisset from the Cote de Beaune in Burgundy is the scion of a well-recognized wine making family with a heritage in its Domaine De La Vougeraie going back hundreds of years, and has turned to Sonoma with his vision to make Buena Vista the number one historical winery in the United States. Extensive efforts are underway to restore and rehabilitate the venue.

Last November a delegation of Hungarians visited Buena Vista drawn by their countryman's legacy and the reputation of the new owner. These included: Dr. Sandor Fazekas, the Rural Development Minister and Cabinet Member of Hungary from Budapest; Ambassador Balazs Bokor, Consul General of Hungary in Los Angeles; and nine visitors from Hungarian wine companies along with tourism officials. At dinner with Jean Claude Boisset in the Buena Vista wine cave, the suggestion was made to form a Sister City relationship between Sonoma and Tokaj, the most renowned of Hungarian wine cities.

Since November there have been a number of developments:

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one individual, one community at a time.**

- Sonoma and Buena Vista have been visited by the Honorary Consuls General of Hungary in San Francisco and in Sacramento as well as Hungarians from throughout the Bay Area with enthusiasm for a Tokaj connection;
- The Board of Directors of the Sonoma Sister Cities Association endorsed the idea of twinning with Tokaj;
- A delegation of 14 Hungarians from wineries throughout the country came for a tasting of Buena Vista wines and tour of the caves;



- A local committee of community volunteers was formed to support the proposed Sister City relationship and organizational meetings were conducted;
- And, recently word was received that the Town Council of Tokaj had approved a Sister City relationship (see letter from Mayor Janos Majer to Mayor Sanders).

In addition to fostering international good-will and cultural appreciation between our peoples, the Hungarians see in a relationship with Sonoma the two important commonalities of tourism and winemaking along with opportunities for mutual economic development.

In recommending the establishment of a Sonoma-Tokaj Sister City relationship, there are five considerations: economic development; intangible benefits; community support; fiscal impact; and the mission of citizen diplomacy.

Economic Development for the City

The Sister City relationship linking with Tokaj will generate incremental TOT and sales tax revenues from our primary economic drivers of tourism and wine. This relationship in complementing, enhancing and renewing the legacy of Count Agoston Haraszthy will draw

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more Europeans and Hungarian-Americans to Sonoma. In the short term, the celebratory events around the 200th anniversary of the Count's birth will be highly promoted as Buena Vista completes extensive repairs and upgrades to its visitor amenities. Longer term in continuing fulfillment of Mr. Boisset's vision, Buena Vista's notoriety as the top historical wine country venue in California will enhance Sonoma's visibility further as a unique wine country destination. In addition to tourism specifically, there will be exchanges with the Hungarian wine industry (including barrel makers), intentions already voiced by the visiting winemakers and Buena Vista officials. The completed Buena Vista restoration will provide additional jobs in the visitor industry.

Intangible Benefits to Sonoma

With world-renowned Tokaj as a Sister City partner, Sonoma will burnish its authentic reputation as an international wine center. It will be the fourth premier wine Sister City in addition to existing relationships with:

- Chambolle-Musigny, Burgundy, France
- Greve in Chianti, Tuscany, Italy
- Penglai, Shandong Province, China

A coordinated program and promotional effort with the Sonoma Valley Chamber of Commerce, the Sonoma Valley Visitors Bureau, and the Sonoma Valley Vintners and Growers Alliance could leverage these relationships into creative opportunities.

This will accrue to our benefit as a desirable location for full and part-time residents as well as a destination for visitors thereby increasing the value of our real estate and businesses.

Community Support

Crucial to establishing and maintaining the relationship is sufficient support in the community. Based on developments and meetings conducted since November, it is clear that there is sufficient support to form a volunteer-based organization.

The initial committee membership is represented by the individuals listed below:

George Webber
Elizabeth Kane
Reverend Sandor Farkas
Silvia Toth
Nancy Gold

Though volunteer efforts drive Sister City committees, the Tokaj Committee will be unique in having the in-kind support and encouragement of Buena Vista Winery and Jean Charles Boisset.

Financial Impact on City Budget

There is no negative fiscal impact on the City's budget.

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Like the other Sister City committees in Sonoma, no funding is expected from or will be requested from the City budget. This is a volunteer and self-sustaining effort.

However, it should be recognized that when Tokaj municipal and other Hungarian officials visit here including consular officials, it is expected that counterparts are to be available for consultations. We also expect that Council Members and other officials will be available to participate in Sister Cities-sponsored social and ceremonial events during such visits as has been the case with all other Sister City delegation visits.

The Mission of Citizen Diplomacy

The mission of the Sister Cities movement – as originally envisioned by President Eisenhower in 1956 – is to:

Promote peace through mutual respect, understanding, & cooperation — one individual, one community at a time.

Currently, Sister Cities International has embraced a new slogan which is quite appropriate for Sonoma's Sister Cities:

Connect Globally. Thrive Locally.

Sonoma with a diverse population of longtime, part-time and new residents who are talented and creative has this continuing opportunity to play a role for peace.

Next Steps

We recommend that:

- the Sonoma City Council approve the relationship requested and already approved by the City Council of Tokaj, requested by the Consul General of Hungary in Los Angeles and endorsed by the Sonoma Sister Cities Association;
- the City Manager be delegated to draft and negotiate (with the assistance of the Sonoma-Tokaj Committee) an Agreement comparable in wording to other such Sonoma Sister City agreements; and,
- Such Agreement be executed by the Mayors of both Cities at their earliest convenience.

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TOKAJ VÁROS POLGÁRMESTERE
3910 TOKAJ, Rákóczi út 54.
Telefon: (47) 352-752 ♦ Telefax: (47) 352-006
E-mail: polgarmester@tokaj.hu

Ms. Joanne B. Sanders
Mayor
City of Sonoma

“22“ February 2012.

512-4/2012.

Dear Ms. Mayor,

It is a great honor for me that the City of Sonoma is interested in the creation of sister city relations with the town of Tokaj, capital of the Tokaj wine region. Mr. Ambassador Balázs Bokor, the Consul General of Hungary to Los Angeles, informed me that the initiative is also supported by the famous Buena Vista Winery, one of the most distinguished wineries of the Napa Valley, which has roots of Hungarian foundation.

I am especially delighted, that Mr. Sándor Fazekas, Minister of Rural Development of Hungary as well as Mr. Jean-Charles Boisset the owner of Buena Vista Winery regard the future partnership between Sonoma and Tokaj as a very good opportunity of fruitful cooperation. Therefore, I submitted the initiative to the Council of Tokaj on 9th February. On behalf of the body of representatives, I have the honor to inform you that the Town of Tokaj is ready to take up the sister city relations with the Town of Sonoma.

The main motivation of the partnership shall be the spreading of wine culture, the cooperation of wineries and that of touristic entrepreneurs. We would like to add that we see further perspectives in cultural, educational, health care, industrial and social relation, as well.

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I do feel that a good sister city cooperation does not only consist of the mutual visits of leaders for the reason of changing ideas, but it shall be filled up with real content. Therefore, we have already taken steps to found an association called Sonoma-Tokaj Association that would act independently in order to organize and implement the common programs, after the contract of partnership is signed. I propose the signing ceremony to take place at the commemorative events on the occasion of the 200th anniversary of the birth of Count Ágoston Haraszthy.

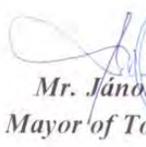
I am confident that due to the many features our towns have in common (e.g.: similar number of inhabitants, being a centre of viticulture) will ensure the successful sister city cooperation on the long run.

I would like to introduce Tokaj in a few words: our town is the center of 27 wine producing settlements in the vicinity and the seat of the Vinum Hungaricum Association as well. It is located in the southern area of the Tokaj wine region and it is the administrative center of 11 surrounding settlements. Geographically, the town is located between two rivers, the Tisza and the Bodrog, being right at the feet of the Tokaj hill, which provides ideal climate for wine making and tourism. We have a well-developed educational system (three high schools, two dormitories, a primary school, a home for elderly people and a high-technology health care center). We take much effort to strengthen wine culture and its institutions.

Dear Ms. Mayor, I would feel honored to host you in Tokaj for some days in the near future, so that we could get to know each other personally and I could introduce our town to you.

Finally, let me thank you again for your interest. I am looking forward to meeting you in Tokaj soon.

Yours sincerely,


Mr. János Májer
Mayor of Tokaj Town



Update on Activities by Other Committees and the Association.

Aswan – This committee has been actively planning and working to implement what will be one of the largest international humanitarian projects ever delivered by any Sonoma philanthropy: poverty alleviation in sanitation and health care in Egypt. We were awarded a sub-grant (up to \$125,000) part of an umbrella grant, from the Bill & Melinda Gates Foundation. In the meantime given the substantial volunteer leadership time to manage the grant process (including visits to and communications with Aswan counterparts), regular informational programs and committee meetings in Sonoma have been on hold. Generally the committee has met quarterly and previously conducted two very successful fundraisers to cover its regular expenses.

Greve in Chianti – this committee is being revived under the leadership of Ron Fenolio, Proprietor & Chief Executive of Veedercrest Vineyards. Two bocce courts in Depot Park were a gift to the City by the Association. The \$15,000 construction project, initiated and managed by this committee, led to the formation of the Sonoma Bocce League (in effect, a sub-committee of Greve). Last season the league had an active membership of 180 and continues to grow. The Association pays for maintenance of the courts.

Kaniv – The committee received visitors from Ukraine each of the past two years, including a teacher and three high school students last June. Additionally we convened a meeting of City and community leaders to greet the Consul General of Ukraine and conducted a reception in his honor. We are developing an itinerary for a longer visit.

Patzcuaro – Cultural appreciation and philanthropy have been a hallmark of this committee. We twice have supported the exhibiting and sales of artisanal works (four exhibitions in total) which involved committee members personally transporting works from Patzcuaro to Sonoma. Proceeds directly benefited the artisans. In cooperation with two students at Sonoma Valley High School we supported their senior project focused on environmental awareness. We provided a matching grant to the funds the students raised to provide blankets and clothes to a boys' home in Patzcuaro.

Penglai – the committee, which officially visited Penglai last May, is anticipating a Chinese delegation visit in either July or September. The committee conducted a highly successful fund-raiser at Jacuzzi Family Vineyards in January to cover expenses of the upcoming delegation visit. The Jacuzzi event was attended by the Consul General of China in San Francisco with a number of his consular staff. A video capturing the event was funded by the Association, uploaded to YouTube and a CDs produced for distribution to Chinese partners. The committee meets every month. Close relations are maintained with Consulate General in San Francisco. The committee has been generously supported by Nancy and Fred Cline of Cline Cellars/Jacuzzi.

Collaborations with Sonoma Valley High School – every year the Association provides monetary awards in language achievement to two seniors (for English language as a second language and Spanish as a second language). Currently as a result of conversations with the Curriculum Advisory Council of the Sonoma Valley Unified School District we are developing art enrichment programs to be delivered in the next school year.

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Collaboration with Sonoma Community Center – discussions are underway for a lecture series, “Windows on the World” focused on topics related to the countries of our Sister Cities.

Marcy House Repair & Maintenance – working closely with the City’s Development Services Director under supervision of the City Manager, the Association is meeting its obligations under the terms of the 25 year lease agreement to maintain the historic Marcy House building and grounds. The current project under a building permit by a general contractor involves total costs approximating \$15,000. This does not include substantial volunteer time to manage the project. Several years ago, the Association funded almost \$10,000 of maintenance and replacement costs. Annual costs to the Association to occupy the building approximate \$4,000 which include: mandated insurance; Water District taxes; landscaping; and repairs. Though all of these costs are required by the terms of the lease, it is important to recognize that were it not for the Association’s funding, the City would be required to budget the upkeep of this historic, but old building, or dispose of it.

A vision and plan should be developed to utilize at the end of the lease what will be a refurbished City asset. This could be an international visitor or wine center with meeting and/or conference use available to the City and non-profit organizations.

City of Sonoma

Sonoma Sister Cities:

No. 1 The Plaza
Sonoma, California 95476-6618
Phone (707) 938-3681 Fax (707) 938-8775
E-Mail: cityhall@sonomacity.org



Aswan, Arab Republic of Egypt
Chambolle-Musigny, France
Greve in Chianti, Italy
Kaniv, Ukraine
Patzcuaro, Mexico

February 29, 2012

János Májer, Mayor
Tokaj Town
3910 Tokaj, Rakoczi ut 54.

Dear Mayor Májer,

Thank you for your correspondence expressing an interest, on the behalf of Tokaj Town, to form a sister city relationship with the City of Sonoma. The City of Sonoma has enjoyed and benefited from our sister-city relationships with Aswan, Arab Republic of Egypt; Chambolle-Musigny, France; Greve in Chianti, Italy; Kaniv, Ukraine; and Patzcuaro, Mexico.

From your description, Tokaj sounds like a beautiful town located within a wonderful region. I greatly appreciate your kind letter of interest and wanted to let you know that it would require the formal action of our entire City Council before moving toward the establishment of a sister city relationship with Tokaj. I will be placing the matter on a City Council agenda in the near future for their consideration.

Thank you again and I send my most sincere greeting from the City of Sonoma.

Sincerely,

Joanne Sanders
Mayor

cc: Ambassador Balazs Bokor
Bill Boerum



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 8B

Meeting Date: 4/16/12

Department

Administration

Staff Contact

Linda Kelly, City Manager

Agenda Item Title

Discussion, consideration and possible action regarding the disposition of funds raised at the 2012 Alcalde event, requested by Mayor Pro Tem Brown

Summary

This year, due to the City's financial situation, City funds allocated for the Alcalde event were reduced to \$500. Councilmember Rouse allocated one month of his Council pay (\$300) toward the event. In accordance with the attached, since donations were requested and an anonymous donation was provided, there remains a surplus from the event. Mayor Pro Tem Brown has requested a City Council discussion and decision regarding the remaining funds. The 2012 Alcalde, Whitney Evans, would like a portion of the remaining funds to be donated to youth-serving nonprofits including the Boys & Girls Clubs of Sonoma Valley and Sonoma Valley Teen Services.

Recommended Council Action

Council discretion.

Alternative Actions

Council discretion.

Financial Impact

If not allocated to another program or designated by Council, the \$1,398 is a City General Fund revenue. If desired, the amount or part of it could be reallocated to next year's Alcalde event.

Environmental Review

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

Status

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

Attachments:

Budget Reconciliation of Alcalde event

cc: Whitney Evans, 2012 Alcalde

Alcalde Expenses 2012			
Budget Allocation			\$500
Rouse Donation			\$300
Anonymous Donation			\$500
Receipts at the Door			\$783
Total Revenue:			\$2,083
Expenses			
Chere Pafford Photography			126.5
Halls (plaque)			128.21
Vintage House			380
Gary Edwards			
SV Teen Center & Keystone Club			
Reimburse Ken			50.78
Total Expenses:			685.49
Receipts less expenses:			\$1,398



City of Sonoma
City Council
Agenda Item Summary

Agenda Item:	10A
Meeting Date:	04/16/2012

Department Administration	Staff Contact Mayor and Council Members
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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