

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

*Community Meeting Room, 177 First Street West
Monday, May 7, 2012*

**5:30 p.m. Closed Session (Special Meetings)
6:00 p.m. Regular Meetings**

AGENDA

Revised 5/4/12 to add Agenda Item 6B



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

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

1. CALL TO ORDER

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

2. CLOSED SESSION

ACTING AS THE CITY COUNCIL:

Item 2A: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9: (one potential case)

**ACTING AS THE CITY COUNCIL AND THE CITY COUNCIL AS THE SUCCESSOR
AGENCY TO THE DISSOLVED SONOMA COMMUNITY DEVELOPMENT AGENCY:**

Item 2B: CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION. Initiation of litigation pursuant to Cal. Gov't Code section 54956.9(c): one potential case

6:00 P.M. – REGULAR MEETING AGENDA

RECONVENE, CALL TO ORDER & PLEDGE OF ALLEGIANCE

ROLL CALL (Brown, Gallian, Barbose, Rouse, Sanders)

REPORT ON CLOSED SESSION

1. COMMENTS FROM THE PUBLIC

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

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers' Comments and Announcements

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

4. PRESENTATIONS

Item 4A: Proclamation declaring May 10, 2012 Bike to Work Day

Item 4B: Proclamation for National Public Service Recognition Week, May 6-12, 2012

5. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL

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

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

Item 5B: Approval of the Minutes of the January 12, 2012, January 30, 2012, February 22, 2012, February 22, 2012 Special, and April 16, 2012 Meetings.
Staff Recommendation: Approve the minutes.

Item 5C: Approval and ratification of the appointment of Bryce E. Letcher to the Countywide Bicycle & Pedestrian Advisory Committee for a two-year term.
Staff Recommendation: Nomination by the Mayor and ratification by the City Council.

Item 5D: Adoption of resolution adopting terms and conditions of employment for non-represented confidential personnel and for executive, management and administrative personnel.
Staff Recommendation: Adopt resolution.

Item 5E: Approve Pets Lifeline 30th Anniversary special event application and authorize suspension of enforcement of Sonoma Municipal Code 8.12.040 (prohibiting dogs in public parks) at Depot Park July 28, 2012 from 8:00 a.m. - 5:00 p.m.
Staff Recommendation: Approve the CSEC recommendation to approve the event and suspend enforcement of SMC 8.12.040 on July 28, 2012 during the hours of 8:00 am to 5:00 pm at Depot Park.

Item 5F: Authorize Request for Proposals for issuance of Pension Obligation Bonds.
Staff Recommendation: Authorize staff to issue a Request for Proposals for issuance of Pension Obligation Bonds.

Item 5G: Adoption of a resolution denying the appeal of Kevin and Bernadette Calhoun regarding Planning staff's interpretation of the provisions of an easement pertaining to 19725 Seventh Street East (confirming the City Council action of April 16, 2012).
Staff Recommendation: Adopt resolution.

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

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

Item 6A: Approval of the portions of the Minutes of the January 12, 2012, January 30, 2012, February 22, 2012, February 22, 2012 Special, and April 16, 2012 City Council / Successor Agency Meetings pertaining to the Successor Agency.
Staff Recommendation: Approve the minutes.

Item 6B: Authorization for Successor Agency to enter into an agreement with Marilyn Pinelli Gallagher Trust, on behalf of Royal Crown Cleaners, for groundwater monitoring wells associated with 32 Patten Street, Sonoma.
Staff Recommendation: Authorize Successor Agency to enter into agreement.

7. PUBLIC HEARING – None Scheduled

8. REGULAR CALENDAR – CITY COUNCIL

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

Item 8A: Conduct of public meeting to allow public testimony regarding the proposed new assessment upon the formation of the Sonoma Tourism Improvement District.
(City Manager)
Staff Recommendation: Conduct public meeting and receive public testimony regarding the proposed District; provide direction to staff if appropriate.

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 May 1, 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: 05/07/12

Department

Administration

Staff Contact

Gay Johann, City Clerk

Agenda Item Title

Proclamation declaring May 10, 2012 Bike to Work Day.

Summary

The Sonoma County Bicycle Coalition requested that a proclamation be issued recognizing May 10, 2012 as Bike to Work Day in the City of Sonoma. Jeffrey Montague and Sandra Lupien will receive the proclamation on behalf of the Sonoma County Bicycle Coalition.

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

Recommended Council Action

Mayor Sanders to present the Proclamation to the Sonoma County Bicycle Coalition representatives.

Alternative Actions

Council discretion.

Financial Impact

n/a

Environmental Review

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

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

1. Proclamation

Copy via email:
Wendy Atkins
Sandra Lupien

City of Sonoma



Proclamation

BIKE TO WORK DAY 2012

WHEREAS, commuting by bike has proven economic, environmental, and health benefits for individuals and communities; and

WHEREAS, the City of Sonoma is committed to reducing its greenhouse gas emissions to 25% less than the 1990 level by 2015; and

WHEREAS, widespread bike commuting helps to reduce traffic congestion and the associated greenhouse gas emissions; and

WHEREAS, the City of Sonoma is committed to promoting and supporting a culture that embraces multi-modal transportation, including bicycling; and

WHEREAS, National Bike Month (May) and Bike to Work Day (May 10, 2012), coordinated throughout Sonoma County by Sonoma County Bicycle Coalition in partnership with dozens of local government, business, and organizational partners, is increasingly successful in its efforts to encourage local residents to try biking for transportation; and

WHEREAS, the all-May-long Team Bike Challenge is a fun and supportive contest that helps local residents become regular bike commuters; and

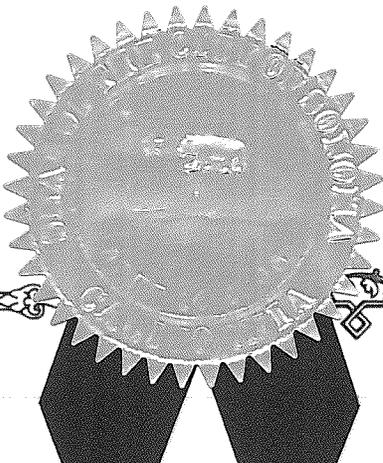
NOW, THEREFORE, I, Joanne Sanders, Mayor of the City of Sonoma do hereby proclaim the City of Sonoma's support for National Bike Month, and do hereby proclaim Thursday, May 10, 2012

BIKE TO WORK DAY

And encourage all citizens of the City of Sonoma to participate by trying bike commuting, joining the Team Bike Challenge, and celebrating these events.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Sonoma to be affixed this 7th day of May 2012.

JOANNE SANDERS, MAYOR





City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 4B

Meeting Date: 5/7/12

Department

Administration

Staff Contact

Linda Kelly, City Manager

Agenda Item Title

Proclamation for National Public Service Recognition Week, May 6-12, 2012

Summary

"Honoring Our Public Servants. Connecting Citizens with Their Government."

Celebrated the first week of May since 1985, **Public Service Recognition Week** (PSRW) is time set aside to honor the men and women who serve our nation as federal, state, county and local government employees and ensure that our government is the best in the world.

Throughout the country, mayors, governors, communities and public service organizations participate in PSRW by issuing proclamations; hosting award ceremonies and special tribute events; and delivering messages about the value of public service.

A U.S. Senate Resolution designated May 6–12, 2012 as Public Service Recognition Week. U.S. Senator Daniel K. Akaka (HI) introduced the resolution on April 17, 2012, a resolution to honor public servants. He was joined by Senators Susan Collins (ME), Carl Levin (MI), Joseph Lieberman (CT), Tom Carper (DE), Frank Lautenberg (NJ), and Christopher A. Coons (DE).

Senator Akaka said: "I am proud to once again take a moment to honor our public servants. As a life-long public servant, I have worked with so many talented, hard-working people who have dedicated their lives to helping others. I have been inspired by meeting countless men and women who come to work every day to serve their communities and country. These admirable Americans provide so many of the vital services that make our way of life possible."

The attached proclamation honors our very own City of Sonoma public employees for their dedication and commitment to public service and for their work in keeping Sonoma a wonderful place to live, work, and visit.

Recommended Council Action

Mayor to present proclamation.

Alternative Actions

N/A

Financial Impact

N/A

Environmental Review

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

Status

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

Attachments:

Proclamation

cc:

City of Sonoma



Proclamation

PUBLIC SERVICE RECOGNITION WEEK
May 6-12, 2012

Whereas, Americans are served every single day by public servants at the federal, state, county and city levels. These unsung heroes do the work that keeps our nation working; and

Whereas, public employees take not only jobs, but oaths to serve and uphold the community's trust; and

Whereas, through good times and bad, government employees face tough challenges in their work on behalf of the community; and

Whereas, while the need for vital government services continues to grow, we increasingly ask our public servants to do more with less; and

Whereas, May 6-12, 2012 serves as a week to honor public servants, many of them our friends and neighbors, and to reflect on the benefits they provide to their community; and

Whereas, public servants working for and on behalf of the City of Sonoma include maintenance workers, planners, firefighters, police officers, administrators, technicians, assistants, inspectors, managers, and other essential employees who keep our City operating smoothly and provide services within budgetary constraints; and

Whereas, day in and day out public employees provide the diverse services demanded by the American people of their government with efficiency and integrity; and

Whereas, without these public servants at every level, continuity would be impossible in a democracy that regularly changes its leaders and elected officials.

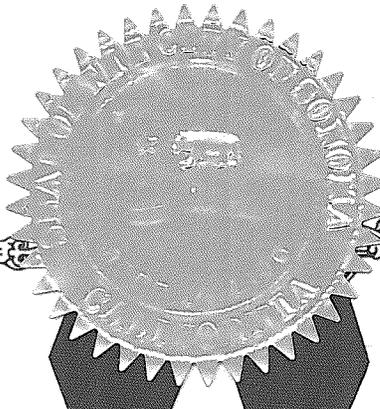
NOW, THEREFORE, I, Joanne Sanders, Mayor of the City of Sonoma, do hereby proclaim May 6 - 12, 2012

PUBLIC SERVICE RECOGNITION WEEK

And I encourage all citizens to recognize the accomplishments and contributions of government employees at all levels — Federal, State, County and City.

IN WITNESS WHEREOF, I hereby set my hand and cause the seal of the City of Sonoma to be affixed this 7th day of May 2012.

JOANNE SANDERS, MAYOR





City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5B

Meeting Date: 05/07/2012

Department

Administration

Staff Contact

Gay Johann, City Clerk

Agenda Item Title

Approval of the Minutes of the January 12, 2012, January 30, 2012, February 22, 2012, February 22, 2012 Special, and April 16, 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



**Concurrent Special Meetings Of
SONOMA CITY COUNCIL
&
COMMUNITY DEVELOPMENT AGENCY
Community Meeting Room, 177 First St. West**

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

**January 12, 2012
5:30 p.m.**

MINUTES

1. CALL TO ORDER

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, City Attorney Walter, and Redevelopment Agency Counsel Slater were also present.

2. CLOSED SESSION

Item 2A: CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, Significant exposure to litigation pursuant to Cal. Gov't Code section 54956.9(b): One potential case

Item 2B: CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, Initiation of litigation pursuant to Cal. Gov't Code section 54956.9(c): One potential case

Item 2C: 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, Redevelopment Agency Counsel Slater & City Manager Kelly. Negotiating Parties: Sebastiani Building Investors, Inc. Under Negotiation: Price and terms of lease, sublease and assignment of sublease.

3. OPEN SESSION

The City Council reconvened in open session and Mayor Sanders called the meeting to order at 6:45 p.m. Public Works Director Bates led the Pledge of Allegiance.

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

ALSO PRESENT: City Manager Kelly, City Clerk Johann, City Attorney Walter, Redevelopment Agency Counsel Slater, Public Works Director Bates, Management Analyst Hudson, Administrative Assistant Evans.

4. ANNOUNCEMENT REGARDING ACTION TAKEN IN CLOSED SESSION

Mayor Sanders announced that Council had not taken any reportable action while in closed session.

5. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Clm. Gallian commented on the recently aired TV reality show "The Bachelor" which was filmed in part in Sonoma.

Clm. Brown stated that he would like to see a proposal to increase the City's TOT to 12% on a future agenda. He announced a meeting of Citizens United for a Swimming Pool (CUSP) would be held on January 31 at Ramekins.

Mayor Sanders commented on a recent performance by Max Simone at the Sebastiani Theater.

6. REGULAR CALENDAR

Item 6A: Discussion, consideration and possible action regarding the impacts of the Supreme Court ruling of December 29, 2011 upholding AB1x26 and holding AB1x27 to be invalid, including discussion, consideration and possible adoption of a Resolution determining that the City of Sonoma elects to, and shall, serve as the Successor Agency to the dissolved Sonoma Community Development Agency pursuant to Health and Safety Code Section 34173 or a Resolution determining that the City of Sonoma declines to, and shall not, serve as the Successor Agency to the dissolved Sonoma Community Development Agency pursuant to Health and Safety Code Section 34173.

City Manager Kelly presented a report regarding the implications of the Supreme Court decision and explained that staff recommended that the City Council elect to serve as the successor agency to the dissolved Sonoma Community Development Agency (CDA).

Clm. Gallian inquired about the projects designated for bond proceeds. Attorney Slater stated that the three-year window was a general covenant for use of bond project funds; however it was not a hard and fast rule.

Clm. Rouse inquired how business would be conducted after 2016. Attorney Slater responded that commencing July 1, 2016 all oversight boards within a county would be combined into one. Clm. Rouse confirmed with Attorney Slater that the City's sale of bonds in 2011 had been a prudent decision.

Mayor Sanders inquired when the school districts would begin to receive the additional tax funds and if a delay in the dissolution process would reduce the amount of funds they receive. Attorney Slater pointed out that the legislation would take effect within the same fiscal year and therefore the delay would not reduce the amount of tax revenue received by the school district.

Mayor Sanders invited comments from the public. Bob Parmelee stated that the City had to become the successor agency and warned of many lawsuits to come.

Tom Hauser questioned if the City would receive additional administrative reimbursement if the dissolution was delayed until April 15. City Manager Kelly stated it would not; however, the delay would assist in the transition.

Tom Thornley inquired what effect this would have on the old Fire Station. City Manager Kelly responded that the old station was an asset of the agency and that its future would be up to the oversight board.

John Kelly stated the City should not become the successor agency because the amount of reimbursement was not enough for the amount of staff time it would require.

It was moved by Clm. Gallian, seconded by Clm. Rouse, to adopt Res. No. 01-2012 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA, CALIFORNIA DETERMINING THAT THE CITY OF SONOMA ELECTS TO, AND SHALL, SERVE AS THE SUCCESSOR AGENCY TO THE DISSOLVED SONOMA COMMUNITY DEVELOPMENT AGENCY PURSUANT TO HEALTH AND SAFETY CODE SECTION 34173. The motion carried unanimously.

Item 6B: Discussion, consideration and possible direction to staff regarding City of Sonoma retention of housing functions and assets under AB1x 26.

City Manager Kelly presented information regarding the impacts of the Supreme Court decision as it related to the City's housing functions. She stated that Council need not make a formal decision until the January 18, 2012 meeting.

Mayor Sanders invited comments from the public. Herb Golenpaul stated there was not enough affordable housing for the very low and low income and said the City should not give away any land.

John Kelly stated that affordable housing had been the moral justification for redevelopment; however, reality indicated that the City should not retain the housing functions.

Attorney Walter pointed out that the City's zoning and General Plan designations would not apply if the property were owned by the County.

Clm. Gallian stated that she wanted to see more information before making a decision.

Clm. Barbose noted that the cash flow was not enough to cover the expenses and stated he was concerned about the long-term liability of maintaining the housing function and the fact that the City would lose control over use of the Broadway property.

Mayor Sanders shared his concerns but said she was willing to take a chance. She said the City and its residents would have every opportunity to provide input on any future use of the property.

Mayor Sanders and Councilmembers Barbose, Rouse, and Brown all indicated that they were leaning towards not maintaining the housing function. Clm. Gallian again stated that she wanted more information. City Manager Kelly stated she would contact the County and bring back additional information at the January 18, 2012 meeting.

Item 6C: Discussion, consideration and possible adoption of a Resolution of the City making a declaration under Health and Safety Code Section 33354.8 that, during the period from January 1, 2010, to December 31, 2011, the City has not forgiven the repayment, wholly or partially, of any loan, advance, or indebtedness owed to the City by the Sonoma Community Development

Agency and a Resolution of the Sonoma Community Development Agency making a declaration under Health and Safety Code Section 33354.8 that, during the period from January 1, 2010, to December 31, 2011, the Agency has not forgiven the repayment, wholly or partially, of any loan, advance, or indebtedness owed to the Agency by a public body.

Attorney Slater explained that AB 936 arose out of a controversial decision by the San Diego City Council to waive repayment of a loan to its redevelopment agency. He stated that Sonoma had not forgiven any loans. Mayor Sanders asked if staff was certain and Slater stated that the Finance Director had determined that no loans given to a public agency had been forgiven.

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

It was moved by Clm. Barbose, seconded by Clm. Rouse, to adopt Res. No. 02-2012 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA MAKING A DECLARATION UNDER HEALTH AND SAFETY CODE SECTION 33354.8 THAT, DURING THE PERIOD FROM JANUARY 1, 2010, TO DECEMBER 31, 2011, THE CITY HAS NOT FORGIVEN THE REPAYMENT, WHOLLY OR PARTIALLY, OF ANY LOAN, ADVANCE, OR INDEBTEDNESS OWED TO THE CITY BY THE SONOMA COMMUNITY DEVELOPMENT AGENCY. The motion carried unanimously.

Item 6D: Discussion, consideration, and possible action on a letter of support for SB 659, a bill that would temporarily postpone dissolution of redevelopment agencies.

City Manager Kelly reported the recent Supreme Court decision to uphold legislation dissolving redevelopment agencies throughout the State, while striking the companion legislation that would have allowed the agencies to continue, imposed unrealistically tight deadlines for affected cities and agencies to comply with the requirements of the dissolution law and make critical decisions on such issues as to whether to serve as a successor agency with respect to redevelopment assets and housing programs. The deadlines left little time to address complex and difficult fiscal problems associated with the dissolution of the agencies. To allow more time to address these issues, a Senate Bill (SB 659) has been introduced that would postpone the dissolution of California's redevelopment agencies by two months. A coalition of business, labor and local government organizations including the League of California Cities and the California Redevelopment Association were seeking support for this legislation by affected cities and redevelopment agencies.

Clm. Barbose confirmed with Attorney Slater that a delay would not decrease the amount of revenue that would go to the schools.

Mayor Sanders questioned if a delay would cause increased legal fees. Mr. Slater responded that it would not and that the purpose of the legislation was to allow time for clean up of the bill and for consideration of modifications that would alleviate the burdens placed on local government.

Mayor Sanders invited comments from the public. John Kelly stated that control was shifting to the County and he noted that none of the Councilmembers were running for the District One Supervisor position.

It was moved by Clm. Rouse, seconded by Clm. Gallian, to send a letter of support. Mayor Sanders expressed uncertainty about any benefit to a delay. The motion carried unanimously.

7. ADJOURNMENT

The meeting adjourned at 8:38 p.m.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma City Council on the day of 2012.

Gay Johann, MMC
City Clerk



**Concurrent Adjourned Meetings Of
SONOMA CITY COUNCIL
&
COMMUNITY DEVELOPMENT AGENCY
Community Meeting Room
177 First Street West, Sonoma CA
January 30, 2012
5:00 p.m.**

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

MINUTES

OPENING

Mayor Sanders called the meeting to order at 5:05 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, Planning Director Goodison.

1. COMMENTS FROM THE PUBLIC - None

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers' Comments and Announcements

Mayor Sanders dedicated the meeting in the memory of Thornton Jenkins.

Cm. Brown dedicated the meeting in the memory of Dick Senn and stated he would like to see City get more involved in the issue of the future of the Veteran's Memorial building.

Cm. Rouse announced a swimming pool meeting would be held the next evening at Ramekins.

Cm. Gallian reported attendance at the State of the Valley breakfast forum.

Mayor Sanders reported that the issue of the Plan Bay Area had been brought to her attention by a constituent and she encouraged everyone to do some research to learn more about the project and its potential impacts.

3. REGULAR CALENDAR

Item 3A: Discussion, consideration and adoption of a Resolution of the City Council determining that the City of Sonoma shall not retain the housing assets and functions of the dissolved Sonoma Community Development Agency resulting in transfer of the housing assets and functions of the dissolved Sonoma Community Development Agency to the Housing Authority of the County of Sonoma, pursuant to Health and Safety Code Section 34176, or

adoption of a Resolution of the City Council determining that the City of Sonoma shall retain the housing assets and functions of the dissolved Sonoma Community Development Agency pursuant to Health and Safety Code Section 34176.

City Manager Kelly reported that pursuant to provisions of AB1X 26, the City could choose to retain or decline to retain its "housing assets and functions" of its soon to be former redevelopment agency. She said if a city chose to decline retention of the housing assets and functions, they would, by operation of law as set forth in Health and Safety Code Section 34176(b)(2), be transferred to the Housing Authority of the County of Sonoma upon the dissolution of the Sonoma Community Development Agency. She stated that Council had discussed this matter at a January 12, 2012 special meeting and at its regular meeting of January 18, 2012. Legal counsel advised that the decision regarding whether to retain the housing assets and functions of the former CDA be made through adoption of a resolution prior to dissolution of the Sonoma CDA on February 1, 2012.

City Manager Kelly also reported that staff had held two conference call discussions with the Sonoma Community Development Commission/Sonoma County Housing Authority staff regarding issues related to the transition. She said that due to the fact that under the current statutes the City would not receive an ongoing annual dedicated funding source for housing programs and projects, staff recommended adoption of a resolution declining to retain the housing assets and functions. If this course of action was taken, staff further recommended contracting out all remaining City housing functions. She said the draft resolution contained a rescission clause, which allowed the City to revisit the decision if favorable legislation was enacted by May 1, 2012.

Mayor Sanders invited comments from the public. David Brigode urged Council to retain the housing function.

Susie Merrill stated that if the property were given away it would take years to get back. She said her property would go on the market and the City would lose the opportunity to adjoin two parcels that would benefit the entire City.

David Cook stated the City should do what the other cities were doing and keep the property.

Laurie Zito, Urban Housing Communities, said there were beneficial financing structures and tax credits available for affordable housing projects. She stated the City should maintain control.

Clm. Barbose asked if the City would be able to sell the properties if it was the Successor Agency. City Manager Kelly responded it could and the funds would have to be used for affordable housing.

Kathleen Kane, Executive Director of Sonoma County Housing Authority, addressed the City Council. She stated the County was leaving their housing function with the agency which has existed since 1985. Kane said that without funding to maintain and administer them, the Sonoma properties would soon become liabilities. Her office, though also facing cuts, had the expertise to take over the responsibilities. She stated they would work in close communication with the City and noted that while her agency would seek City input, they would not be bound by it.

It was moved by Clm. Rouse, seconded by Clm. Brown, to adopt Res. No. 06-2012 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA, CALIFORNIA DETERMINING THAT THE CITY OF SONOMA SHALL NOT RETAIN THE HOUSING ASSETS AND FUNCTIONS OF THE DISSOLVED SONOMA COMMUNITY DEVELOPMENT AGENCY RESULTING IN TRANSFER OF THE HOUSING ASSETS AND FUNCTIONS OF THE DISSOLVED SONOMA COMMUNITY DEVELOPMENT AGENCY TO THE HOUSING AUTHORITY OF THE COUNTY OF SONOMA, PURSUANT TO HEALTH AND SAFETY CODE SECTION 34176.

Clm. Barbose stated he wanted to maintain control of the City's assets. He said the City could find a non-profit to take over Village Green.

Clm. Gallian stated the City would always be seeking additional affordable housing and she was inclined to retain the properties.

Clm. Rouse stated that the Council was going to have to shrink government and pointed out there was a well-trained housing authority willing to take over the City's assets and he believed the consolidation would help streamline the process for low-income applicants.

Clm. Brown stated he had confidence in the county agency and he felt it was time to move into the future.

City Attorney Walter confirmed that any projects would be subject to City zoning and other regulations.

Mayor Sanders stated that the City contracted out for Fire and Police services and questioned why not housing. She said creation of a "one stop shop" of experts would be more efficient than an overworked City Hall staff that already wore too many hats.

Being put to a vote, the motion to adopt the resolution carried three to two. Councilmembers Barbose and Gallian dissented.

RECESS: The meeting recessed from 6:30 to 6:35 p.m.

Item 3B: Adoption of amended Enforceable Obligation Payment Schedule for former Sonoma Community Development Agency, pursuant to AB1X 26.

Assistant City Manager Giovanatto reported that the City Council at its August 15, 2011 meeting, adopted an Enforceable Obligation Payment Schedule (EOPS) which was meant to document all financial commitments of the former Community Development Agency per the adopted Agency FY 2011-12 operating budget updated to include all additional new financial impacts resulting from the elimination of redevelopment such as audit and legal costs. She explained that the Sonoma Community Development Agency (CDA) and its Successor Agency, the City of Sonoma could only make payments on enforceable obligations listed on an EOPS until such time as the first Recognized Obligation Payment Schedule (ROPS) had been prepared by the Successor Agency, certified and approved by the Successor Agency's Oversight Board to take over the function initially served by the EOPS. Giovanatto added that the process for approving the ROPS may not be completed until May, thereby potentially leaving a gap between the period initially covered by the EOPS, through December 31, 2011, and the effectiveness of the first ROPS. This gap could lead to an inability to pay, and the

resulting default under, various enforceable obligations. To avoid possibly defaulting on enforceable obligations between January and the operative date of the ROPS, legal counsel recommended that the City amend its existing EOPS prior to February 1, 2012 to extend the payment schedule for the enforceable obligations required to be paid by the CDA during January and its successor agency starting in February for the period from January 1, 2012 through June 30, 2012.

CIm. Gallian inquired why no payment obligation was shown for the SERAF Loan Payment due to the Housing Fund and the Sonoma Community Center Owner Participation Agreement. Giovanatto explained that there were no payments scheduled for 2012.

Mayor Sanders inquired about the amount of bond proceeds allocated for the Sonoma Valley Library remodel. Giovanatto responded that \$2.5 million had been set aside for the project and any leftover funds would be put towards repayment of the principal on the bond.

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

It was moved by CIm. Rouse, seconded by CIm. Gallian, to adopt the amended Enforceable Obligations Payment Schedule. The motion carried unanimously.

4. COMMENTS FROM THE PUBLIC - None

5. ADJOURNMENT

The meeting was adjourned at 6:43 p.m. in the memory of Dick Senn and Thornton Jenkins.

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

DRAFT MINUTES

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



**February 22, 2012
5:30 – 7:00 P.M. Special Meeting
7:00 P.M. – Regular Meetings**

**Community Meeting Room
177 First Street West, Sonoma CA 95476**

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

PENSION REFORM STUDY SESSION

SS-1: Pension Study Session

City Manager Kelly reported that the City Council had directed that a Study Session be held on the issue of Public Employee Pension Reform. She stated that staff had worked diligently to identify presenters and issues that would provide a balanced presentation for City Council members.

Barbara Ware, California Public Employees' Retirement System (CalPERS) Actuarial, stated that CalPERS was the nation's largest state pension fund with assets of approximately \$226 billion as of December 31, 2010. It administered retirement and health benefits for more than 1.6 million State and local public employees, retirees and their families serving the State of California and more than 3,000 contracting public agencies and school districts. Ms. Ware provided an overview of the various pension plans provided by the agency and some of the options that were available to agencies that were looking to reduce their pension costs.

City Manager Kelly provided a summary of the October 2011 "Twelve Point Pension Reform Plan" released by Governor Brown. The twelve points were: 1) Equal sharing of pension costs for all employees and employers; 2) A hybrid risk sharing pension plan for new employees; 3) Increase of retirement ages for new employees; 4) Require three year final compensation to stop spiking for new employees; 5) Calculate benefits based on regular, recurring pay to stop spiking for new employees; 6) Limit post retirement employment for all employees; 7) Felons forfeit pension benefits for all employees; 8) Prohibit retroactive pension increases for all employees; 9) Prohibit pension holidays for all employees and employers; 10) Prohibit purchases of service credit; 11) Increase pension board independence and expertise; 12) Reduce retiree health care costs for State employees

Assistant City Manager Giovanatto provided a report regarding an option to pay off the City's CalPERS unfunded liability by issuance of pension obligation bonds. She reported that the current unfunded liability was approximately \$2.9 million and the City could save approximately \$292,605 during the ten-year finance period by issuing the bonds.

Clm. Barbose requested that the issuance of bonds be on a future agenda for Council consideration.

DRAFT MINUTES

Mayor Sanders invited comments from the public. Paul Carroll, Service Employees International Union representative, stated that the retirement age had dropped because people were retiring earlier and the proclivity for disability retirements as workers age. He pointed out that if employees were required to work longer, worker compensation claims would go up.

REGULAR CONCURRENT MEETINGS

Mayor Sanders called the meeting to order at 7:00 p.m. Wendy Peterson 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 and Planning Director Goodison, Public Works Director Bates.

1. COMMENTS FROM THE PUBLIC

Wendy Peterson announced that Restaurant Week was being observed throughout Sonoma County and invited everyone to participate by dining at the local restaurants.

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers' Comments and Announcements

Clm. Brown invited everyone to the March 1 reception in honor of 2012 Alcalde Whitney Evans.

Clm. Barbose requested the meeting be dedicated in the memory of Peggy Fuer.

Clm. Gallian reported that she attended the Sweetwater Spectrum informational meeting and she requested the meeting be dedicated in the memory of Ray Giorgi.

Mayor Sanders reported that the Aswan Sister City committee was dissolving. She announced that she was running for First District Supervisor.

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

City Manager Kelly announced staff had added a special closed session meeting to be held immediately after the current meeting. She also stated that it recently came to staff's attention that the City Council acting as the Successor Agency was advised to adopt an amended Recognized Obligation Payment Schedule (ROPS) by March 1, 2012; therefore staff requested that adoption of the amended ROPS be added to the agenda as an emergency item.

4. PRESENTATIONS

Item 4A: Proclamation declaring March 2012 as Big Read Sonoma County Month.

Mayor Sanders announced that Librarian Stephan Buffy was unable to be at the meeting but staff would be sure to provide him with the proclamation.

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 November 21, 2011, December 5, 2011, and February 6, 2012 City Council / CDA Meetings. (11/21/11 Minutes removed from consent, see below)
- Item 5C:** Approve the Assignment, Novation and Consent Agreement with GHD Inc. and Winzler & Kelly Consulting Engineers for City Engineering Services. (Removed from Consent, see below)
- Item 5D:** Approval of Fee Agreement Letter with Rutan & Tucker LLP as Special Counsel to the City of Sonoma.
- Item 5E:** Ratification Action of City Council from January 18, 2012 by approving the Resolution for a Refuse Rate Increase and Related Program Elements. (Res. No. 10-2012)
- Item 5F:** Adoption of Amendments to the Sonoma Municipal Code Establishing New and Modified Regulations Addressing Live Music Performances and Special Events.
- Item 5G:** Resolution Designating the City of Sonoma as Co-Applicant and Authorizing the Sonoma Ecology Center (SEC) to Apply for a Sonoma County Agricultural Preservation and Open Space District Grant for Improvements to Sonoma Garden Park. (Res. No. 11-2012)
- Item 5H:** Adoption of a Resolution Adopting Rosenberg’s Rules of Order for Official, Noticed, Public Meetings of the City Planning Commission, Design Review Commission, Community Services and Environment Commission and Cultural and Fine Arts Commission. (Res. No. 12-2012)
- Item 5I:** Approval of City Co-Sponsorship of a Customer Service Training Event, partnering with the Sonoma Valley Visitors Bureau, at No Cost to the City.

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

CIm. Gallian removed the November 21, 2011 minutes from Item 5B. Mayor Sanders removed Item 5C. It was moved by CIm. Rouse, seconded by CIm. Barbose, to approve the items remaining on the Consent Calendar. The motion carried unanimously.

Item 5B, November 21, 2011 Minutes: CIm. Gallian requested that the section under “Reconvene in Closed Session” be corrected to state that Mayor Gallian made the announcement. It was moved by CIm. Barbose, seconded by CIm. Gallian, to approve the minutes as corrected. The motion carried unanimously.

Item 5C: Approve the Assignment, Novation and Consent Agreement with GHD Inc. and Winzler & Kelly Consulting Engineers for City Engineering Services.

Mayor Sanders stated that Winzler & Kelly had been sold and was now part of a 6,000 employee organization and she wanted the Council to have some discussion on the proposed assignment to GHD Inc.

CIm. Barbose stated he also had concerns because sometimes when a local business joins a mega-firm, the end result could be increased costs and less personal service.

Alex Culick, Winzler & Kelly Managing Principal, stated that it was a merger; however, they would still be a California corporation. He assured the Council that their employee structure would remain the same and Toni Bertolero would continue to serve as Sonoma's City Engineer.

CIm. Gallian stated that Ms. Bertolero had spoken favorably about the increased availability of services the merger would provide.

City Manager Kelly stated that staff did not have any concerns and would make Council aware of any changes to the fee schedule should that occur.

It was moved by CIm. Gallian, seconded by CIm. Rouse, to approve the agreement with GHD, Inc. and authorize the City Manager to execute it. The motion carried unanimously.

6. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL AS SUCCESSOR AGENCY
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Item 6A: Approval of the Minutes of the November 21, 2011, December 5, 2011, and February 6, 2012 City Council / CDA Meetings.

Item 6B: Approval of Fee Agreement Letter with Rutan & Tucker LP as Special Counsel to the City of Sonoma as Successor Agency.

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

CIm. Gallian removed the November 21, 2011 minutes from Item 6A. It was moved by CIm. Rouse, seconded by CIm. Gallian, to approve the consent calendar except for the November 21, 2011 minutes. The motion carried unanimously.

Item 6A, November 21, 2011 Minutes:

It was moved by CIm. Gallian, seconded by CIm. Rouse, to approve the minutes as amended in Item 5B above. The motion carried unanimously.

Add an urgency item:

It was moved by CIm. Barbose, seconded by CIm. Gallian, to add as Item 9A, Adoption of Amended ROPS as an urgency item. The motion carried unanimously.

7. PUBLIC HEARING

Item 7A: Public Hearing and Discussion, Consideration and Possible Adoption of Resolution Establishing a Fee for Newsrack Permits.

Laurie Decker, Economic Development Project Manager, reported that the recently adopted ordinance regulating newsracks allowed for an administrative fee to be imposed to defray the expenses of administering the constitution regulation of newsracks. She stated that staff determined that a fee of \$132.29 would cover the staff costs and associated overhead for administrative and field inspection duties associated with processing a newsrack permit. If more

than three racks were included on a permit application, an additional fee of \$31.39 would apply for each additional rack.

The public hearing was opened and closed with no comments received.

It was moved by Clm. Rouse, seconded by Clm. Brown, to adopt Res. No. 13-2012 entitled RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA ESTABLISHING A NEW USER FEE FOR NEWSRACK PERMITS. The motion carried unanimously.

8. REGULAR CALENDAR – CITY COUNCIL

Item 8A: Mid-Year Budget Review – FY 2011-12.

Assistant City Manager Giovanatto reported that the midyear position of the General Fund reflected a deficit of \$567,400 but that should be viewed as typical due to the timing of revenue receipts and was comparable to the prior year. As anticipated in the 2011-12 Budget, major revenues were showing a slow recovery but were still slightly behind the same timeframe as the prior year. Property tax received in December and was slightly lower than the prior year. All indications are that this position will recover in the second half of the fiscal year but General Fund reserves in the amount of \$49,508 would be required per the adopted budget. The deficit amount would be amplified by the transfer of redevelopment expenses into the General Fund after February 1st. Staff calculated the additional cost to be approximately \$89,000 per month which would require a drawdown on reserves of approximately \$445,000. Giovanatto explained that the drawdown on reserves might be reduced by an Administrative fee due the Successor Agency (if allocated) or the property tax share of the former tax increment. She stated that with the costs that will become obligations of the General Fund, there would be a critical need to find additional sources of revenue to enable the City to continue to deliver the current level of public services. Presently revenues received were at 41% of budget and expenditures were at 47% of budget at midyear.

Mayor Sanders asked how the Cemetery Fund deficit was accounted for. Giovanatto stated that the City used a “pooled cash” approach and the cemetery deficit was covered by revenues in other funds.

Mayor Sanders invited comments from the public. Herb Golenpaul stated that he had requested a payscale for City employees and had been provided one but it was dated 2010. Mayor Sanders explained that 2010 was the last time the payscale had been changed.

Item 8B: Discussion, Consideration and Possible Direction to Staff Regarding City Budget Following the Dissolution of Redevelopment and Loss of Redevelopment funding as of February 1, 2012, including Consideration of Revenue Enhancement Options.

City Manager Kelly reported that the City’s economic success formula over the past 28 years included the resources of the Sonoma Community Development Agency (CDA). With the dissolution of redevelopment through the December 29, 2011 State Supreme Court decision, the City was faced with a post-CDA budget scenario and needed to consider funding and budget reduction alternatives. The City was in a new era and must develop a new financial model to continue to serve its community and meet government mandates. The new financial model should be considered as time-critical since continuing the current level of public services

[post-redevelopment] required a significant drawdown on General Fund reserves on a monthly basis to the tune of \$89,000 per month. This amount is derived from the fact that the City has not yet received the \$250,000 minimum Successor Agency payment nor the new property tax share. The City's reserves cannot fill this gap indefinitely. It was previously reported to the City Council on January 12, 2012 that the minimum estimated annual revenue shortfall in the General Fund (revenues versus expenses) under the new post redevelopment property tax scheme was \$493,096. This was a preliminary number and took into account the following factors: 1) The new General Fund property tax revenue; 2) The minimum administrative payment of \$250,000 to the City as the Successor Agency to the dissolved Sonoma Community Development Agency (CDA); and 3) The loss of annual redevelopment tax increment utilized for administrative, personnel costs, overhead, and internal services transfers that support City services and infrastructure.

City Manager Kelly reported that, based on a pro-forma budget detailing the line budget items immediately impacted by the loss of CDA funding; the newly revised minimum estimated annual shortfall in the General Fund (revenues versus expenses) was \$434,926. She added that this calculation would be dependent on the review of the Recognized Obligation Payment Schedule (ROPS) and the determination of the Oversight Board.

Referencing a memo sent to Councilmembers in January, City Manager Kelly stated that she recommended moving forward with a ¼ cent sales tax measure; and if and after it passed consideration of a 2% Tourism Improvement District assessment.

In response to the question by Clm. Rouse, City Manager Kelly stated that, if the ¼ cent sales tax was enacted, the total sales tax in Sonoma would be 8.25%. In 2011 it had been 9% due to the State's temporary sales tax increase.

Clm. Brown inquired about continued funding for the Visitor Bureau. City Manager Kelly responded that, as part of the ROPS, it would need to be authorized by the Oversight Board and the Department of Finance. Clm. Brown stated that, in previous discussions, it was unclear if the TID would fund the Visitor Bureau.

Mayor Sanders invited comments from the public. Bill Blum, MacArthur Place, stated that the hoteliers supported the City Manager's recommendation. He added that "healthy tourism means a healthy City". He asked that the TID be implemented as soon as possible so that the hotels would be collecting the 2% during the peak months.

Herb Golenpaul stated his disagreement with any proposed taxes or fees.

Laurie Decker suggested Council use a polling firm if it decided to go forward with a sales tax measure.

RECESS: The meeting recessed from 8:35 to 8:40 p.m.

Clm. Gallian stated that a ¼ cent sales tax on the June ballot might not fill the funding gap but it would be a start. She said she also supported moving ahead with the TID at a time when it proved prudent for the City and the hoteliers at no additional cost to the City and with Visitor Bureau funding included in the agreement.

Clm. Rouse said the sales tax measure should be ½ cent since this came closer to filling the deficit and stated his support for moving ahead with the TID.

Clm. Barbose stated that if the City were to move ahead with the TID, he would want funding for the Visitor Bureau firmed up and he agreed with a ½-cent sales tax measure.

Clm. Brown stated agreement with a ½-cent sales tax measure but said he was not on board for the TID. He stated that if the City raised the Transient Occupancy Tax it could pay the Visitor Bureau from the additional revenue.

Mayor Sanders stated she would support the ½-cent sales tax provided the City did not “start spending like bandits”. She would want to see the City begin paying down some of its liabilities like the pension side fund. She said she did not feel the City needed to hire a pollster and noted there had been a lot in the news regarding the loss of redevelopment and subsequent financial condition of the City.

City Attorney Walter stated that the City could not spend its own money or staff time to campaign in support of the tax measure; however, staff could provide educational material.

Mayor Sanders stated that it appeared staff had enough direction to move ahead. City Manager Kelly stated she would obtain additional information from other cities.

Item 8C: Discussion, Consideration and Possible Action Authorizing the Mayor to Sign a Letter of Support on Behalf of the City Council for the Reintroduction of HR 192, The Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act (Woolsey), Requested by Mayor Pro Tem Brown.

Clm. Brown stated a request had been received from Congresswoman Woolsey’s office for letters of support for the reintroduction of HR 192.

City Manager Kelly explained that the bill would expand the boundaries of the two sanctuaries off the Marin coast up through Sonoma and southern Mendocino to Pt. Arena. It would provide significant protection for the vital coastline.

Mayor Sanders invited comments from the public. Herb Golenpaul stated it sounded like a good idea.

It was moved by Clm. Gallian, seconded by Clm. Brown, to send the letter of support. The motion carried unanimously.

9. REGULAR CALENDAR – CITY COUNCIL AS SUCCESSOR AGENCY TO DISSOLVED SONOMA COMMUNITY DEVELOPMENT AGENCY

Item 9A: Discussion, consideration and possible action on adoption of Recognized Obligation Payment Schedule (ROPS)

Assistant City Manager Giovanatto reported that on September 18, 2011, the Agency Board of the Sonoma Community Development Agency adopted the Draft Recognized Obligation Payment Schedule [ROPS]. The draft ROPS listed the minimum amounts that must be paid by the future successor agency over a six (6) month period to fulfill its enforceable obligations during that period. Subsequent to this action, the City Council opted to become the Successor

Agency for the former Sonoma Community Development Agency. Continuing with the steps necessary to comply with the new legislation, the City Council acting as the Successor Agency must adopt the ROPS by March 1st. Once the ROPS are approved by the Successor Agency, it will be presented to the Oversight Board. Since the preparation of the draft ROPS in September, additional clarification on the content of the ROPS has been transmitted by Successor Agency Counsel and the ROPS had been expanded to meet the requirements of ABx26 and the Department of Finance.

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

It was moved by Clm. Rouse, seconded by Clm. Brown, to approve the ROPS as presented by staff for presentation to the Oversight Board. The motion carried unanimously.

10. COMMENTS FROM THE PUBLIC

Herb Golenpaul announced that March 1 would be St. David (Patron Saint of Wales) day.

11. COUNCILMEMBERS' REPORTS AND FINAL REMARKS

Item 11A: Reports Regarding Committee Activities.

Clm. Barbose reported that the Waste Management Agency was moving ahead with the plastic bag ban; however Rohnert Park was not on board.

Clm. Gallian reported on the Mayors' and Councilmembers' Association and Cittaslow meetings.

Mayor Sanders reported on the Disaster Council meeting and announced that the library would reopen on March 20. The Friends of the Library were concerned about the blue drop box bins around town and would like to see the crosswalk on Napa Street relocated.

Item 11B: Final Councilmembers' Remarks.

Clm. Brown stated that a constituent had inquired when the mobilehome park rent control ordinance discussed. City Manager Kelly stated that there had been outreach to the park owners and the item was tentatively scheduled for some time in March. Clm. Brown stated that he heard the Aswan Sister City Committee had folded up.

12. PUBLIC COMMENTS REGARDING CLOSED SESSION

There were no comments from the public.

Council convened in closed session at approximately 9:15 p.m. with all members, the City Manager and the City Attorney present.

13. CLOSED SESSION

Item 13A: CONFERENCE WITH REAL PROPERTY NEGOTIATORS, pursuant to Government Code §54956.8. Property: Sebastiani Theater, 476 First Street East, Sonoma. Agency Negotiators: Councilmember Barbose, City Attorney

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

14. RECONVENE IN OPEN SESSION & REPORT ON CLOSED SESSION

At approximately 9:30 p.m. Council reconvened in open session and Mayor Sanders announced that no action had been taken.

15. ADJOURNMENT

At 9:31 p.m. Mayor Sanders adjourned the meeting in the memory of Peggy Fuer and Ray Giorgi.

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



SONOMA CITY COUNCIL
Special Meeting

Wednesday, February 22, 2012

**To Commence Immediately Following The
February 22, 2012 Regular Meeting**

Community Meeting Room, 177 First Street West

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

MINUTES

1. CALL TO ORDER

At 9:32 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.

2. CLOSED SESSION

Item 2A: CONFERENCE WITH REAL PROPERTY NEGOTIATORS, pursuant to Government Code §54956.8. Property: Sonoma Valley Regional Library, 755 West Napa Street, Sonoma. Agency Negotiators: City Attorney Walter, City Manager Kelly & Development Services Director Wirick. Negotiating Parties: Sonoma County Library, a Joint Powers Agency. Under Negotiation: Price and terms of payment of lease.

3. ANNOUNCEMENT REGARDING ACTION TAKEN IN CLOSED SESSION

The City Council reconvened in open session and Mayor Sanders announced that no reportable action had been taken while in closed session.

4. ADJOURNMENT

The meeting was adjourned at 9:45 p.m.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma City Council on the day of 2012.

Gay Johann, MMC
City Clerk

**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

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

MINUTES

OPENING

Mayor Pro Tem Brown called the meeting to order at 6:00 p.m. and announced that Mayor Sanders was out of town and he would be chairing the meeting. Herb Golenpaul led the Pledge of Allegiance.

PRESENT: Mayor Pro Tem Brown and Councilmembers Barbose, Gallian, and Rouse
ABSENT: Mayor Sanders

ALSO PRESENT: City Manager Kelly, Assistant City Manager Giovanatto, City Clerk Johann, City Attorney Walter, Planning Director Goodison, and Police Chief Sackett.

1. COMMENTS FROM THE PUBLIC

Herb Golenpaul thanked the City Council for their caring and very thoughtful get-well letter that he received.

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers' Comments and Announcements

Councilmembers each gave a rave review of the 2012 Sonoma International Film Festival.

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

City Manager Kelly announced that the next Oversight Board meeting would be May 9, 2012. She also announced that in consultation with Mayor Sanders and Mayor Pro Tem Brown, the planned joint meeting with the Planning and Design Review Commissions on April 30, 2012 had been canceled due to a lack of discussion items. She stated that staff had prepared a fact sheet for Measure J, the June 5, 2012 sales tax ballot measure.

4. PRESENTATIONS

Item 4A: Proclamation declaring the fourth Friday in April 2012 Children's Memorial Day

Mayor Pro Tem Brown read aloud the proclamation and presented it to John Goehring of Minimize Occurrences of Violence in Everyday Society (MOVES). Mr. Goehring thanked the City Council for their support and reported on the functions and activities of the non-profit group (MOVES) toward the goal of increasing awareness and getting the public more involved in the process of making the community less violent.

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

Mayor Pro Tem Brown read aloud the proclamation and presented it to Chief Deputy District Attorney Bud McMahon. Mr. McMahon thanked the City Council and Chief Sackett for their ongoing support and invited all to attend the Sonoma County Crime Victim's Rights Week Celebration on April 24, 2012.

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

Police Chief Sackett presented the 2011 Annual Police Department Report, reported on the department's programs and provided the 2011 crime statistics. Overall, there was a downward trend in the overall crime rate. They will be seeking grant funds again to enable them to continue the education and enforcement operations related to underage drinking.

Mayor Pro Tem Brown thanked Chief Sackett and stated that his, and the services of the Sonoma County Sheriff's Department, were appreciated by all.

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

Mayor Pro Tem Brown read aloud the proclamation and presented it to Patricia Talbot, the City's representative on the Sonoma County Health Action Committee. Ms. Talbot thanked the City Council for their continued support and reported on the various activities that were planned for the upcoming Challenge Weekend.

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

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.
Approved 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.

Item 5E: Authorization to execute and file a Notice of Completion for the Sonoma Valley Regional Library Improvement Project.

Item 5F: Approval of the Minutes of the March 19 and April 2, 2012 Meetings.

It was moved by Clm. Rouse, seconded by Clm. Gallian, to approve the agenda order and consent calendar as presented. The motion carried unanimously, Mayor Sanders absent.

Guilaine Salomon and Sara Hammett thanked the City Council for approving the rent subsidy at the Veteran's Building and reported that all funds raised at their event would go to an orphanage in Port-au-Prince.

Mayor Pro Tem Brown thanked Micaelia Randolph for her willingness to serve on the Design Review Commission.

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

- 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.
- 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. (Res. No. SA 02-2012)
- 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.
- 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. (Res. No. SA 03-2012)

It was moved by Clm. Rouse, seconded by Clm. Gallian, to approve the agenda order and consent calendar as presented. The motion carried unanimously, Mayor Sanders absent.

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 Goodison reported that the property located at 19725 Seventh Street East, although located outside of city limits, was subject to a scenic easement granted to the City by its former owners in 1985. The 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 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 a 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, the staff finding has been appealed to the City Council by Kevin and Bernadette Calhoun of 714 Appleton Way.

Clm. Barbose inquired if there were possible legal ramifications should this matter be pursued further in the courts. City Attorney Walter stated that most decisions of an administrative body go to court with the presumption of correctness. He added that the easement in question was placed solely for the benefit of the City and he felt that the court would defer any action on it to the City Council.

Mayor Pro Tem Brown opened the public hearing. Richard J. Hicks, of Spaulding McCullough & Tansil, LLP, stated that before the Calhouns purchased their property; they received assurances from the previous owner, their real estate agent, and City staff that a portion of open space behind their property would remain open in perpetuity according to the terms of an easement on the Dowd property. He said similar assurances had been made to others who purchased property in the area. Hicks stated that, in City records, the easement was always described as being "scenic, for open space purposes". He stated that although he and his clients disagreed with staff's current interpretation; they would not object to the relocation of the horse stable provided it was located at least 150 feet from the eastern boundary of the Calhoun's property.

Selma Blanusa stated that she purchased the property because it was a beautiful Sonoma landmark farm consisting of 4.6 acres with an existing home, two well houses, a garage, barn, stable and hobby building. She said it was her intent to move the historic stable building from its current location to the field in an effort to cluster the animal buildings in the pasture and to be able to maintain a line of sight for the animals. Blanusa stated that she read the easement document before purchasing the property and added it was important, in this matter, to separate dialog (what was said) from the actual legal documentation. She said the easement did not include the phrases "open space" or "scenery easement" and that it was intended to prevent construction of additional dwellings on the property.

John Bonnoitt stated he was the Civil Engineer working for the Dowds when the property was originally developed and that he attended every meeting held regarding the project. Bonnoitt stated that the easement was for one purpose only and that was to limit further residential construction.

Bernadette Calhoun stated that they purchased their home and had made improvements to it based on assurances that the open space behind their property would remain open. She said they would not have made investments in the property had it not been for those assurances. Calhoun stated that the value of their home would be reduced by approximately twenty percent if the stable was allowed to be relocated.

Kevin Calhoun stated that staff's interpretation could prove to be inconsistent with future policy.

Lorie Maggioncalda stated they paid more for their property because of confidence in the easement document and assurances made by realtors and staff at City Hall.

Mike Maggioncalda stated this would be precedent setting for many properties and urged the City Council to make the best decision based on the heart of the law and its definition.

Jean Parisi stated they purchased their home twenty-seven years ago because of the open space and assurances that nothing could be built on it. She said, back then, the property owners and the City had worked very hard to come up with an agreement that included two

easements and she stated that a compromise to locate the stable 150 feet from the property line would satisfy all the property owners.

Daniel Cassabone stated he was the Real Estate agent representing the Dowds when the Blanusas purchased the property. He stated people should not rely on stories they are told but should read the actual paperwork.

Vince Parisi stated that the developers said the Dowd's property couldn't be subdivided and nothing could be moved and that he had also confirmed this with City staff. He said many people had spent money to capitalize on the beautiful view on the belief that it was a perpetual open space.

Marlene Ciatti stated she was a property owner and wondered why she had not received any type of notice of this pending action that would affect her and her property.

Seeing there were no additional comments, Mayor Pro Tem Brown closed the public hearing.

Planning Director Goodison responded to Ms. Ciatti by explaining that because the property was located outside the City limits and the matter was not associated with a planning application; there had been no notification requirements that applied.

CIm. Gallian stated that she understood why Ms. Blanusa wanted to locate the stable at 60 feet rather than 150 feet from the property line. She noted that the County required outbuildings to be no closer than 60 feet from the property line.

CIm. Barbose stated that as a Councilmember, he found land use decisions to be the most difficult to deal with and he would have preferred that the property owners reach a compromise on their own. He stated that in the written documents the term "scenic" was associated with a reference to residential units and was tied to dwelling density. He added that the purpose of the easement was not to give people the right to look at a field and it was unfortunate that those who bought properties had been told something different. He stated that the property rights of the owner were sacrificed in the beginning and now the property owner has the right to do what she intended to do and that he would vote to deny the appeal.

CIm. Rouse agreed. He said he did not believe the easement had been put into place to lessen the ability of the property owner to move stuff around; it was intended to restrict the construction of dwellings.

CIm. Gallian stated she visited both properties and spoke with both sides. She said she could see the reason for moving the stable to 60 feet from the property line and would also vote to deny the appeal.

Mayor Pro Tem Brown stated his agreement with his fellow Councilmembers. He told those in the audience that their properties were beautiful and would remain beautiful and that Ms. Blanusa was dedicated to maintaining a family farm on her property.

It was moved by CIm. Barbose, seconded by CIm. Gallian to direct staff to prepare an implementing resolution denying the appeal, to be adopted at a future meeting. The motion carried unanimously, Sanders absent.

RECESS: The meeting recessed from 8:00 to 8:10 p.m.

8. REGULAR CALENDAR – CITY 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 Kelly reported that Bill Boerum, President of the Sonoma Sister Cities Association, and George Webber had requested exploration of a sister city relationship with Tokaj, Hungary.

Cm. Rouse inquired how much staff time another sister city would require. City Manager Kelly responded it depended a lot on how active the committee was. She said that staff typically dealt with administrative issues when visiting delegations were in town.

Mayor Pro Tem Brown invited comments from the public. Bill Boerum stated that Tokaj was known as the most renowned of Hungarian wine cities and that the Council of Tokaj had already approved the proposed sister city relationship. He stated that the new owner of Buena Vista Winery was eager to promote the historic nature of the winery and would be celebrating the bicentennial of Count Agoston Haraszthy's (the winery's founder) birth on August 30, 2012 with great fanfare.

George Webber stated he would be portraying Haraszthy as part of the festivities and that this was a unique opportunity for a sister city relationship. He said he had at least fifty-six people interested in joining the organization and noted that many of them were Hungarian Americans.

Reverend Sandor Farkas stated that he and many other Hungarian Americans were supportive of forming the sister city relationship.

Kathy Swett, Sonoma Community Center, spoke in support and added that Count Haraszthy would be the theme for this year's 4th of July celebration.

Nancy Boerum and Elizabeth Cain also spoke in favor of the sister city relationship with Tokaj.

Councilmembers expressed their individual support as well. It was moved by Cm. Rouse, seconded by Cm. Gallian, to approve the Sister City relationship with Tokaj, Hungary, to authorize the City Manager to draft an agreement establishing such Sister City relationship and to authorize the Mayor to sign the agreement on behalf of the City. The motion carried unanimously, Sanders absent.

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 Kelly reported that due to the City's financial situation this year, City funds allocated for the Alcalde event had been reduced to \$500. Councilmember Rouse allocated one month of his Council pay (\$300) toward the event. Because donations had been requested and an anonymous donation provided, there was a surplus from the event. City Manager Kelly stated that Mayor Pro Tem Brown 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.

Whitney Evans stated that it had been a good decision to change to a reception format for the reception and reported that a group of Alcaldes were meeting and discussing ways to promote volunteerism among the youth. He supported donating the money to the youth who provided food for the event.

It was moved by Clm. Gallian, seconded by Clm. Rouse, to donate the surplus funds to the Sonoma Valley Teen Center and the Keystone Club. The motion carried unanimously, Sanders absent. Clm. Rouse stated he would make a donation again next year for the event.

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 reported on the Sonoma County Waste Advisory Committee meeting.

Clm. Gallian reported on the Regional Transportation Authority / Regional Climate Protection Authority meeting. She also reported that she, City Manager Kelly and City Clerk Johann had been acknowledged for their efforts serving as the 2011 Chair city at the Mayors and Councilmembers Association meeting and that she enjoyed hearing from the guest speaker, Dr. Frank Chong, the new Superintendent/President of Santa Rosa Junior College.

Item 10B: Final Councilmembers' Remarks.

Clm. Gallian congratulated David Bolling on his recent appointment as publisher of the Index Tribune.

11. COMMENTS FROM THE PUBLIC

Herb Golenpaul offered to conduct boat safety inspections for anyone interested.

12. ADJOURNMENT

The meeting was adjourned at 8:46 p.m.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma City Council on the day of 2012.

Gay Johann, MMC
City Clerk



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

City Council Agenda Item: 5C

Meeting Date: 05/07/12

Department

Administration

Staff Contact

Gay Johann, City Clerk

Agenda Item Title

Approval and ratification of the appointment of Bryce E. Letcher to the Countywide Bicycle & Pedestrian Advisory Committee for a two-year term.

Summary

The Countywide Bicycle & Pedestrian Advisory Committee (CBPAC) serves as an advisory committee to the Sonoma County Transportation Authority (SCTA). It is composed of representatives from every jurisdiction in Sonoma County. The City's representative may be chosen from the general public and the process for appointment is at the City's discretion.

The primary function of CBPAC is to review applications for Transportation Development Act (TDA) Article 3 projects and to advise the SCTA on all matters relating to bicycle facilities. They also plan bicycle and pedestrian educational activities and develop funding strategies beyond TDA Article 3 funding. Meetings are held on the fourth Tuesday of every other month at 2:00 p.m. in Santa Rosa.

In response to the advertisement of this position, the City received one application and Mayor Sanders has nominated Bryce E. Letcher for appointment to the Countywide Bicycle & Pedestrian Advisory Committee for an initial two-year term ending 4/16/2014.

Recommended Council Action

Nomination by the Mayor and ratification by the City 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:

Application of Bryce E. Letcher

cc: Bryce Letcher via email

County of Sonoma
 Board of Supervisors
 Boards/Commissions/Committees Application

Return Completed Application to:
 575 Administration Drive, Rm. 100A
 Santa Rosa, CA 95403
 (707) 565-2241
 (707) 565-3778 FAX

BOARD/COMMISSION/COMMITTEE OF INTEREST Bicycle & Pedestrian Advisory Commission
 HAVE YOU EVER ATTENDED A MEETING OF THIS COMMISSION? IF SO, HOW MANY? N/A
 NAME Bryce E. Letcher
 ADDRESS 19473 Franquelin Place
 MAILING ADDRESS 19473 Franquelin Place
 HOME PHONE (707) 939-3651 CELL PHONE (415) 816-5364
 BUSINESS PHONE (415) 816-5364 EMAIL letcherbryce@comcast.net
 HOW MANY YEARS HAVE YOU RESIDED IN SONOMA COUNTY? Sixteen years
 PRESENT OCCUPATION CEO and tour guide of Janky Bike Tours, LLC.

EDUCATION:		
SCHOOL	MAJOR	GRADUATION DATE/DEGREE
Justin-Siena High School	General Education	June 2014

COMMUNITY SERVICE EXPERIENCE:		
ORGANIZATION	DATES SERVED	POSITION
Lasallian Leadership	2011-Present	Cabinet

OTHER RELEVANT EXPERIENCE/EXPERTISE: Founder and operator of Janky Bike Tours giving historical tours of Sonoma.

WHAT IS YOUR UNDERSTANDING OF THE ROLE AND RESPONSIBILITY OF THIS COMMISSION?
The primary role of the committee is to review applications for bicycle and pedestrian projects in Sonoma County.

WHICH ACTIVITIES OF THIS COMMISSION INTEREST YOU THE MOST? The activity I am most interested in is the further development of bicycle and pedestrian access.

WHICH ACTIVITIES INTEREST YOU THE LEAST? I am least interested in the project funding strategies.

WHAT WOULD BE YOUR GOAL AS A COMMISSIONER? My goal as a commissioner would be to make sure Sonoma Valley projects are thoroughly considered and prioritized appropriately.

WHAT DO YOU FEEL YOU COULD CONTRIBUTE TO SEE THESE GOALS REALIZED? I feel strongly that as a citizen who uses sidewalks and bikepaths regularly my knowledge of these current pathways allows me insight which allows me to contribute to these goals.

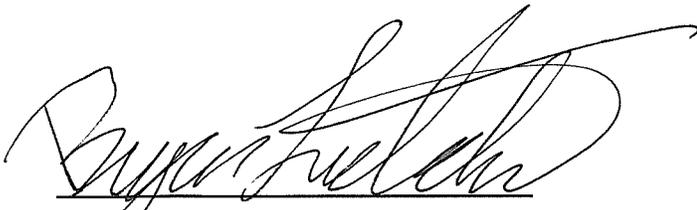
USE ADDITIONAL PAPER IF NECESSARY

PLEASE LIST TWO LOCAL REFERENCES AND THEIR PHONE NUMBERS:

Kathleen Scanlon (707) 494-2589

Pete Monga (707) 996-4994

Appointees will be required to take an Oath of Office & may be subject to filing an annual Statement of Economic Interest.



SIGNATURE

3/14/12

DATE

Applications will be kept on file for two years. All applications are available to the public.



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5D

Meeting Date: 5/7/12

Department

Administration

Staff Contact

Linda Kelly, City Manager

Agenda Item Title

Adoption of Resolution adopting terms and conditions of employment for non-represented confidential personnel and for executive, management and administrative personnel

Summary

The proposed resolution is an amended version of the prior 2007 resolution which expired, also attached.

The changes in the new resolution include the following. Most changes are to conform with the new SEIU Memorandum of Understanding:

- Removal of reference to Fire Chief and Fire Division Chief (due to new contract for Fire services with Valley of the Moon Fire District)
 - Job titles in conformance with Resolution 11-2008
 - Employee Public Employee Retirement System (PERS) contribution of 4%
 - Addition of cap on Jury Duty
 - Addition of Bereavement Leave benefit
 - Salaries on Exhibit A to the Resolution are shown as current (no change since 6/20/08)
 - Term of resolution begins 11/1/11
-

Recommended Council Action

Adopt resolution.

Alternative Actions

Defer action, or suggest amendments.

Financial Impact

The Fiscal Year 2011-12 budget is sufficient to meet the obligations of this resolution.

Environmental Review

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

Status

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

Attachments:

Resolution
2007 Resolution

cc:

CITY OF SONOMA

RESOLUTION NO. __ - 2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA ADOPTING TERMS AND CONDITIONS OF EMPLOYMENT FOR NON-REPRESENTED CONFIDENTIAL PERSONNEL AND FOR EXECUTIVE, MANAGEMENT AND ADMINISTRATIVE PERSONNEL

WHEREAS, the City Council of the City of Sonoma wishes to establish terms and conditions of employment for Management and Administrative personnel; and

WHEREAS, the Non-Represented Confidential personnel shall consist of the Accountant job classification; and

WHEREAS, the Executive, Management and Administrative personnel shall consist of the following job classifications:

Executive

Management/Administrative

Assistant City Manager/Administrative Services Director

Development Services Director/Building Official
Planning and Community Services Director
Public Works Director
City Clerk/Assistant to the City Manager
Administrative Services Manager
Senior Planner

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. Non-Represented Confidential Personnel

The terms and conditions of employment for Non-Represented Confidential personnel [Accountant] shall be the same as the terms and conditions of employment established for positions represented by the Sonoma Employees Association/SEIU Local 1021 and the current Salary Resolution of the City of Sonoma shall accurately reflect the salaries of all Non-Represented Confidential employees.

Section 2. Executive, Management and Administrative Personnel

The terms and conditions of employment for Executive, Management and Administrative personnel shall be as follows:

A. SALARY

Salary shall remain unchanged during the term of this MOU. The City shall adopt salary ranges by separate resolution.

B. OVERTIME

This section shall apply only to employees holding the position of Accountant and not to any other Management positions.

C. LONGEVITY

The City shall pay 2.5% to all employees covered by this Resolution who have been employed on a full-time regular basis for a period of 5 consecutive years as regular employees and an additional 2.5% for all employees who have been employed as full time regular employees for a period of 10 consecutive years.

D. RETIREMENT

Members will be maintained in the 2% at age 55 Public Employees' Retirement System benefit formula with the highest single year provision for all represented employees. Members shall also be provided the sick leave conversion benefit and the 1959 survivor's benefit as defined in the PERS handbook.

Effective the first full pay period following implementation January 1, 2012 all employees will pay 4.0% of salary to fund the employee share of the pension and the City shall pay 3.0% of salary to fund the employee share of the pension.

E. SICK LEAVE

Sick leave shall be available and administered according to the rules, regulations and policies established for general City employees.

F. VACATION

Vacation leave shall be available and administered according to the rules, regulations and policies established for general City employees.

G. ADMINISTRATIVE LEAVE

The following classifications shall be entitled to 80 hours of Administrative Leave: Assistant City Manager/Administrative Services Director, Development Services Director/Building Official, Planning and Community Services Director, Senior Planner, Public Works Director and City Clerk/Assistant to the City Manager. The following classification shall be entitled to 64 hours of Administrative Leave: Administrative Services Manager. These Administrative Leave days will be available on the first day of July of each year. Administrative Leave shall not accrue and will not be compensable under any circumstances.

H. SCHEDULING PAID LEAVE

Scheduling leave shall be done in accordance with established City Personnel Policies.

I. HOLIDAYS

Employees covered by this Resolution shall be paid for 12.5 holidays and every day proclaimed by the Mayor as a holiday.

J. JURY LEAVE

Jury Duty Leave shall be amended to place a cap on paid jury duty leave of two work weeks. Greater jury duty benefits may be awarded by the City Manager on a case-by-case basis.

K. BEREAVEMENT LEAVE

Bereavement Leave shall be added to provide three days of paid bereavement leave in the event of the death of a parent, parent-in-law, child / step-children, spouse / registered domestic partner or sibling. Greater bereavement benefits may be awarded by the City Manager on a case-by-case basis.

L. INSURANCE

Employees shall be entitled to all insurance coverage afforded to general employees and in addition shall be provided with life insurance in the amount of \$100,000. If employees elect medical, dental or vision coverage other than the group plans offered by City, City shall pay the premium on those plans, up to the amount currently paid by the City for Blue Cross medical and REMIF dental and vision.

1. The City agrees to pay a maximum dollar amount towards the health premium for employee and dependents as follows:

November 1, 2011 through December 31, 2012

Employee = \$537.00
Employee+1 = \$996.00
Employee+Family = \$1,372.00

M. DEFERRED COMPENSATION

The City shall contribute \$25 per pay period for each employee. It is understood that the \$25 contribution is being made on behalf of the employee and does not require an additional \$25 contribution by the employee.

N. LAY-OFF POLICY

In the case of lay-off, the City agrees to provide three months severance pay. The City also agrees to provide any employee subject to lay-off 90 days of Health Insurance Coverage. This coverage is for Health insurance and not intended to include any insurance provisions in addition to Health coverage.

O. RULES AND REGULATIONS

City of Sonoma Personnel Resolution No. 73-81 (and any subsequent revisions) is incorporated herein and, by reference, is binding except where in conflict with State or Federal law.

P. PROBATION

Personnel covered by this resolution will be subject, upon hire, to a probationary period equivalent to that of their respective departments.

Q. EFFECTIVE DATE

The effective date of the terms of this Resolution shall be November 1, 2011.

PASSED AND ADOPTED as a resolution of the City Council of the City of Sonoma at their regular meeting held on the 7th day of May, 2012 by the following vote:

Ayes:
Noes:
Absent:

Joanne Sanders, Mayor

ATTEST:

Gay Johann, City Clerk

EXHIBIT A

SALARIES FOR NON-REPRESENTED CONFIDENTIAL, EXECUTIVE, MANAGEMENT AND ADMINISTRATIVE POSITIONS

	<u>Step A</u>	<u>Step B</u>	<u>Step C</u>	<u>Step D</u>	<u>Step E</u>
Accountant	4,810	5,051	5,303	5,568	5,847
Assistant City Manager	8,474	8,898	8,343	9,810	10,300
Senior Planner	6,058	6,361	6,679	7,013	7,364
Administrative Services Manager	5,137	5,394	5,664	5,947	6,244
City Clerk/Assist To City Manager	5,899	6,194	6,504	6,829	7,170
Development Services Director/Bldg.Official	7,913	8,309	8,724	9,160	9,618
Planning/Community Services Director	7,913	8,309	8,724	9,160	9,618
Public Works Director	7,913	8,309	8,724	9,160	9,618

CITY OF SONOMA

RESOLUTION NO. 31 - 2007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA ADOPTING TERMS AND CONDITIONS OF EMPLOYMENT FOR NON-REPRESENTED CONFIDENTIAL PERSONNEL AND FOR EXECUTIVE, MANAGEMENT AND ADMINISTRATIVE PERSONNEL

WHEREAS, the City Council of the City of Sonoma wishes to establish terms and conditions of employment for Management and Administrative personnel; and

WHEREAS, the Non-Represented Confidential personnel shall consist of the Accountant job classification; and

WHEREAS, the Executive, Management and Administrative personnel shall consist of the following job classifications:

Executive
Fire Chief **
Assistant City Manager

Management/Administrative
Fire Division Chief
Development Services Administrator
Planning and Community Services Administrator
Public Works Administrator
City Clerk/Assistant to the City Manager
Cemetery Manager/Personnel Assistant
Senior Planner

*** Compensation for the Sonoma Valley Fire and Rescue Authority (SVFRA) Fire Chief is established pursuant to the Management Supervision Agreement between the City of Sonoma, the Valley of the Moon Fire Protection District and the SVFRA. Since the current SVFRA Chief is an employee of the Valley of the Moon Fire Protection District, compensation for this position is not currently included in this resolution.*

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. Non-Represented Confidential Personnel

The terms and conditions of employment for Non-Represented Confidential personnel shall be the same as the terms and conditions of employment established for positions represented by the Sonoma Employees Association and the current Salary Resolution of the City of Sonoma shall accurately reflect the salaries of all Non-Represented Confidential employees as set forth on Exhibit A which is attached hereto and by this reference made a part hereof. Salaries set forth in said Exhibit A shall be effective on the first day of the first pay period of fiscal year 2008, 2009 and 2010

Section 2. Executive, Management and Administrative Personnel

The terms and conditions of employment for Executive, Management and Administrative personnel shall be as follows:

A. SALARY

The current Salary Resolution of the City of Sonoma shall accurately reflect the salaries of all Executive, Management and Administrative employees as set forth on Exhibit A which is attached hereto and by this reference made a part hereof. Salaries set forth in said Exhibit A shall be effective on the first day of the first pay period of fiscal year 2008, 2009 and 2010, except for the position of Fire Division Chief for which salaries shall be effective on the first day of the first pay period of fiscal year 2008 and on January 1, 2008 and January 1, 2009.

As described in Exhibit A, except for the position of Fire Division Chief, a portion of the salary increases in fiscal year 2008 and fiscal year 2009 may be diverted to increases in the City payment of employee health insurance premiums.

B. OVERTIME

This section shall apply only to employees holding the position of Fire Division Chief and not to any other Management positions.

1. Fire Division Chief is considered to be an "Exempt" employee and not normally entitled to overtime.
2. On occasion Division Chiefs may be required to respond out of the jurisdiction of the Sonoma Valley Fire and Rescue Authority to a "State Wide Mutual Aid Incident" covered by the "Five Party Agreement," acting in the capacity of a Strike Team Leader, Task Force Commander, Overhead Member or Trainee. On such occasion, Division Chiefs shall be compensated for all unscheduled emergency duty hours at a rate of one and one-half times (1 1/2) their hourly rate, provided that the City is reimbursed in full for such compensation.
3. On occasion it may become necessary for Division Chiefs to work hours which are in addition to their normal work schedules, at a capacity at or below their current classification. In such cases, the City shall provide a flat fee as payment for those additional hours, provided that said fee shall not exceed the cost that the City would pay to a lower classified employee assigned to this overtime work. An example of this would include: Division Chief coverage on a day the Division Chief would normally be scheduled to be off duty; or engine company coverage to maintain minimum staffing levels, on a day the Division Chief is normally scheduled to be off duty.

C. LONGEVITY

The City shall pay 2.5% to all employees covered by this Resolution who have been employed on a full-time regular basis for a period of 5 consecutive years as regular employees and an additional 2.5% for all employees who have been employed as full time regular employees for a period of 10 consecutive years.

D. RETIREMENT

The City shall pay all costs of the Public Employees Retirement System for all members.

E. SICK LEAVE

Sick leave shall be available and administered according to the rules, regulations and policies established for general City employees.

F. VACATION

Vacation leave shall be available and administered according to the rules, regulations and policies established for general City employees.

G. ADMINISTRATIVE LEAVE

The following classifications shall be entitled to 80 hours of Administrative Leave: Assistant City Manager, Fire Division Chief, Development Services Administrator, Planning and Community Services Administrator, Senior Planner, Public Works Administrator and City Clerk/Assistant to the City Manager. The following classification shall be entitled to 64 hours of Administrative Leave: Cemetery Manager/Personnel Assistant. These Administrative Leave days will be available on the first day of July of each year. Administrative Leave shall not accrue and will not be compensable under any circumstances.

H. SCHEDULING PAID LEAVE

Scheduling leave shall be done in accordance with established City Personnel Policies.

I. HOLIDAYS

Employees covered by this Resolution shall be paid for 12.5 holidays and every day proclaimed by the Mayor as a holiday.

J. JURY LEAVE

Employees called to jury duty should notify the City as soon as they get their notice to appear. Wages will continue while on jury duty provided all jury duty pay is returned to the City.

K. INSURANCE

Employees shall be entitled to all insurance coverage afforded to general employees and in addition shall be provided with life insurance in the amount of \$100,000. If employees elect medical, dental or vision coverage other than the group plans offered by City, City shall pay the premium on those plans, up to the amount currently paid by the City for Blue Cross medical and REMIF dental and vision.

Effective July 1, 2007, the City will pay the following monthly amounts per employee for health insurance or the actual monthly premiums for the selected plan, whichever is lower:

- Employee Only \$356
- Employee + One Dependent \$746
- Employee + Family \$1,066

Effective July 1, 2008 and July 1, 2009, the City's maximum payment for health insurance shall be increased to the same amount as the City payment to employees in the Sonoma Employees Association bargaining unit, except that for the position of Fire Division Chief.

Effective January 1, 2008 and January 1, 2009, the City's maximum payment for health insurance for the position of Fire Division Chief shall be increased to the same amount as the City payment to employees in the Sonoma Professional Firefighters Association bargaining unit effective.

L. UNIFORMS

Replacement of uniforms for Fire Personnel shall be of good quality and will be provided by the City. The City also shall pay the Fire Division Chief position \$375 per year as a uniform

cleaning and maintenance allowance. This will be paid to these positions, if they chose to wear a uniform, in two equal installments on the last day of June and the last day of December.

M. DEFERRED COMPENSATION

The City shall contribute \$25 per pay period for each employee. It is understood that the \$25 contribution is being made on behalf of the employee and does not require an additional \$25 contribution by the employee.

N. LAY-OFF POLICY

In the case of lay-off, the City agrees to provide three months severance pay. The City also agrees to provide any employee subject to lay-off 90 days of Health Insurance Coverage. This coverage is for Health insurance and not intended to include any insurance provisions in addition to Health coverage.

O. RULES AND REGULATIONS

City of Sonoma Personnel Resolution No. 73-81 (and any subsequent revisions) is incorporated herein and, by reference, is binding except where in conflict with State or Federal law.

P. ASSIGNED AUTOMOBILE

A City vehicle will be assigned to the Fire Division Chiefs for City business use.

Q. PROBATION

Personnel covered by this resolution will be subject, upon hire, to a probationary period equivalent to that of their respective departments.

PASSED AND ADOPTED as a resolution of the City Council of the City of Sonoma at their regular meeting held on the 3rd day of October, 2007 by the following vote:

Ayes:	Sanders, Sebastiani, Brown, Barbose, Cohen
Noes:	None
Absent:	None

Stanley Cohen, Mayor

ATTEST:

Gay Rainsbarger, City Clerk

EXHIBIT A

SALARIES FOR NON-REPRESENTED CONFIDENTIAL, EXECUTIVE, MANAGEMENT AND ADMINISTRATIVE POSITIONS

	Step A	Step B	Step C	Step D	Step E
<u>Fiscal Year 2008</u>					
Accountant	4,593	4,823	5,063	5,316	5,583
Assistant City Manager	7,829	8,218	8,626	9,056	9,506
Fire Division Chief	7,106	7,461	7,834	8,226	8,638
Senior Planner	5,735	6,022	6,323	6,639	6,971
Cemetery Manager/Personnel Officer	4,643	4,873	5,113	5,366	5,633
City Clerk/Assist To City Manager	5,370	5,636	5,915	6,209	6,517
Development Services Administrator	7,294	7,656	8,036	8,435	8,855
Planning/Community Services Administrator	7,294	7,656	8,036	8,435	8,855
Public Works Administrator	7,294	7,656	8,036	8,435	8,855
<u>Calendar Year 2008</u>					
Fire Division Chief	7,461	7,834	8,226	8,368	9,070
<u>Calendar Year 2009</u>					
Fire Division Chief	7,834	8,226	8,638	9,070	9,524

Fiscal Year 2009

Salaries for the positions of Accountant and Senior Planner shall be increased by 5%, less whatever amount is diverted to an increase in the City's payment for health insurance premiums pursuant to Section 2K of this resolution:

Salaries for the following position shall be increased by 5%, plus \$50 per month, less whatever amount is diverted to an increase in the City's payment for health insurance pursuant to Section 2K of this resolution:

- Assistant City Manager
- Cemetery Manager/Personnel Officer
- City Clerk/Assistant to the City Manager
- Development Services Administrator
- Planning/Community Services Administrator
- Public Works Administrator

Fiscal Year 2010

Salaries for the positions of Accountant and Senior Planner shall be increased by 5%, less whatever amount is diverted to an increase in the City's payment for health insurance premiums pursuant to Section 2K of this resolution:

Salaries for the following position shall be increased by 5%, plus \$50 per month, less whatever amount is diverted to an increase in the City's payment for health insurance pursuant to Section 2K of this resolution.

Assistant City Manager
Cemetery Manager/Personnel Officer
City Clerk/Assistant to the City Manager
Development Services Administrator
Planning/Community Services Administrator
Public Works Administrator



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5E

Meeting Date: 05/07/2012

Department

Public Works

Staff Contact

Milenka Bates, Public Works

Agenda Item Title

Approve Pets Lifeline 30th Anniversary special event application and authorize suspension of enforcement of Sonoma Municipal Code 8.12.040 (prohibiting dogs in public parks) at Depot Park July 28, 2012 from 8:00a.m. - 5:00p.m.

Summary

Pets lifeline is requesting use of Depot Park and the Plaza Horseshoe pavement Saturday, July 28, 2012 for the commemoration of their 30th Anniversary. The event would be sponsored in conjunction with SVDog, Vintage Kennel, and Canine Behaviorist, Ellen Brantley. The event would include a Pooch Promenade from Depot Park to the Plaza horseshoe pavement where dogs would be judged, and then the dogs would proceed back to Depot Park for the announcement of the winners (dogs will not be allowed inside Plaza Park, only on the Horseshoe pavement). The Event organizers are proposing that Depot Park be the site of the celebration activities such as: Canine Training Exhibitions, Pet Safety Information, Adoption Information, K-9 unit, Spay/Neuter Education and would also feature information on Pets Lifeline's activities and services. Further description of the event is included in the attached application. The Special Event Committee (SEC) which consists of the Police Chief, Fire Captain, Parks Supervisor, and Public Works Director and the Community Services Environment Commission (CSEC) have held a number of dialogues with the event organizers to discuss various scenarios and "what if's". The SEC, CSEC and event organizer have all agreed that the submitted scenario would be the safest of the scenarios reviewed. At the April 11, 2012 CSEC meeting, the commissioners recommended that Council approve the event and suspend enforcement of SMC 8.12.040 (text follows below) for the day of the event, at Depot Park, during the hours of 8:00am to 5:00pm.

8.12.040 Dogs in public parks prohibited.

It is unlawful for the owner or person having control of any dog to suffer or permit the same, under any circumstances, to enter upon any public park or public square, except those specifically designated "Dog Park." (Ord. 2000-5 § 1, 2000).

Recommended Council Action

Approve the CSEC recommendation to approve the event and suspend enforcement of SMC 8.12.040 on July 28, 2012 during the hours of 8:00am to 5:00pm at Depot Park.

Alternative Actions

Provide alternate direction to CSEC and event organizers.

Financial Impact

N/A

Environmental Review

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

Status

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

Attachments: Special Event Application

cc: Nancy King, Executive Director Pets Lifeline via email

RECEIVED

FEB 24 2012



CITY OF SONOMA

City of Sonoma
No. 1 The Plaza
Sonoma CA 95476
(707) 933-2206



PLAZA PERMIT APPLICATION

Name of Event: Pets Lifeline 30th Anniversary Today's Date: 2-2-12

Sponsoring Organization: Pets Lifeline Pooch Promenade

New Event Returning Event Non Profit Tax-exempt organization (Tax Exempt letter required)

Event Contact Person: Nancy King Title: Executive Director

Mailing Address: PO Box 341 Sonoma CA 95476
Street or PO Box City State Zip

Daytime phone: 996-4577 ext 102 Evening phone: _____

Cell Phone: _____ E-mail: nancyking@petslifeline.org FAX: 996-4595

Plaza Area(s) Requested

SE Section NW Section Amphitheater Horseshoe Pavement
 NE Section SW Section Rear Parking Lot

Hours of Use (Include Set-up & Clean-up)

EVENT DATES:	Start Time - Set-Up:	Event Start Time:	Event End Time:	End Time - Tear Down & Clean-up:	Estimated Attendance:
YEAR: 2012					
Date: <u>2/2/12</u>	<u>8:00 AM</u>	<u>11:00 AM</u>	<u>4:00 PM</u>	<u>6:00 PM</u>	<u>200-300</u>
Date:					

THIS SECTION TO BE COMPLETED BY STAFF:

Rental Fees Per Day: For each section and area.	Maintenance Fees: Based on total hours of event.	Refundable Deposits: For each section and area.
# of Days x Fee = \$	# of Sections X Fee	# of Days x Fee x # Sec. \$
<u>X</u> SE Section \$200 <u>Closed - 2012</u>	<u>1</u> X \$75 (1-12 hrs) <u>\$75</u>	<u>1</u> X \$100 (X # Sections) = <u>\$100</u>
<u> </u> X SW Section \$150	<u> </u> X \$150 (12-24 hrs) \$	<u> </u> X \$100 Amphitheater \$
<u> </u> X NE Section \$150 \$	<u> </u> X \$250 (24-36 hrs) \$	<u> </u> X \$100 Horseshoe \$
<u> </u> X NW Section \$150 \$	<u> </u> X \$600 (> 48 hrs) \$	<u> </u> X \$100 Rear Parking-Lot \$
<u> </u> X \$100 - Amphitheater \$	<u> </u> X \$400 (36-48 hrs) \$	
<u>1</u> X \$100 - Horseshoe <u>\$100</u>	PARKING: \$200/DAY + \$20 PER SPACE = \$	
<u> </u> X \$150-Rear Parking Lot \$	PARKING: \$	
<u> </u> X \$50 - Barricades \$	MAINTENANCE + \$	
TOTAL RENTAL FEES: <u>\$100</u>		TOTAL DEPOSIT: <u>\$100</u>

TBA

Application Fee Small scale vs. large scale event (\$149 or \$253)	\$	Park 100-30702	Insurance is required & must be submitted <u>two weeks</u> prior to the event.
Rental Fees	\$ <u>100</u>	Park 100-30702	Insurance provided
Maintenance Fees	\$ <u>75</u>	Park 100-30702	By City Of Sonoma:
Damage Deposits	\$ <u>100</u>	750-22950	Yes <input type="checkbox"/> No <input type="checkbox"/>
Parking Fees	\$	Park 100 30702	
ALCOHOL PERMIT (attach)	\$	Park 100 30702	Other <input type="checkbox"/> Name of your insurance agent:
STREET USE PERMIT (attach)	\$	Encro 100 30203	Ins process fee \$90 100-30702 Insurance 750-22950
TOTAL DUE:	\$ <u>275</u>	Note: Application is incomplete until all fees are paid.	



City of Sonoma
 No. 1 The Plaza
 Sonoma CA 95476
 (707) 933-2206



DEPOT PARK PERMIT APPLICATION

Name of Event: Pets Lifeline 30th Anniversary *Pooch Promenade* Today's Date: 3-19-12
 Sponsoring Organization: Pets Lifeline Type of Event: Pet Parade / Festival / Booths
 (i.e. anniversary, BBQ, festival, car show, concert, art show.)
 New Event Returning Event Non Profit Tax-exempt organization (Tax Exempt letter required)
 Event Contact Person Nancy King Title: Executive Director
 Mailing Address: P.O. Box 341 Sonoma CA 95476
Street of PO Box City State Zip
 Daytime phone: 996-4577 x 102 or 106 Evening phone: _____
 Cell Phone: _____ E-mail: nancyking@petslifeline.org FAX: 996-4595

Date(s) of Event YEAR: <u>7-28-12</u>	Start Time <u>INCLUDE SET-UP</u>	Event Start Time	Event End Time	End Time <u>INCLUDE TEAR DOWN</u>	Estimated Attendance
Date: <u>7-28-12</u>	<u>7:00 AM</u>	<u>8:00 AM</u>	<u>4:00 PM</u>	<u>5:00 PM</u>	<u>200-300</u>
Date: _____	_____	_____	_____	_____	_____
Date: _____	_____	_____	_____	_____	_____

PARK AREAS REQUESTED: Please note that the playground facility is not included in any rental area.

Rental Fees Per Day = # Days X Fee Days	DESCRIPTION	Refundable Deposits = # Days X Fee Days
<input checked="" type="checkbox"/> Picnic Area \$75 <u>\$75</u>	Southwest Area, extends from First Street West to the south entry walkway of the Depot Museum	<input checked="" type="checkbox"/> Each Area \$50 <u>50</u>
<input checked="" type="checkbox"/> Gazebo Area \$75 <u>\$75</u>	Southeast Area, includes the gazebo & extends from 1st Street East south to the bike path to the south entry walkway of the Depot Museum	<input checked="" type="checkbox"/> Each Area \$50 <u>50</u>
<input type="checkbox"/> Gazebo Only \$25 _____	Use of Gazebo only	<input type="checkbox"/> Each Area \$50 _____
<input checked="" type="checkbox"/> Volleyball Area \$20 <u>\$20</u>	Volleyball Area, northeast area	<input checked="" type="checkbox"/> Each Area \$50 <u>50</u>
<input checked="" type="checkbox"/> Parking Lot \$25 <u>\$25</u>	Parking Lot	<input checked="" type="checkbox"/> Each Area \$50 <u>50</u>
Total Rental Fees: <u>195</u>		Total Deposit: <u>200</u>

Application Fee Small scale vs. large scale event (\$140-\$253)	\$ <u>253</u>	Park 100-30702	Insurance is required & must be submitted <u>two weeks</u> prior to the event.
Rental Fees	<u>195</u>	Park 100-30702	Insurance Provided
Damage Deposits	<u>200</u>	750-22950	By City Of Sonoma:
ALCOHOL Permit <u>(attach)</u> (if alcohol is sold during event)		Park 100 30702	Yes <input type="checkbox"/> No <input type="checkbox"/>
STREET USE Permit <u>(attach)</u> (for street closures)		Encro 100 30203	Other <input type="checkbox"/>
TOTAL DUE:	<u>648</u>		Ins process: \$90 100-30702 Ins 750-22950

Date Paid: _____ Check #: _____ Receipt #: _____ Insurance Received: _____

Approved as a small scale event, no further review necessary: Date: _____ Approved by: _____

Schedule for review by the Special Event Committee and CSEC

Post Event CSEC Meeting Date: _____ (no more than 90 days after the event)

PROVIDE A COMPLETE DESCRIPTION OF THE EVENT: Attach additional sheets as necessary. Include the number, type, size and material of all structures, furniture, trailers, tents, canopies, booths, BBQs, generators, cookhouses, stages, tables, chairs, signs, vendors, etc.

Please see attached

EVENT COMPONENTS: (Please indicate which of the following components are included in your event)

- | | | |
|---|--|--|
| <input type="checkbox"/> Use of City Streets * | <input type="checkbox"/> Barricades Needed | <input type="checkbox"/> Electricity Needed |
| <input type="checkbox"/> Publicity Banners or Signs | <input checked="" type="checkbox"/> Booths or Other Temporary Structures | <input checked="" type="checkbox"/> Amplified Sound or Music |
| <input checked="" type="checkbox"/> Alcohol Served ** | <input checked="" type="checkbox"/> Food Vendors | <input type="checkbox"/> Food cooked at site |
| <input type="checkbox"/> Canopies or Tents (stakes) *** | <input checked="" type="checkbox"/> Admission Charge <i>Registration fee</i> | <input type="checkbox"/> Other (****described below) |

* Use of City Streets - Requires approval by the City Council. Submit a completed Permit Application for Use of City Streets along with your Use Application. Requests to close some portion of Highway 12 (Broadway, West Nap Street, and/or Sonoma Highway) must also be approved by Caltrans.

** Alcohol Served - Requires approval by the Police Chief and the City Manager. Submit a completed Permit Application for Possession and Consumption of Alcoholic Beverages on City Property along with your Plaza Use Application.

*** Stakes - Due to underground utilities, no metal, wood, or any type of stake shall be driven into the lawn area without authorization from the Public Works Department.

**** Applicant - Must arrange and attend a pre-event site inspection with Parks Foreman (707)-933-2239

PROPOSED BUDGET: Please attach your proposed budget (income and expenses). _____

SECURITY PLAN: Please describe your Security Plan. Attach additional sheets as needed.
Trained volunteers or service organization will provide security

ACCESSIBILITY PLAN: Please describe your Accessibility Plan. Attach additional sheets as needed.
N/A

RECYCLING PLAN: *See attached*

DEPOT PARK EVENT MAP: On the attached map of Depot Park indicate the location of all major features and activities associated with the event. Include the location of barricades, first aid facilities or ambulances, stages, platforms, canopies, tents, portable toilets, booths, beer gardens, cooking areas, trash containers, dumpsters, generators, vehicles, trailers, exit locations, etc.

Applicant Agreement: I, the undersigned, as applicant or on behalf of the applicant, signify that the information provided on this application is true and correct and hereby accept full responsibility for any breakage or damage to property or building, and for department and conduct of those attending the function for which the facility is requested. I agree to indemnify, defend, and hold harmless the City of Sonoma, its officer, officials, employees and volunteers from and against all claims, damages, losses and expenses including attorney fees arising out of the negligent act or omission of myself, any agent, anyone directly or indirectly by them or anyone for whose acts by them may be liable, except where caused by the active negligence, sole negligence or willful misconduct of the City. If permission is granted, I, or my representative agrees to be present during the entire use of the facility. This agreement requires that the City of Sonoma be named as "an additionally insured" and that the applicants insurance apply on a primary and non-contributory basis, over any coverage the city of Sonoma may have. My signature below signifies that I agree to abide by all of the conditions of this application, the Special Event Use Policy and of any contract issued based on this application. I also agree to pay to the City of Sonoma all costs the City may incur as a result of any failure to comply with all of these conditions including damages due to failure to leave the premises in rentable condition.

Pets Lifeline 30th Anniversary Celebration: Pet Promenade July 28, 2012

Location: Depot Park and Plaza Horseshoe

Time of Event: Registration & Check in 8-11AM

Line-up for Parade: 11AM- 11:30 AM

Parade from Depot Park to Plaza Horseshoe 11:30AM

Horseshoe Judging 12PM-12:30PM

Depot Park Festivities may include: Canine Training Exhibitions, Live Music, Food Booths, Beverage Booths, Animal Artists, Pet Supply Vendors, Animal Behaviorists, Pet Photo, Humane Education, Pet Safety Information, Adoption Information, Spay/Neuter Education, Pets Lifeline Information and Services.

Pooch Promenade is a celebration of dogs and their humans for one day only with festivities in Depot Park. The event will commemorate the 30th Anniversary of Pets Lifeline and is sponsored in conjunction with SVD OG, Vintage Kennel and Canine Behaviorist, Ellen Brantley. The day will feature a Pooch Parade and "Best in Show" dog contest commencing in Depot Park, continuing through town on the sidewalk to the Plaza Horseshoe for the judging, and then returning to Depot Park for the announcing of results and prizes. Dogs will be judged by local celebrity guest judges in categories such as waggiest tail, saddest eyes, cutest costume, best trick, longest ears, best drooler, and wettest nose. Depot Park will be the site of proposed activities such as: *Canine Training Exhibitions, Live Music, Food Booths, Beverage Booths, Animal Artists, Pet Supply Vendors, Animal Behaviorists, Pet Photos, Humane Education, Pet Safety Information, Adoption Information, K-9 unit, Spay/Neuter Education, Pets Lifeline Information and Services.* Temporary fencing or barricades may be set up to designate pet activity and agility demonstration areas and people/food/shopping activity areas.

Appropriate security, pet refuse patrol, registration, and dog vaccination verification volunteer teams will be assigned to the appropriate stations.

BBQ style food and wine and beer vendors are proposed for canopied booth set-ups. Food and drink will require ticket purchase.

Signage for registration, check-in, and event points of interest will be used and removed at close of event. Appropriate pricing signs for food and drink purchase will be used.

Recycling Plan:

In addition to supplying the appropriate number of recycling and waste receptacles for the scope of this event, we will try to supply drinking stations for dogs and discourage the use of plastic water bottles.

We will educate volunteers on the plans for separation of recyclables, food, and trash waste with an orientation meeting on the subject prior to the event.

We will provide an ample supply of pet bags and have a "scoop patrol" volunteer helping pet owners at all times with this duty.

Conditions for 2012 Pet lifeline 30th Anniversary

General

Event will provide Insurance verification of Two Million and Additionally Insured Endorsement Certificate

A Medic will be onsite during the Festivities

If a Dog shows signs of agitation or aggressiveness they will be removed from the area by the owner.

Informational packets will be provided to participants when they register their dog.

All dogs that will be entered in the Pooch Promenade will be registered for the event by owner of 18 or older and:

- Provide copy of up to date vaccinations
- Keep under control at all times by owner
- Will not be allowed off leash

For the Pooch Promenade, routes will be delineated to direct dogs/owners where to walk. Pets Lifeline will provide volunteer monitors stationed strategically so no one takes a shortcut through the Plaza.

All owners will be responsible for the dogs poop pickup, Pets Lifeline to have at least 35 volunteers for various tasks, and will be vigilant on poop patrol.

Public Works

Meet with Park Supervisor two weeks prior to event; contact Terry Melberg at 707-933-2239

Provide Restroom Monitors and be responsible for restroom clean-up and re-stocking of supplies.

Submit Waste and Recycling Plan; ensure no Styrofoam is used by vendors. Contact Sonoma Garbage to order additional containers (contact Parks Supervisor to discuss)

Contact SCTA (707-565-5373) to notify relocation of bus stop in Plaza from 10:00am – 1:00pm

Vendors using Tents are not allowed to stake into turf, units must be weighted down.

Fire

Maintain emergency access in Plaza

All food vendors that are cooking must have Fire extinguisher

No cooking in Tents, vendors that are preparing food must maintain a safety barrier from the Public

Medic to be on hand in case of injury

Police

Police to be able to coordinate table for CSO regarding pet licensing and registration

Dogs must be leashed at all times

Dogs must be controlled by responsible adult at all times

Dogs are not allowed to be walked through Plaza Park

Suspension of Enforcement is for Depot Park during date/time of event only

Aggressive, unruly, and dogs that are excessively barking will be asked to leave Plaza and or Depot park



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5F

Meeting Date: 5/7/2012

Department

Administration

Staff Contact

Carol E. Giovanatto, Assistant City Manager

Agenda Item Title

Authorize Request for Proposals for issuance of Pension Obligation Bonds

Summary

Since 1968, the City has contracted with the California Public Employees Retirement System (CalPERS) to provide retirement benefits for all full-time sworn public safety employees (Safety Plan) and for all other full-time employees (Miscellaneous Plan). In 2003 CalPERS created a risk pooling approach ["side fund"] for smaller agencies [less than 100 employees] to reduce the volatility of employer contribution rates. The "side fund" is charged an interest rate by CalPERS which is currently 7.50%. The City has the option of issuing pension obligation bonds [POBs] at a lower interest rate than the current obligation to CalPERS. This does not create a new obligation for the City, rather refinances an existing obligation to CalPERS in much the same manner as other City bonds. Based on market rates [currently 4.60%], the City could realize an annual saving of approximately \$40,000.

Staff is recommending that the City initiate the process to solicit proposals for the issuance of Pension Obligation Bonds to assist in reducing CalPERS costs. Proposed timeline as follows:

Council direction to issue RFP	May 7th
Issue RFP	May 10
Council award of Contract to Bond Agency	June 4
Sale of Bonds	July 2
Validation/Receipt of Revenue	Approximately 120-130 days

Recommended Council Action

Authorize staff to issue a Request for Proposals for issuance of Pension Obligation Bonds.

Alternative Actions

Request additional information.

Financial Impact

The issuance of POB's could save approximately \$40,000 in CalPERS costs based on the reduction in interest rate.

Environmental Review

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

Status

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

Attachments:

cc:



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5G

Meeting Date: 05/07/2012

Department

Planning

Staff Contact

David Goodison, Planning Director

Agenda Item Title

Adoption of a resolution denying the appeal of Kevin and Bernadette Calhoun regarding Planning staff's interpretation of the provisions of an easement pertaining to 19725 Seventh Street East (confirming the City Council action of April 16, 2012).

Summary

The property located at 19725 Seventh Street East, although located outside of city limits, is subject to an 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 in previous packet) 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 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 a written finding of compliance, which was shared with interested neighbors. With specific reference to the relocation of the stable, this staff finding was appealed to the City Council by Kevin and Bernadette Calhoun (714 Appleton Way). The City Council held a public hearing on the appeal at its meeting of April 16, 2011. At the conclusion of the hearing, the Council voted 4-0 (Mayor Sanders absent) to direct staff to prepare a resolution denying the appeal.

Recommended Council Action

Adopt resolution.

Alternative Actions

N.A.

Financial Impact

N.A.

Environmental Review

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

Status

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

Attachments:

1. Resolution.
-

cc:

Easement appeal mailing list (via email)

CITY OF SONOMA

RESOLUTION NO.

A RESOLUTION OF THE SONOMA CITY COUNCIL DENYING THE APPEAL OF KEVIN AND BERNADETTE CALHOUN OF THE PLANNING STAFF'S FINDING THAT THE PROPOSED RELOCATION OF A STABLE ON PROPERTY LOCATED AT 19725 SEVENTH STREET EAST IS CONSISTENT WITH THE TERMS OF A DEED OF EASEMENT RECORDED ON SAID PROPERTY

WHEREAS, on March 11, 1985, the City Council, pursuant to Resolution #15-85, accepted two easements on the property located at 19725 Seventh Street East: 1) an easement intended to accommodate a bypass channel project, and 2) an easement entitled "Deed of Easement"; and,

WHEREAS, both easements were required as conditions of approval for the Laurel Wood Subdivision, a 16-lot residential development approved for the western portion of the property located at 19725 Seventh Street East, leaving a 4.64-acre remainder portion that was not annexed to the City of Sonoma; and,

WHEREAS, the bypass channel easement encompassed the westernmost 150-foot segment of the remainder portion and the Deed of Easement encompassed the entirety of the remainder portion (sometimes referred to as the "subject property"); and,

WHEREAS, pursuant to Resolution 75-90 the bypass channel easement was subsequently vacated by the City Council due to the decision of the Sonoma County Water Agency to cancel the bypass channel project that the easement was intended to accommodate; and,

WHEREAS, the Deed of Easement, which remains in effect, provides, among other things, that the owners of the subject property and their successors in interest shall not (i) erect, permit or construct anything on the subject property for human habitation which would increase dwelling density, excluding the then existing structures, and (ii) grade or excavate the subject property without obtaining the prior written consent of the City of Sonoma in order to assure that limitations of the easement are enforced; and,

WHEREAS, City Council Resolution #8-84, by which the Deed of Easement was required, includes the following provision with respect to the purpose of the easement: "*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*"; and,

WHEREAS, the restrictions on the use of the subject property as set forth in the Deed of Easement are as follows:

- A. ". . . the grantors [the Dowds] 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." ...
- B. "[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 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." ...
- C. "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.” ...

and,

WHEREAS, the Deed of Easement specifically acknowledges and permits the existence of buildings and improvements on the property at the time of its recordation; and,

WHEREAS, the Deed of Easement does not establish any setbacks or zones of special control but rather applies its provisions equally to the whole of the subject property; and,

WHEREAS, the current owner of the subject property submitted a proposal to the City that included the relocation of an existing stable on the property approximately 319 feet to the west of its current location and 60 feet to the east of the subject property's western boundary. The new stable at its proposed new location will be the same size as the existing stable; and,

WHEREAS, after reviewing this proposal in light of the provisions of the Deed of Easement, Planning staff issued a written finding that said proposal was consistent with and permitted under the easement; and,

WHEREAS, this finding was appealed to the City Council by Kevin and Bernadette Calhoun, based on the following assertions:

- A. That 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 subject property, encumbered by the easement.
- B. 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.
- C. That the placement of the stable on what is currently undeveloped land adversely affects the value and character of their property.
- D. That the placement of the stable is inconsistent with the purposes of the easement, which, as informed in their view by the Environmental Impact Report prepared for the Laurel Wood Subdivision and other descriptions of the easement reflected in the record of the proceedings leading up to the acceptance and recordation of the easement, was to prohibit any development in the western 150 feet of the remainder parcel.

and,

WHEREAS, the City Council considered the appeal in a duly noticed public hearing held April 16, 2012.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sonoma hereby finds and determines as follows:

- A. Notwithstanding any representations regarding the effect of the Deed of Easement which may have been made by City staff, real estate agents, persons associated with the Laurel Wood development, or anyone whatsoever, said representations are not binding on the City and where, as here, the meaning of the easement can be ascertained from the language used in the easement, the meaning and terms of the Deed of Easement and the consistency of any proposed use of the subject property with the same may be determined through reference to the easement language itself.

- B. Gleaned from the easement language itself, the primary purpose of the easement is to prohibit (i) the construction of additional dwelling units and (ii) any increase in the dwelling density on the subject property. Indeed, in its Resolution No. 8-84, by which the City Council imposed the obligation on the former owners of the subject property to grant to the City the easement here in issue, the City Council articulated its purpose as “*guaranteeing that no additional dwelling units be constructed*” on the subject property. Because the stable is not designed or intended for human habitation it will not increase the “dwelling density” of the subject property.
- C. The easement covers the entirety of the remainder portion of the subdivision. At the time of the grant of the easement, the subject property contained structures and improvements being used for the following uses: residential, horse stables, shed and garage. The easement expressly permits the continued utilization of the subject property for the dwelling units extant at the time the easement was granted. Moreover, there is nothing in the easement that prevents the subject property from continuing to be used for the other purposes for which it was being used at the time of the grant and the parties to the easement have never acted otherwise. 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).
- D. Because the stable existed on the property at the time the Deed of Easement was granted, it is considered and deemed to be permitted by the terms of the easement and to be compatible with neighboring properties.
- E. Because the stable is a constructed building with a foundation, it is not considered to be “moveable property”, despite the fact that it is proposed to be relocated. Moreover, the easement’s prohibition against the “deposit of movable property upon the said property” does not apply to livestock and animals because livestock and animals were located on the subject property at the time the easement was granted to the City, and uses existing on the property at the time of the grant of the easement are allowed under the easement.
- F. The Deed of Easement makes no reference to a 150-foot setback or any other building prohibition operative in the western 150 feet of the subject property. References to a 150-foot setback (building prohibition) in the Environmental Impact Report prepared for the Laurel Wood Subdivision pertain to the bypass channel easement, which was vacated by City Council Resolution on 1990 and is therefore no longer in effect.
- G. The recitals are incorporated herein by this reference.
- H. For the reasons and findings stated above, the Council determines that the terms and conditions of the Deed of Easement permit and do not prohibit the relocation of the stable as proposed by the current owner and the appeal of the staff determination of consistency with respect to the relocation of the stable is hereby denied.

The foregoing Resolution was duly adopted this 7th day of May 2012, by the following roll call vote:

AYES:
 NOES:
 ABSENT:

 Joanne Sanders, Mayor

ATTEST:

 Gay Johann, CMC
 City Clerk



City of Sonoma
City Council/Successor Agency
Agenda Item Summary

City Council Agenda Item: 6A

Meeting Date: 05/07/2012

Department

Administration

Staff Contact

Gay Johann, City Clerk

Agenda Item Title

Approval of the portions of the Minutes of the January 12, 2012, January 30, 2012, February 22, 2012, February 22, 2012 Special, and April 16, 2012 City Council / Successor Agency Meetings pertaining to the Successor Agency.

Summary

The minutes have been prepared for Council review and approval.

Recommended Council Action

Approve the minutes.

Alternative Actions

Correct or amend the minutes prior to approval.

Financial Impact

N/A

Environmental Review

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

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

See Agenda Item 5B for the minutes



City of Sonoma
City Council
as Successor Agency
Agenda Item Summary

City Council Agenda Item: 6B

Meeting Date: 5/7/12

Department

Administration

Staff Contact

Linda Kelly, City Manager

Agenda Item Title

Authorization for Successor Agency to enter into an agreement with Marilyn Pinelli Gallagher Trust, on behalf of Royal Crown Cleaners, for groundwater monitoring wells associated with 32 Patten Street, Sonoma

Summary

The property at 32 Patten Street was once the location of underground fuel storage tanks. The site has been the subject of groundwater monitoring for several years with respect to the levels of toxin contaminants remaining in the soil. The Sonoma County Department of Health Services (DHS) has approved a Remedial Action Completion Certification pending the proper destruction of the monitoring wells and soil vapor probes associated with the site. The County DHS has also indicated that the dry cleaners site on Broadway (Royal Crown Cleaners) may want to assume ownership/responsibility for selected monitoring wells.

Representatives of Royal Crown Cleaners are drafting an agreement for the assumption of these wells to take place. Staff and legal counsel will complete their review of the agreement and present the agreement to Council at or before the Council meeting of May 7, 2012. At the time of writing this report, it was unclear whether the Oversight Board needed to approve such an agreement of the Successor Agency.

Recommended Council Action

Authorize Successor Agency to enter into agreement.

Alternative Actions

Do not authorize, and thus not comply with suggestion of Sonoma County Department of Environmental Health and the San Francisco Bay Regional Water Quality Control Board.

Financial Impact

Cost savings of \$5,000 to \$10,000 through transferring the cost to destroy the wells from the Successor Agency to Royal Crown Cleaners.

Environmental Review

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

Status

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

Attachments:

Letter from City of Sonoma Successor Agency contractor, Conestoga-Rovers & Associates (the agreement referred to in the letter is not attached as it is still under development as of the writing of this report)

cc:



MEMORANDUM

TO: Linda Kelly - City of Sonoma REF. NO.: 131554
FROM: Jacquelyn England  DATE: May 2, 2012
CC:
RE: Well ownership transfer

Ms. Kelly:

Per the April 12, 2012 Sonoma County Department of Health Services letter, a Remedial Action Completion Certification will be granted to the City of Sonoma for the former Sonoma Fire Station upon proper destruction of the monitoring wells and soil vapor probes associated with the site. The April 2012 letter also indicates that the dry cleaner site on Broadway (Royal Crown Cleaners) may want to assume ownership/responsibility for selected monitoring wells at the City of Sonoma site to monitor their groundwater contamination plume.

We have been contacted by the consultant for the Royal Crown Cleaners who has indicated they want to assume ownership/responsibility for onsite monitoring well MW-3R and offsite monitoring wells MW-5 and MW-6.

Transferring ownership of the monitoring wells to the Royal Crown Cleaners has the following benefits:

- The cost to destroy the wells will be assumed by Royal Crown Cleaners. These costs would likely range from \$5,000 to \$10,000 for the three wells to be transferred.
- The oversight agencies have requested that the City of Sonoma work with the Royal Crown Cleaners, and transferring ownership will comply with this request and show general goodwill and cooperation.
- If the wells are not transferred, and the Royal Crown Cleaners is required at a later date to reinstall wells in the same general location, the neighboring properties are inconvenienced by this work, in addition to the inconvenience of destroying the wells now and again in the future.

Transferring ownership has the following downsides:

- For the offsite wells:
 - There is not really any downside to transferring offsite well ownership that outweighs the cost-saving of not destroying the wells.
 - However, the City of Sonoma will need to ensure that ownership and responsibility of the wells is properly transferred to the Royal Crown Cleaners with any and all permitting agencies. This ensures that should the wells cause any future damage or injury, that responsibility lies with Royal Crown Cleaners, and not the City of Sonoma. A properly executed transfer agreement can limit this liability, as can ensuring that the Royal Crown Cleaners provide proof of notifications to permitting agencies regarding the ownership and liability transfer.

- For the onsite well:
 - The Royal Crown Cleaners will own well MW-3R installed on the 32 Patten Street property, and the City of Sonoma will not be able to destroy well MW-3R without working with the Royal Crown Cleaners. Should any redevelopment occur requiring the removal of well MW-3R, the City will need to work with the Royal Crown Cleaners to accomplish this task.
 - The City of Sonoma will also need to grant access to the Royal Crown Cleaners for continued maintenance, sampling, and eventual destruction of onsite well MW-3R.
 - Should the property be sold in the future, the new property owner will need to work with the Royal Crown Cleaners to grant access to well MW-3R.
 - The well may potentially remain in place until case closure is received by the Royal Crown Cleaners, which could take several years or even decades.
 - A properly executed transfer agreement can limit these downsides. For example, the City can require in the agreement that if the property is sold or redeveloped, that Royal Crown Cleaners agree in advance to properly destroy the well regardless of the status of their environmental case. The City of Sonoma can also require that Royal Crown Cleaners maintain a bond for the cost of destroying well MW-3R, in the event that a dispute arises, and the well needs to be destroyed.
 - Another option is to offer to transfer only the offsite wells.

I've included a draft transfer agreement prepared by the consultant for the Royal Crown Cleaners, and I've added some suggested language and comments on where the agreement can be made more robust to address the downsides noted above. Note that this agreement includes transfer of both the offsite well and the onsite well, and will need to be amended should the City decide to transfer only the offsite wells.

The well destruction activities are currently scheduled for the week of May 21st, so it would be best to make a decision and start discussions with Royal Crown Cleaners regarding the transfer agreement before May 11th, to limit the affect of any scope of work changes on the scheduled subcontractors.

Please feel free to contact me if you have any additional questions or need more information.

Jacquelyn L. England, PG
Conestoga-Rovers & Associates (CRA)
19449 Riverside Drive, Suite 230
Sonoma, California 95476

Direct: 707.933.2370
Office: 707.935.4850
Fax: 707.935.6649
Cell: 707.732.0027
Email: jengland@CRAworld.com

LEGEND

- SOIL BORING LOCATION
 - ▲ SOIL VAPOR PROBE LOCATION
 - ⊕ FORMER SONOMA FIRE STATION MONITORING WELL LOCATION
 - ⊗ DESTROYED WELL LOCATION
 - SHELL-BRANDED STATION MONITORING WELL LOCATION
-
- ▭ INITIAL EXCAVATION AREA
 - ▭ 1ST EXPANSION AREA
 - ▭ 2ND EXPANSION AREA
 - ▭ 3RD EXPANSION AREA

³ = wells to transfer to Dry Cleaners

~~⊕~~ = ³ wells, ⁶ probes to be destroyed

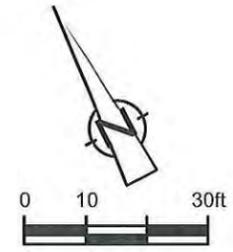
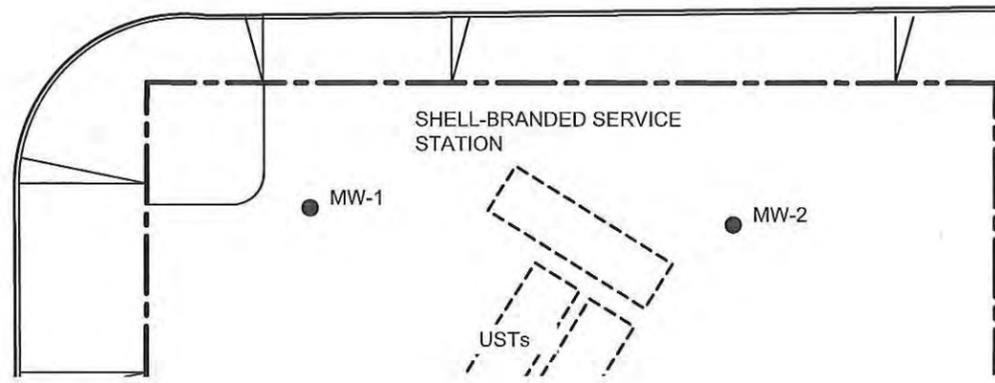
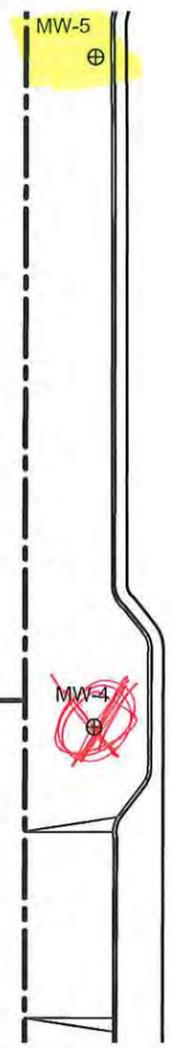
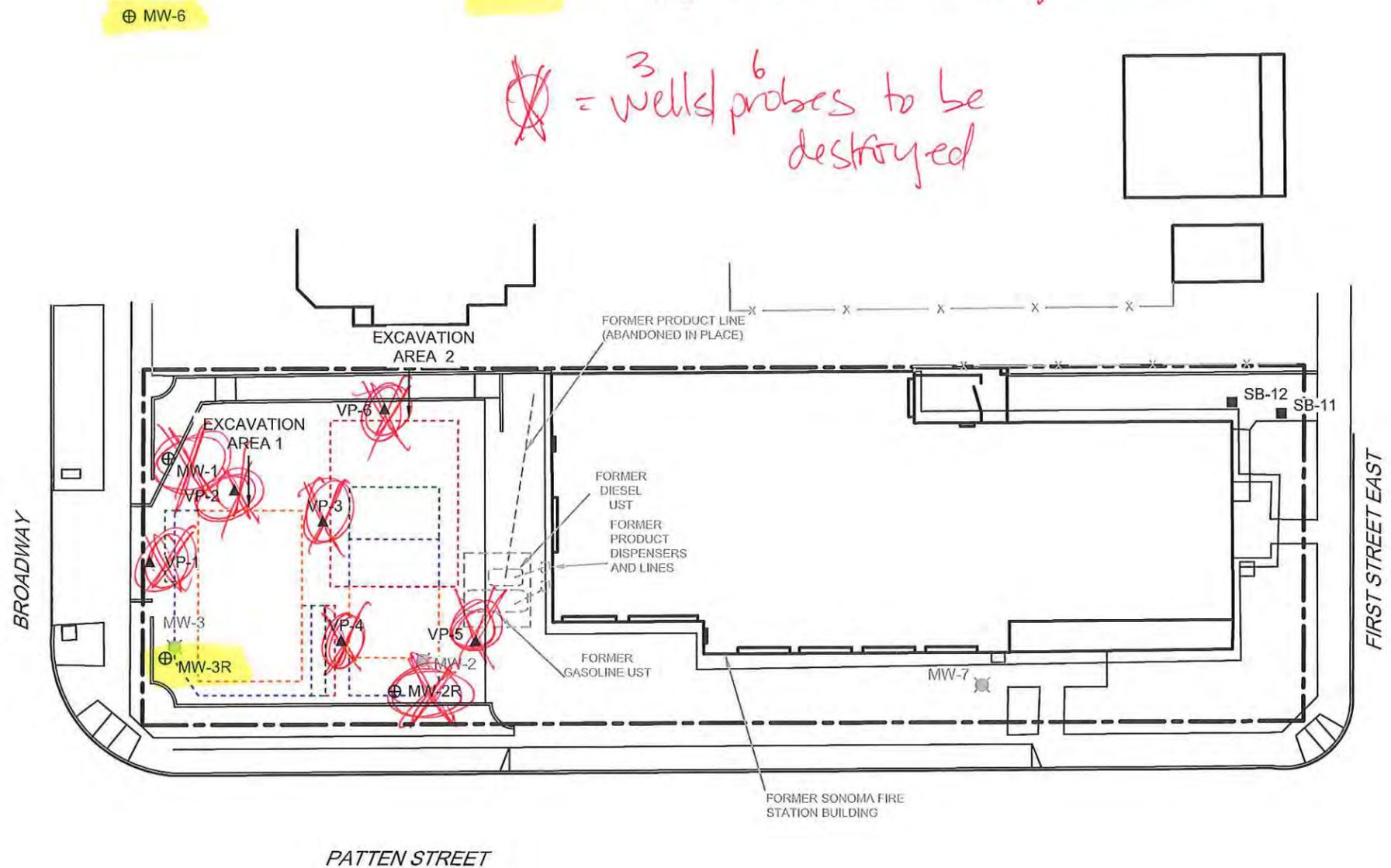


figure 2
SITE PLAN

FORMER SONOMA FIRE STATION
32 Patten Street, Sonoma, California

SOURCE: FORMER SONOMA FIRE STATION MONITORING WELLS MW-1 THRU MW-7 LOCATIONS BASED ON VIRGIL CHAVEZ SURVEY DATED 11/19/03, MW-2R, MW-3R, VP-1 THROUGH VP-6 DATED 12/21/10, CA STATE COORDINATE SYSTEM, ZONE II (NAD83), BENCHMARK ELEVATION = 84.89 FEET (NGVD 29).



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 8A

Meeting Date: 5/7/12

Department

Administration

Staff Contact

Linda Kelly, City Manager

Agenda Item Title

Conduct of public meeting to allow public testimony regarding the proposed new assessment upon the formation of the Sonoma Tourism Improvement District

Summary

At the City Council meeting of April 2, 2012, the City Council adopted a Resolution of Intention to form a Tourism Improvement District (TID) for a period of three years (July 1, 2012 – June 30, 2015). Following the meeting of April 2, notices regarding the Public Meeting of May 7, 2012 and the Public Hearing of June 18, 2012 were mailed to all lodging establishments in City limits in accordance with the law governing the formation of Tourism Improvement Districts.

The purposes of the Sonoma Tourism Improvement District (STID) include creating a funding mechanism for enhanced marketing of Sonoma as an overnight destination with the intent of increasing occupancy rates, the number of visitors to Sonoma and their length of stay. This could also have beneficial effects on retail establishments and should ultimately have a positive impact on the amount of Transient Occupancy Tax and Sales Tax received by the City of Sonoma. Details of the purposes of the STID are included in the attached Management District Plan.

In accordance with the attached calendar of events, the City Council public meeting is to be held on May 7, 2012, for the purpose of allowing public testimony regarding the proposed new assessment of 2% on all overnight stays in the City of Sonoma lodging establishments (hotels, bed and breakfast inns and vacation rentals).

The STID proponents have indicated that their motivation to form a TID is to provide a mechanism for a strong and sustainable marketing program for tourism promotion, and to alleviate the funding uncertainty for the Sonoma Valley Visitors Bureau in the wake of the dissolution of redevelopment and its impact on the City's budget and outcomes on the contracts of the former Sonoma Community Development Agency.

The assessments would represent approximately \$440,000 per year in collections. The Board of the STID's non-profit corporation would have the authority to determine the expenditures of the STID assessment funding within the general budget categories established in the STID's annual report, which is subject to the approval of the City Council. The City would be responsible for collecting the assessments from the lodging businesses and remitting the assessments to the non-profit corporation.

Next steps in the process:

- The public hearing is scheduled for June 18, 2012, at which time the City Council could adopt the Resolution of Formation.
 - If formed, the STID would be implemented July 1, 2012.
-

Recommended Council Action

Conduct public meeting and receive public testimony regarding the proposed District; provide direction to staff if appropriate.

Alternative Actions

Continue or cancel public meeting.

Financial Impact

The total TID annual assessment estimate based on current year's budgeted TOT revenue of \$2.2M would be \$440,000. The funding would be controlled by the non-profit corporation and would be used for the purposes and activities described within the STID's annual report which is subject to approval of the City Council.

Staff and legal costs incurred in the formation of a TID are reimbursable once the TID is formed. Staff has kept track of costs since the research on this issue commenced last summer.

The Management District Plan of the STID provides that all of the City's costs related to the STID will be fully recovered through the collection of assessment funds. Initially, the Plan applies 1% of the total assessments collected as the City's collection and administrative costs. However, after the first year the percentage to be applied to the assessments for full recovery of the City's costs is determined on an annual basis by the actual costs incurred by the City.

Environmental Review

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

Status

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

Attachments:

- Minutes of April 2, 2012 regarding Council adoption of Resolution of Intention
 - Calendar of Events for Tourism Improvement District
 - Resolution of City Council declaring its intention to establish the STID
 - Sonoma Tourism Improvement District Management District Plan
 - Notice of Public Meeting and Public Hearing concerning the establishment of STID
-

cc: Bill Blum (MacArthur Place), Dave Dolquist (The Lodge), Norm Krug (Best Western Sonoma Valley Inn), and Dan Parks (Inn at Sonoma)

April 2, 2012

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

Item 9B: Formation of a Tourism Improvement District, Continued

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.

Cm. 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, Cm. Brown dissented.

City of Sonoma

Tourism Improvement District

Formation Schedule

(Based on hoteliers' proposal)

Date/deadline	Event	Comments
April 2, 2012	Council adoption of Resolution of Intention	Resolution No. 18-2012 adopted (4-1 vote)
April 6, 2012	Mail joint notice of a public meeting and a public hearing	City Clerk to mail to lodging businesses (mailed 4/4/12)
May 7, 2012 (Councilmember Rouse absent)	Public Meeting	Public meeting must be held at least 10 days after the date the notice is deposited in the mail.
June 18, 2012	Public Hearing Council adoption of Resolution of Formation	Public hearing based on 45-day noticing period. Must be held at least 7 days after the public meeting.
TBD (Hoteliers propose July 1, 2012)	Begin collecting assessment	

CITY OF SONOMA

RESOLUTION NO. 18 - 2012

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

WHEREAS, the Property and Business Improvement Law of 1994, Streets and Highways Code § 36600 et seq., authorizes cities and counties to establish property and business improvement districts for the purposes of promoting tourism.

WHEREAS, Sonoma lodging businesses, members of the business community, and representatives from the City of Sonoma have met to consider the formation of the Sonoma Tourism Improvement District (STID).

WHEREAS, Sonoma lodging businesses have drafted a Management District Plan which sets forth the proposed boundary of the STID, a service plan and budget, and a proposed means of governance.

WHEREAS, a majority of the lodging business owners subject to assessment under the STID have petitioned the City Council to establish the STID.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT:

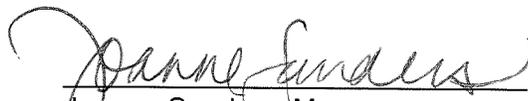
1. The recitals set forth herein are true and correct.
2. The City Council finds that the lodging businesses that will pay more than fifty percent (50%) of the assessment proposed in the Management District Plan have signed and submitted petitions in support of the formation of the STID. The City Council accepts the petitions and adopts this resolution of intention to establish the STID and to levy an assessment on certain lodging businesses within the STID boundaries in accordance with the Property and Business Improvement District Law of 1994.
3. The City Council finds that the Management District Plan satisfies all requirements of Streets and Highways Code § 36622.
4. The City Council declares its intention to establish the STID and to levy and collect assessments on lodging businesses within the STID boundaries pursuant to the Property and Business Improvement District Law of 1994.
5. The boundaries of the STID shall be the boundaries of the City of Sonoma. Please see the attached map, incorporated herein as Exhibit A.
6. The name of the district shall be the Sonoma Tourism Improvement District (STID).
7. Annual assessment rates are 2% of gross short term (stays of 30 days or less) room rental revenue on lodging businesses. Based on the benefit received, assessments will not be collected on stays of more than thirty (30) consecutive days, nor on stays by federal or state

employees on official business, nor on stays by any officer or employee of a foreign government on official business. Assessments pursuant to the STID shall not include room rental revenue resulting from stays pursuant to contracts executed prior to July 1, 2012.

8. The assessments levied for the STID shall be applied toward sales promotion and marketing programs to market Sonoma lodging businesses as overnight tourist, meeting and event destinations, and for other services as set forth in the Management District Plan. Funds remaining at the end of any year may be used in subsequent years in which STID assessments are levied as long as they are used consistent with the requirements of this resolution.
9. The STID will have a three-year term unless renewed pursuant to Streets and Highways Code §36660.
10. Bonds shall not be issued.
11. The time and place for the public meeting on establishment of the STID and the levy of assessments are set for May 7, 2012, at 6:00 p.m., or as soon thereafter as the matter may be heard, at the Community Meeting Room, located at 177 First Street West, Sonoma, CA 95476.
12. The time and place for the public hearing to establish the STID and the levy of assessments are set for June 18, 2012, at 6:00 p.m., or as soon thereafter as the matter may be heard, at the Community Meeting Room, 177 First Street West, Sonoma, CA 95476. The City Clerk is directed to provide written notice to the lodging businesses subject to assessment of the date and time of the meeting and hearing and to provide that notice as required by Streets and Highways Code § 36623.
13. At the public hearing the testimony of all interested persons for or against the establishment of the STID may be received. If at the conclusion of the public hearing, there are of record written protests by the owners of the lodging businesses within the proposed STID that will pay fifty percent (50%) or more of the estimated total assessment of the entire STID, no further proceedings to establish the STID shall occur.
14. The complete Management District Plan is on file with the City Clerk and may be reviewed upon request.
15. This resolution shall take effect immediately upon its adoption by the City Council.

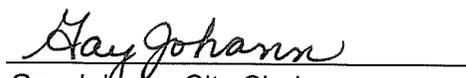
The foregoing resolution was adopted the 2nd day of April 2012, by the following vote:

Ayes:	Barbose, Rouse, Gallian & Sanders
Noes:	Brown
Absent:	None



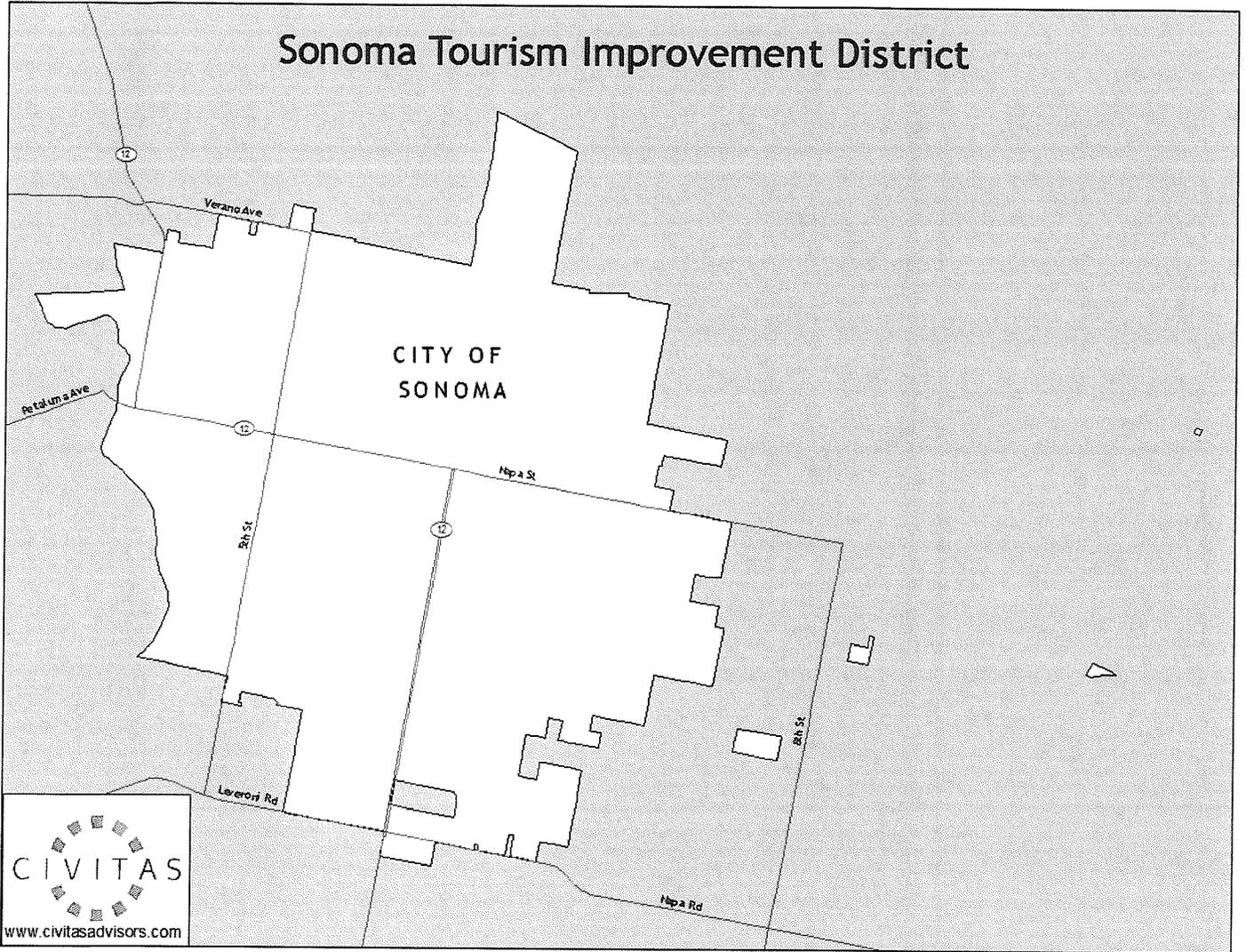
Joanne Sanders, Mayor

ATTEST:



Gay Johann, City Clerk

EXHIBIT A
District Boundaries



SONOMA TOURISM IMPROVEMENT DISTRICT MANAGEMENT DISTRICT PLAN

*Formed pursuant to the Property and Business Improvement District Act of 1994
(Streets and Highways Code §36600 et seq.)*

Accepted by the

*City of Sonoma City Council
On April 2, 2012*



SONOMA TOURISM IMPROVEMENT DISTRICT MANAGEMENT DISTRICT PLAN

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I. INTRODUCTION AND OVERVIEW

Developed by the Sonoma Lodging Alliance (SLA), the Sonoma Tourism Improvement District (STID) is a benefit assessment district proposed to help fund marketing and sales promotion efforts for Sonoma lodging businesses. This approach has been used successfully in other destination areas throughout the country to improve tourism and drive additional room nights.

Location: The proposed STID includes all lodging businesses (hotels, motels, inns, bed and breakfasts, and vacation rentals) located within the boundaries of the City of Sonoma.

Services: Marketing and sales promotions to increase overnight tourism and to market Sonoma as a tourist, meeting and event destination.

Budget: The total STID annual budget for each year of its three year operation is anticipated to be approximately \$440,000.

Cost: Annual assessment rates are 2% of gross short term (stays of 30 days or less) room rental revenue on lodging businesses. Based on the benefit received, assessments will not be collected on stays of more than thirty (30) consecutive days, nor on stays by federal or state employees on official business, nor on stays by any officer or employee of a foreign government on official business. Assessments pursuant to the STID shall not include room rental revenue resulting from stays pursuant to contracts executed prior to July 1, 2012.

Formation: TID formation requires submittal of petitions from lodging businesses representing more than 50% of the total annual assessment followed by a City Council hearing and an opportunity for a written protest. All assessed lodging business owners will receive notice of the public hearing by mail. If there is a majority written protest, the TID will not be formed.

Duration: The proposed STID will have a three year life beginning on July 1, 2012. Once per year beginning on the anniversary of the formation of the district there is a 30-day period in which owners paying more than 50% of the assessment may protest and terminate the district.

II. WHY A TOURISM IMPROVEMENT DISTRICT FOR SONOMA?

There are several reasons why now is the right time to form a TID in Sonoma; the most compelling reasons are as follows:

1. *The Need to Increase Occupancy*

The formation of the STID is a proactive effort to provide supplemental marketing and promotional funding beyond that provided by the City. The funding will ensure that adequate financing exists for the investment required to increase occupancy in the lodging industry and be competitive in the conference segment of the tourism market. The investment will fund a marketing and promotional budget needed to reach this market segment.

2. *An Opportunity for Increasing City Tax Revenues*

As occupancy rates increase, so too will the City's TOT revenue. With stable public/private funding for tourism marketing efforts, annual occupancy rates should increase significantly as new marketing and sales promotion programs are implemented. Greater occupancy will also produce an increase in sales tax revenues from tourist spending. This represents a substantial return to the City. The formation of the STID creates a stable funding source tied directly to tourism promotion.

3. *Stable Funding for Tourism Promotion*

The STID will provide a stable source of funding for consistent tourism promotion efforts. The STID will provide funding for tourism promotion free of the political and economic circumstances that can reduce or eliminate government funding for tourism promotion.

III. WHAT IS A TOURISM IMPROVEMENT DISTRICT?

Tourism Improvement Districts (TIDs) utilize the efficiencies of private sector operation in the market-based promotion of tourism districts. TIDs allow lodging and tourism-related business owners to organize their efforts to increase tourism. Tourism-related business owners within the district fund a TID, and those funds are used to provide services that the businesses desire and that benefit the lodging businesses within the District.

Tourism Improvement District services may include, but are not limited to:

- Marketing of the Destination
- Tourism Promotion Activities
- Sales Lead Generation

In California, Tourism Improvement Districts are formed pursuant to the Property and Business Improvement District Law of 1994 (PBID Law). This law allows for the creation of a special benefit assessment district to raise funds within a specific geographic area. *The key difference between TIDs and other special benefit assessment districts is that funds raised are returned to the private non-profit corporation governing the district.*

There are many benefits to Tourism Improvement Districts:

- Funds cannot be diverted for other government programs;
- Tourism Improvement Districts are customized to fit the needs of each tourism district;
- They allow for a wide range of services, including those listed above;
- Tourism Improvement Districts are ***designed, created and governed by those who will pay*** the assessment;
- They provide a stable funding source for tourism promotion.

The Property and Business Improvement District Law of 1994 is provided in Appendix 1 of this document.

IV. SONOMA TID BOUNDARY

The STID will include all lodging businesses (hotels, motels, inns, bed and breakfasts, and vacation rentals), existing and in the future, available for public occupancy within the boundaries of the City of Sonoma.

The boundary currently includes 44 lodging businesses. Please see the map below. A complete listing of lodging businesses within the proposed STID can be found on Appendix 2 of this Plan.



V. SERVICE PLAN AND BUDGET

A. Assessment

The Tourism Improvement District annual assessment rate is 2% of gross short term (stays 30 days or less) room rental revenue per night for lodging businesses. Based on the benefit received, assessments will not be collected on stays of more than thirty (30) consecutive days, nor on stays by federal or state government employees on official business, nor on stays by any officer or employee of a foreign government on official business. Assessments pursuant to the STID shall not include room rental revenue resulting from stays pursuant to contracts executed prior to July 1, 2012.

The term “gross revenue” as used herein includes the consideration charged, whether or not received, for the occupancy of space in a hotel or other accommodation valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever. Gross revenue shall not include any federal, state or local taxes collected, including but not limited to transient occupancy taxes. Any other charges shall be considered gross revenue only in accordance with the local transient occupancy tax.

Bonds shall not be issued.

The amount of assessment, if passed on to each transient, shall be disclosed in advance and separately stated from the amount of rent charged and any other applicable taxes, and each transient shall receive a receipt for payment from the business.

B. Determination of Specific Benefit

State law requires that assessment funds be expended on a specific benefit, government service, or product conferred directly to the payors that is not provided to those not charged, and which does not exceed the reasonable cost to the City of conferring the benefit, service, or product.

The specific benefit the district will provide to assessed lodging businesses, and will not provide to non-assessed businesses, is room night sales. The programs and services provided with the district funds will be designed specifically to drive room night sales at assessed lodging businesses. Only assessed lodging businesses will be featured in marketing materials, receive sales leads generated from district-funded activities, be featured in advertising campaigns, and benefit from other district-funded services. Non-assessed businesses will not receive these or any other district-funded services.

C. Time and Manner for Collecting Assessments

The STID assessment will be implemented beginning July 1, 2012 and will continue for three years. The City of Sonoma will be responsible for collecting the assessment on a monthly basis (including any delinquencies, penalties and interest) from each lodging business located in the boundaries of the STID. The City shall take all reasonable efforts to collect the assessments from each lodging business. However, at the City’s option the City may at any time direct the STIDC to undertake all collections through a third party provider of collection services to the STIDC. Upon such direction being given, the City shall have no remaining responsibility to collect assessments. The City shall be reimbursed for that portion of any collection costs associated with delinquent assessments collected

under section V.D. The City of Sonoma shall forward the assessments, on a quarterly basis, to the Sonoma Tourism Improvement District Corporation (STIDC) which will have the responsibility of managing TID programs as provided in this Management District Plan.

D. Penalties and Interest

1. Collection. The City shall have the responsibility of collecting delinquent assessments, penalties, and interest from lodging businesses up to sixty (60) days in arrears. However, at the City's option the City may at any time direct the STIDC to undertake all delinquent collections through a third party provider of collection services to the STIDC. Delinquent assessments, penalties and interests from lodging businesses more than sixty days in arrears shall be collected by the STIDC and the City shall have no further responsibility to collect such amounts on behalf of the STIDC.

2. Original Delinquency. Any business which fails to remit any assessment within the time required shall pay a penalty of 10 percent of the amount of the assessment in addition to the amount of the assessment.

3. Continued Delinquency. Any business which fails to remit any delinquent remittance on or before a period of 30 days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of 10 percent of the amount of the assessment in addition to the amount of the assessment and the 10 percent penalty first imposed.

4. Fraud. If the tax administrator determines that the nonpayment of any remittance is due to fraud, a penalty of 25 percent of the amount of the assessment shall be added thereto in addition to the penalties stated in subsections B and C of this section.

5. Interest. In addition to the penalties imposed, any business which fails to remit any assessment imposed by this chapter shall pay interest at the rate of one-half of one percent per month or fraction thereof on the amount of the assessment, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

6. Penalties Merged with Assessment. Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the assessment required to be paid.

E. Service Plan Budget Summary

A summary of the annual service plan budget for the STID is provided on the following pages. The total three year improvement and service plan budget is projected at approximately \$440,000 annually, or \$2,200,000 through 2015.

F. Annual Service Plan:

A service plan budget has been developed to deliver services throughout the District. An annual service plan and budget will be developed and approved by the STIDC Board. Please see the budget exhibit on the next page. In the initial year of operation, the costs incurred by the City and Civitas' fees for forming the district shall be repaid. Should the STIDC Board approve, funds may be appropriated for the renewal effort. If there are funds remaining at the end of the District term

and lodging businesses choose to renew, these remaining funds could be transferred to the renewed District. If there are funds remaining at the end of the term of the District and the District is not renewed, any remaining funds will be distributed to the STDIC to be spent consistent with this Plan as provided by the contract between STDIC and the City, or in the event that the STDIC no longer exists such funding will be returned to the City for funding of tourism promotion activities or other tourist-serving special events within the City.

Sonoma Tourism Improvement District Annual Budget, Years One through Three

Category	Percent of Budget	Dollar Amount
Sales and Marketing	85%	\$374,000
Administration	9%	\$39,600
City Administration Fee	1%	\$4,400
Contingency/Renewal	5%	\$22,000
Total Annual Budget	100%	\$440,000

The assessment imposed herein is for a specific government benefit or service provided directly to the payors that is not provided to those not charged, and which does not exceed the reasonable cost to the City of providing the service. Services (which may include Sonoma visitor center services) provided for herein are intended to attract overnight visitors to assessed lodging businesses. The specific services to be provided to assessed lodging businesses that will not be provided to those not charged are as follows.

Sales and Marketing

A sales and marketing program will promote Sonoma lodging businesses as tourist and meeting destinations. The sales and marketing program will have a central theme of promoting Sonoma lodging businesses as desirable places to stay overnight, and may include the following activities:

- Internet marketing efforts to increase awareness and optimize internet presence;
- Print ads in magazines and newspapers targeted at potential visitors;
- Promotion of events that draw overnight visitors;
- Television ads targeted at potential visitors;
- Radio ads targeted at potential visitors;
- Attendance of trade shows;
- Sales blitzes;
- Visitor services;
- Familiarization tours;
- Preparation and production of collateral promotional materials such as brochures, flyers and maps;
- Attendance of professional industry conferences and affiliation events;
- Lead generation activities designed to attract tourists and group events to Sonoma;
- Director of Sales and General Manager meetings to plan and coordinate tourism promotion efforts;
- Education of hospitality staff on service and safety (related to alcohol and food) designed to create a visitor experience that will bring repeat visits; and

- Education of lodging business management and the owners' association on marketing strategies best suited to meet Sonoma's needs.

Administration and Operations

The administrative and operations portion of the budget shall be utilized for staffing costs, office costs, and other general administrative costs.

City Administration Fee

In addition to the costs to be repaid to the City for formation of the STID pursuant to section V.F., the City of Sonoma shall be paid a fee equal to 1% of the amount of assessment collected which is intended to fully cover the City's costs related to the STID, including without limitation costs of collection and administration, during the initial year of operation. After the initial year of operation the percentage of the amount of the assessment collected shall be reconciled with the actual cost incurred by the City related to the STID during the prior year and adjusted if necessary to ensure the City's costs are fully reimbursed through the City Administration Fee. Thereafter, the City's costs incurred in relation to the TID shall be fully recovered on an annual basis by the adjustment of the City Administration Fee. The City Administration Fee shall be deducted from the amount of assessment collected prior to the transfer of assessment funds from the City to the STIDC.

Contingency/Renewal

A prudent portion of the budget will be set aside in a contingency fund, to be used for unforeseeable costs in carrying out the sales and marketing programs. If at the expiration of the district there are contingency funds remaining, and business owners wish to renew the district, the remaining contingency funds may be used for renewal costs.

G. Adjustments

The marketing plan shall remain consistent with the budget herein. Although actual revenues will fluctuate due to market conditions, the proportional allocations of the budget shall remain the same. The STIDC board, at any time, shall have the authority to adjust budget allocations between the categories (with the exception of the City Administration Fee category which may only be modified or adjusted by the City) by no more than fifteen percent (15%) of the total budget per year. Additionally, at the time of the annual report, the City may adjust the budget allocations.

VI. STID GOVERNANCE

A. Owners' Association

The City Council, through adoption of this Management District Plan, has the right, pursuant to Streets and Highways Code §36651, to identify the body that shall implement the proposed program, which shall be the owners' association of the STID as defined in Streets and Highways Code §36614.5. The STIDC will serve as the Owner's Association for the STID. A majority of the members of the STIDC Board shall be representatives of assessed lodging businesses. The City shall contract with the STIDC to provide the services described in this plan, and the contract shall include without limitation terms requiring the STIDC to provide insurance coverage, indemnification, hold harmless and defense of the City for any subject matter relating to the formation and operation of the STID as well as the services provided under the contract and be subject to the approval of the City Council.

B. Brown Act and California Public Records Act Compliance

The owner's association is subject to government regulations relating to transparency, namely the Ralph M. Brown Act and the California Public Records Act, designed to promote public accountability. The owners' association of a TID is considered a legislative body under the Ralph M. Brown Act (Government Code §54950 et seq.). Thus, meetings of the STIDC board must be held in compliance with the public notice and other requirements of the Brown Act. The Owner's Association is also subject to the record keeping requirements of the California Public Records Act. The City shall not be responsible for the compliance of the Owner's Association (STIDC) with the Brown Act, California Public Records Act, or any state, federal or local laws, rules, regulations, decrees, orders, or ordinances.

C. Annual Report

The STIDC board shall present an annual report at the end of each year of operation to the City Council pursuant to Streets and Highways Code §36650 (see Appendix 1). Upon review of the annual report Council may request additional financial documentation of expenditure of assessments which may include audited financial statements, federal or state non-profit corporate tax returns or be in any other form that may provide the requested information.

APPENDIX 1 – THE PROPERTY AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994

Property And Business Improvement District Law of 1994

*** This document is current through the 2012 Supplement ***
(All 2011 legislation)

§ 36600. Citation of part

This part shall be known and may be cited as the "Property and Business Improvement District Law of 1994."

§ 36601. Legislative findings and declarations

The Legislature finds and declares all of the following:

(a) Businesses located and operating within the business districts of this state's communities are economically disadvantaged, are underutilized, and are unable to attract customers due to inadequate facilities, services, and activities in the business districts.

(b) It is in the public interest to promote the economic revitalization and physical maintenance of the business districts of its cities in order to create jobs, attract new businesses, and prevent the erosion of the business districts.

(c) It is of particular local benefit to allow cities to fund business related improvements, maintenance, and activities through the levy of assessments upon the businesses or real property that benefits from those improvements.

(d) Assessments levied for the purpose of providing improvements and promoting activities that benefit real property or businesses are not taxes for the general benefit of a city, but are assessments for the improvements and activities which confer special benefits upon the real property or businesses for which the improvements and activities are provided.

§ 36602. Purpose of part

The purpose of this part is to supplement previously enacted provisions of law that authorize cities to levy assessments within a business improvement area. This part does not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes.

§ 36603. Preemption of authority or charter city to adopt ordinances levying assessments

Nothing in this part is intended to preempt the authority of a charter city to adopt ordinances providing for a different method of levying assessments for similar or additional purposes from those set forth in this part. A property and business improvement district created pursuant to this part is expressly exempt from the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 (commencing with Section 2800)).

§ 36603.5. Part prevails over conflicting provisions

Any provision in this part that conflicts with any other provision of law shall prevail over the other provision of law.

§ 36604. Severability

This part is intended to be construed liberally and, if any provision is held invalid, the remaining provisions shall remain in full force and effect. Assessments levied under this part are not special taxes.

§ 36605. [Section repealed 2001.]

§ 36606. "Assessment"

"Assessment" means a levy for the purpose of acquiring, constructing, installing, or maintaining improvements and promoting activities which will benefit the properties or businesses located within a property and business improvement district.

§ 36607. "Business"

"Business" means all types of businesses and includes financial institutions and professions.

§ 36608. "City"

"City" means a city, county, city and county, or an agency or entity created pursuant to Article 1 (commencing with *Section 6500*) of *Chapter 5 of Division 7 of Title 1 of the Government Code*, the public member agencies of which includes only cities, counties, or a city and county, or the State of California.

§ 36609. "City council"

"City council" means the city council of a city or the board of supervisors of a county, or the agency, commission, or board created pursuant to a joint powers agreement and which is a city within the meaning of this part.

§ 36610. 'Improvement'

"Improvement" means the acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of three years or more including, but not limited to, the following:

- (a) Parking facilities.
- (b) Benches, booths, kiosks, display cases, pedestrian shelters and signs.
- (c) Trash receptacles and public restrooms.
- (d) Lighting and heating facilities.
- (e) Decorations.
- (f) Parks.
- (g) Fountains.
- (h) Planting areas.
- (i) Closing, opening, widening, or narrowing of existing streets.
- (j) Facilities or equipment, or both, to enhance security of persons and property within the area.
- (k) Ramps, sidewalks, plazas, and pedestrian malls.
- (l) Rehabilitation or removal of existing structures.

§ 36611. "Property and business improvement district"; "District"

"Property and business improvement district," or "district," means a property and business improvement district established pursuant to this part.

§ 36612. "Property"

"Property" means real property situated within a district.

§ 36613. "Activities"

"Activities" means, but is not limited to, all of the following:

- (a) Promotion of public events which benefit businesses or real property in the district.
- (b) Furnishing of music in any public place within the district.
- (c) Promotion of tourism within the district.
- (d) Marketing and economic development, including retail retention and recruitment.
- (e) Providing security, sanitation, graffiti removal, street and sidewalk cleaning, and other municipal services supplemental to those normally provided by the municipality.

(f) Activities which benefit businesses and real property located in the district.

§ 36614. "Management district plan"; "Plan"

"Management district plan" or "plan" means a proposal as defined in Section 36622.

§ 36614.5. "Owners' association"

"Owners' association" means a private nonprofit entity that is under contract with a city to administer or implement activities and improvements specified in the management district plan. An owners' association may be an existing nonprofit entity or a newly formed nonprofit entity. An owners' association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. Notwithstanding this section, an owners' association shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with *Section 54950*) of *Part 1 of Division 2 of Title 5 of the Government Code*), at all times when matters within the subject matter of the district are heard, discussed, or deliberated, and with the California Public Records Act (Chapter 3.5 (commencing with *Section 6250*) of *Division 7 of Title 1 of the Government Code*), for all documents relating to activities of the district.

§ 36615. "Property owner"; "Business owner"; "Owner"

"Property owner" means any person shown as the owner of land on the last equalized assessment roll or otherwise known to be the owner of land by the city council. "Business owner" means any person recognized by the city as the owner of the business. "Owner" means either a business owner or a property owner. The city council has no obligation to obtain other information as to the ownership of land or businesses, and its determination of ownership shall be final and conclusive for the purposes of this part. Wherever this part requires the signature of the property owner, the signature of the authorized agent of the property owner shall be sufficient. Wherever this part requires the signature of the business owner, the signature of the authorized agent of the business owner shall be sufficient.

§ 36616. "Tenant"

"Tenant" means an occupant pursuant to a lease of commercial space or a dwelling unit, other than an owner.

§ 36617. Alternate method of financing certain improvements and activities; Effect on other provisions

This part provides an alternative method of financing certain improvements and activities. The provisions of this part shall not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes. Every improvement area established pursuant to the Parking and Business

Improvement Area Law of 1989 (Part 6 (commencing with Section 36500) of this division) is valid and effective and is unaffected by this part.

§ 36620. Establishment of property and business improvement district

A property and business improvement district may be established as provided in this chapter.

§ 36620.5. Requirement of consent of city council

A county may not form a district within the territorial jurisdiction of a city without the consent of the city council of that city. A city may not form a district within the unincorporated territory of a county without the consent of the board of supervisors of that county. A city may not form a district within the territorial jurisdiction of another city without the consent of the city council of the other city.

§ 36621. Initiation of proceedings; Petition of property or business owners in proposed district

(a) Upon the submission of a written petition, signed by the property or business owners in the proposed district who will pay more than 50 percent of the assessments proposed to be levied, the city council may initiate proceedings to form a district by the adoption of a resolution expressing its intention to form a district. The amount of assessment attributable to property or a business owned by the same property or business owner that is in excess of 40 percent of the amount of all assessments proposed to be levied, shall not be included in determining whether the petition is signed by property or business owners who will pay more than 50 percent of the total amount of assessments proposed to be levied.

(b) The petition of property or business owners required under subdivision (a) shall include a summary of the management district plan. That summary shall include all of the following:

- (1) A map showing the boundaries of the district.
- (2) Information specifying where the complete management district plan can be obtained.
- (3) Information specifying that the complete management district plan shall be furnished upon request.

(c) The resolution of intention described in subdivision (a) shall contain all of the following:

(1) A brief description of the proposed activities and improvements, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property or businesses within the district, a statement as to whether bonds will be issued, and a description of the exterior boundaries of the proposed district. The descriptions and statements do not need to be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements and activities and the location and extent of the proposed district.

(2) A time and place for a public hearing on the establishment of the property and business improvement district and the levy of assessments, which shall be consistent with the requirements of Section 36623.

§ 36622. Contents of management district plan

The management district plan shall contain all of the following:

(a) If the assessment will be levied on property, a map of the district in sufficient detail to locate each parcel of property and, if businesses are to be assessed, each business within the district. If the assessment will be levied on businesses, a map that identifies the district boundaries in sufficient detail to allow a business owner to reasonably determine whether a business is located within the district boundaries. If the assessment will be levied on property and businesses, a map of the district in sufficient detail to locate each parcel of property and to allow a business owner to reasonably determine whether a business is located within the district boundaries.

(b) The name of the proposed district.

(c) A description of the boundaries of the district, including the boundaries of benefit zones, proposed for establishment or extension in a manner sufficient to identify the affected lands and businesses included. The boundaries of a proposed property assessment district shall not overlap with the boundaries of another existing property assessment district created pursuant to this part. This part does not prohibit the boundaries of a district created pursuant to this part to overlap with other assessment districts established pursuant to other provisions of law, including, but not limited to, the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500)). This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with another business assessment district created pursuant to this part. This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with a property assessment district created pursuant to this part.

(d) The improvements and activities proposed for each year of operation of the district and the maximum cost thereof.

(e) The total annual amount proposed to be expended for improvements, maintenance and operations, and debt service in each year of operation of the district.

(f) The proposed source or sources of financing, including the proposed method and basis of levying the assessment in sufficient detail to allow each property or business owner to calculate the amount of the assessment to be levied against his or her property or business. The plan also shall state whether bonds will be issued to finance improvements.

(g) The time and manner of collecting the assessments.

(h) The specific number of years in which assessments will be levied. In a new district, the maximum number of years shall be three. Upon renewal, a district shall have a term not to exceed 10 years. Notwithstanding these limitations, a district created pursuant to this part to finance capital improvements with bonds may levy assessments until the maximum maturity of the bonds. The management district plan may set forth specific increases in assessments for each year of operation of the district.

(i) The proposed time for implementation and completion of the management district plan.

(j) Any proposed rules and regulations to be applicable to the district.

(k) A list of the properties or businesses to be assessed, including the assessor's parcel numbers for properties to be assessed, and a statement of the method or methods by which the

expenses of a district will be imposed upon benefited real property or businesses, in proportion to the benefit received by the property or business, to defray the cost thereof, including operation and maintenance. The plan may provide that all or any class or category of real property which is exempt by law from real property taxation may nevertheless be included within the boundaries of the district but shall not be subject to assessment on real property.

(I) Any other item or matter required to be incorporated therein by the city council.

§ 36623. Procedure to levy assessment

(a) If a city council proposes to levy a new or increased property assessment, the notice and protest and hearing procedure shall comply with *Section 53753 of the Government Code*.

(b) If a city council proposes to levy a new or increased business assessment, the notice and protest and hearing procedure shall comply with *Section 54954.6 of the Government Code*, except that notice shall be mailed to the owners of the businesses proposed to be assessed. A protest may be made orally or in writing by any interested person. Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. The city council may waive any irregularity in the form or content of any written protest. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the city as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business or the authorized representative. A written protest that does not comply with this section shall not be counted in determining a majority protest. If written protests are received from the owners or authorized representatives of businesses in the proposed district that will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50 percent, no further proceedings to levy the proposed assessment against such businesses, as contained in the resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the city council.

§ 36624. Changes to proposed assessments

At the conclusion of the public hearing to establish the district, the city council may adopt, revise, change, reduce, or modify the proposed assessment or the type or types of improvements and activities to be funded with the revenues from the assessments. Proposed assessments may only be revised by reducing any or all of them. At the public hearing, the city council may only make changes in, to, or from the boundaries of the proposed property and business improvement district that will exclude territory that will not benefit from the proposed improvements or activities. Any modifications, revisions, reductions, or changes to the proposed assessment district shall be reflected in the notice and map recorded pursuant to Section 36627.

§ 36625. Resolution of formation

(a) If the city council, following the public hearing, decides to establish the proposed property and business improvement district, the city council shall adopt a resolution of formation that shall contain all of the following:

(1) A brief description of the proposed activities and improvements, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property, businesses, or both within the district, a statement about whether bonds will be issued, and a description of the exterior boundaries of the proposed district. The descriptions and statements do not need to be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements and activities and the location and extent of the proposed district.

(2) The number, date of adoption, and title of the resolution of intention.

(3) The time and place where the public hearing was held concerning the establishment of the district.

(4) A determination regarding any protests received. The city shall not establish the district or levy assessments if a majority protest was received.

(5) A statement that the properties, businesses, or properties and businesses in the district established by the resolution shall be subject to any amendments to this part.

(6) A statement that the improvements and activities to be provided in the district will be funded by the levy of the assessments. The revenue from the levy of assessments within a district shall not be used to provide improvements or activities outside the district or for any purpose other than the purposes specified in the resolution of intention, as modified by the city council at the hearing concerning establishment of the district.

(7) A finding that the property or businesses within the area of the property and business improvement district will be benefited by the improvements and activities funded by the assessments proposed to be levied.

(b) The adoption of the resolution of formation and, if required, recordation of the notice and map pursuant to Section 36627 shall constitute the levy of an assessment in each of the fiscal years referred to in the management district plan.

§ 36626. Resolution establishing district

If the city council, following the public hearing, desires to establish the proposed property and business improvement district, and the city council has not made changes pursuant to Section 36624, or has made changes that do not substantially change the proposed assessment, the city council shall adopt a resolution establishing the district. The resolution shall contain all of the information specified in paragraphs (1) to (8), inclusive, of subdivision (b) of Section 36625, but need not contain information about the preliminary resolution if none has been adopted.

§ 36626.5. [Section repealed 1999.]

§ 36626.6. [Section repealed 1999.]

§ 36626.7. [Section repealed 1999.]

§ 36627. Notice and assessment diagram

Following adoption of the resolution establishing district assessments on properties pursuant to Section 36625 or Section 36626, the clerk of the city shall record a notice and an assessment diagram pursuant to Section 3114. No other provision of Division 4.5 (commencing with Section 3100) applies to an assessment district created pursuant to this part.

§ 36628. Establishment of separate benefit zones within district; Categories of businesses

The city council may establish one or more separate benefit zones within the district based upon the degree of benefit derived from the improvements or activities to be provided within the benefit zone and may impose a different assessment within each benefit zone. If the assessment is to be levied on businesses, the city council may also define categories of businesses based upon the degree of benefit that each will derive from the improvements or activities to be provided within the district and may impose a different assessment or rate of assessment on each category of business, or on each category of business within each zone.

§ 36628.5. Assessments on businesses or property owners

The city council may levy assessments on businesses or on property owners, or a combination of the two, pursuant to this part. The city council shall structure the assessments in whatever manner it determines corresponds with the distribution of benefits from the proposed improvements and activities.

§ 36629. Provisions and procedures applicable to benefit zones and business categories

All provisions of this part applicable to the establishment, modification, or disestablishment of a property and business improvement district apply to the establishment, modification, or disestablishment of benefit zones or categories of business. The city council shall, to establish, modify, or disestablish a benefit zone or category of business, follow the procedure to establish, modify, or disestablish a parking and business improvement area.

§ 36630. Expiration of district; Creation of new district

If a property and business improvement district expires due to the time limit set pursuant to subdivision (h) of Section 36622, a new management district plan may be created and a new district established pursuant to this part.

§ 36631. Time and manner of collection of assessments; Delinquent payments

The collection of the assessments levied pursuant to this part shall be made at the time and in the manner set forth by the city council in the resolution levying the assessment. Assessments levied on real property may be collected at the same time and in the same manner as for the ad valorem property tax, and may provide for the same lien priority and penalties for delinquent payment. All delinquent payments for assessments levied pursuant to this part shall be charged interest and penalties.

§ 36632. Assessments to be based on estimated benefit; Classification of real property and businesses; Exclusion of residential and agricultural property

(a) The assessments levied on real property pursuant to this part shall be levied on the basis of the estimated benefit to the real property within the property and business improvement district. The city council may classify properties for purposes of determining the benefit to property of the improvements and activities provided pursuant to this part.

(b) Assessments levied on businesses pursuant to this part shall be levied on the basis of the estimated benefit to the businesses within the property and business improvement district. The city council may classify businesses for purposes of determining the benefit to the businesses of the improvements and activities provided pursuant to this part.

(c) Properties zoned solely for residential use, or that are zoned for agricultural use, are conclusively presumed not to benefit from the improvements and service funded through these assessments, and shall not be subject to any assessment pursuant to this part.

§ 36633. Time for contesting validity of assessment

The validity of an assessment levied under this part shall not be contested in any action or proceeding unless the action or proceeding is commenced within 30 days after the resolution levying the assessment is adopted pursuant to Section 36626. Any appeal from a final judgment in an action or proceeding shall be perfected within 30 days after the entry of judgment.

§ 36634. Service contracts authorized to establish levels of city services

The city council may execute baseline service contracts that would establish levels of city services that would continue after a property and business improvement district has been formed.

§ 36635. Request to modify management district plan

The owners' association may, at any time, request that the city council modify the management district plan. Any modification of the management district plan shall be made pursuant to this chapter.

§ 36636. Modification of plan by resolution after public hearing; Adoption of resolution of intention; Modification of improvements and activities by adoption of resolution after public hearing

(a) Upon the written request of the owners' association, the city council may modify the management district plan after conducting one public hearing on the proposed modifications. The city council may modify the improvements and activities to be funded with the revenue derived from the levy of the assessments by adopting a resolution determining to make the modifications after holding a public hearing on the proposed modifications. If the modification includes the levy of a new or increased assessment, the city council shall comply with Section 36623. Notice of all other public meetings and public hearings pursuant to this section shall comply with both of the following:

(1) The resolution of intention shall be published in a newspaper of general circulation in the city once at least seven days before the public meeting.

(2) A complete copy of the resolution of intention shall be mailed by first class mail, at least 10 days before the public meeting, to each business owner or property owner affected by the proposed modification.

(b) The city council shall adopt a resolution of intention which states the proposed modification prior to the public hearing required by this section. The public hearing shall be held not more than 90 days after the adoption of the resolution of intention.

§ 36637. Reflection of modification in notices recorded and maps

Any subsequent modification of the resolution shall be reflected in subsequent notices and maps recorded pursuant to Division 4.5 (commencing with Section 3100), in a manner consistent with the provisions of Section 36627.

§ 36640. Bonds authorized; Procedure; Restriction on reduction or termination of assessments

(a) The city council may, by resolution, determine and declare that bonds shall be issued to finance the estimated cost of some or all of the proposed improvements described in the resolution of formation adopted pursuant to Section 36625, if the resolution of formation adopted pursuant to that section provides for the issuance of bonds, under the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500)) or in conjunction with Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with *Section 6584*) of *Chapter 5 of Division 7 of Title 1 of the Government Code*). Either act, as the case may be, shall govern the proceedings relating to the issuance of bonds, although proceedings under the Bond Act of 1915 may be modified by the city council as necessary to accommodate assessments levied upon business pursuant to this part.

(b) The resolution adopted pursuant to subdivision (a) shall generally describe the proposed improvements specified in the resolution of formation adopted pursuant to Section 36625, set forth the estimated cost of those improvements, specify the number of annual installments and

the fiscal years during which they are to be collected. The amount of debt service to retire the bonds shall not exceed the amount of revenue estimated to be raised from assessments over 30 years.

(c) Notwithstanding any other provision of this part, assessments levied to pay the principal and interest on any bond issued pursuant to this section shall not be reduced or terminated if doing so would interfere with the timely retirement of the debt.

§ 36641. [Section repealed 2001.]

§ 36642. [Section repealed 2001.]

§ 36643. [Section repealed 2001.]

§ 36650. Report by owners' association; Approval or modification by city council

(a) The owners' association shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvements and activities described in the report. The owners' association's first report shall be due after the first year of operation of the district. The report may propose changes, including, but not limited to, the boundaries of the property and business improvement district or any benefit zones within the district, the basis and method of levying the assessments, and any changes in the classification of property, including any categories of business, if a classification is used.

(b) The report shall be filed with the clerk and shall refer to the property and business improvement district by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following information:

(1) Any proposed changes in the boundaries of the property and business improvement district or in any benefit zones or classification of property or businesses within the district.

(2) The improvements and activities to be provided for that fiscal year.

(3) An estimate of the cost of providing the improvements and the activities for that fiscal year.

(4) The method and basis of levying the assessment in sufficient detail to allow each real property or business owner, as appropriate, to estimate the amount of the assessment to be levied against his or her property or business for that fiscal year.

(5) The amount of any surplus or deficit revenues to be carried over from a previous fiscal year.

(6) The amount of any contributions to be made from sources other than assessments levied pursuant to this part.

(c) The city council may approve the report as filed by the owners' association or may modify any particular contained in the report and approve it as modified. Any modification shall be made pursuant to Sections 36635 and 36636.

The city council shall not approve a change in the basis and method of levying assessments that would impair an authorized or executed contract to be paid from the revenues derived from

the levy of assessments, including any commitment to pay principal and interest on any bonds issued on behalf of the district.

§ 36651. Designation of owners' association to provide improvements and activities

The management district plan may, but is not required to, state that an owners' association will provide the improvements or activities described in the management district plan. If the management district plan designates an owners' association, the city shall contract with the designated nonprofit corporation to provide services.

§ 36660. Renewal of district; Transfer or refund of remaining revenues; District term limit

(a) Any district previously established whose term has expired, may be renewed by following the procedures for establishment as provided in this chapter.

(b) Upon renewal, any remaining revenues derived from the levy of assessments, or any revenues derived from the sale of assets acquired with the revenues, shall be transferred to the renewed district. If the renewed district includes additional parcels or businesses not included in the prior district, the remaining revenues shall be spent to benefit only the parcels or businesses in the prior district. If the renewed district does not include parcels or businesses included in the prior district, the remaining revenues attributable to these parcels shall be refunded to the owners of these parcels or businesses.

(c) Upon renewal, a district shall have a term not to exceed 10 years, or, if the district is authorized to issue bonds, until the maximum maturity of those bonds. There is no requirement that the boundaries, assessments, improvements, or activities of a renewed district be the same as the original or prior district.

§ 36670. Circumstances permitting disestablishment of district; Procedure

(a) Any district established or extended pursuant to the provisions of this part, where there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the district, may be disestablished by resolution by the city council in either of the following circumstances:

(1) If the city council finds there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the district, it shall notice a hearing on disestablishment.

(2) During the operation of the district, there shall be a 30-day period each year in which assesses may request disestablishment of the district. The first such period shall begin one year after the date of establishment of the district and shall continue for 30 days. The next such 30-day period shall begin two years after the date of the establishment of the district. Each successive year of operation of the district shall have such a 30-day period. Upon the written petition of the owners or authorized representatives of real property or the owners or authorized representatives of businesses in the area who pay 50 percent or more of the assessments levied, the city council shall pass a resolution of intention to disestablish the district. The city council shall notice a hearing on disestablishment.

(b) The city council shall adopt a resolution of intention to disestablish the district prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the assessments levied within the property and business improvement district. The notice of the hearing on disestablishment required by this section shall be given by mail to the property owner of each parcel or to the owner of each business subject to assessment in the district, as appropriate. The city shall conduct the public hearing not less than 30 days after mailing the notice to the property or business owners. The public hearing shall be held not more than 60 days after the adoption of the resolution of intention.

§ 36671. Refund of remaining revenues upon disestablishment of district; Calculation of refund; Use of outstanding revenue collected after disestablishment of district

(a) Upon the disestablishment of a district, any remaining revenues, after all outstanding debts are paid, derived from the levy of assessments, or derived from the sale of assets acquired with the revenues, or from bond reserve or construction funds, shall be refunded to the owners of the property or businesses then located and operating within the district in which assessments were levied by applying the same method and basis that was used to calculate the assessments levied in the fiscal year in which the district is disestablished. All outstanding assessment revenue collected after disestablishment shall be spent on improvements and activities specified in the management district plan.

(b) If the disestablishment occurs before an assessment is levied for the fiscal year, the method and basis that was used to calculate the assessments levied in the immediate prior fiscal year shall be used to calculate the amount of any refund.

APPENDIX 2 – LODGING BUSINESSES TO BE ASSESSED WITHIN THE STID*

Business Name	Street Address	City, State, Zip
Alexandra's Plaza Suite	440 2nd East Street	Sonoma, CA 95476
An Inn 2 Remember	171 West Spain Street	Sonoma, CA 95476
Andrea's Hidden Cottage	138 East Spain Street	Sonoma, CA 95476
Auberge Sonoma	151 East Napa Street	Sonoma, CA 95476
Benziger-Solana Cottage	304 First Street	Sonoma, CA 95476
Beautiful Places	531 1st Street East	Sonoma, CA 95476
Best Western Sonoma Valley Inn	550 Second Street West	Sonoma, CA 95476
Bungalows 313	313 First Street East	Sonoma, CA 95476
Casa De Carroll	P.O. Box 198	Sonoma, CA 95476
Caroline's Cottage	171 Newcomb St.	Sonoma, CA 95475
Casa De Sonoma	247 Fourth Street East	Sonoma, CA 95476
Cecilia's Adobe	378 Second Street	Sonoma, CA 95476
Cinnamon Bear Creekside	19455 Sonoma Highway	Sonoma, CA 95476
Cooperage Inn	302 First Street West	Sonoma, CA 95476
Cottage Inn and Spa	310 First Street East	Sonoma, CA 95476
Cottage Sonoma	424 Second Street West	Sonoma, CA 95476
Cuneo's Stone Cottage	391 East Spain Street	Sonoma, CA 95476
Robert and Leslie Demler	143 Spain Street	Sonoma, CA 95476
Donner Cottage	270 France Street	Sonoma, CA 95476
El Dorado Hotel	405 First Street West	Sonoma, CA 95476
El Pueblo Inn	896 West Napa	Sonoma, CA 95476
Lynn Blankfort/Steven Martin	117 France Street	Sonoma, CA 95476
Hidden Oak Inn	214 East Napa Street	Sonoma, CA 95476
Inn at Sonoma	630 Broadway	Sonoma, CA 95476
Inn Wine Country	758 Broadway	Sonoma, CA 95476
Kate Murphy's Cottage	43 France Street	Sonoma, CA 95476
Ledson Hotel	480 First Street East	Sonoma, CA 95476
MacArthur Place Inn & Space	29 East MacArthur	Sonoma, CA 95476
Mary Jean's Place	20073 Broadway	Sonoma, CA 95476
Peter Mathis	287 First Street West	Sonoma, CA 95476
Stuart & Mary McPherson	289 First Street West	Sonoma, CA 95476
Mission Bed & Breakfast	302 First Street East	Sonoma, CA 95476
Ramekins	450 West Spain Street	Sonoma, CA 95476
Rawls Bed & Breakfast	166 France Street	Sonoma, CA 95476
Rose Garden Inn	681 Broadway	Sonoma, CA 95476
Schaefer House	2nd Street East	Sonoma, CA 95476
Sonoma Chalet	18935 Fifth Street West	Sonoma, CA 95476
Sonoma Culinary Inn	477 Spain Street West	Sonoma, CA 95476

Business Name	Street Address	City, State,Zip
Sonoma Farmhouse	446 Third Street West	Sonoma, CA 95476
Sonoma Hotel	110 Spain Street West	Sonoma, CA 95476
Swiss Hotel	18 West Spain Street	Sonoma, CA 95476
The Lodge at Sonoma	1325 Broadway	Sonoma, CA 95476
Victorian Garden Inn	316 East Napa Street	Sonoma, CA 95476
Woodfield Properties/Cynthia Wood	P O Box 612	Vineberg, CA 95476

**List updated with corrections 4/20/12.*

NOTICE OF PUBLIC MEETING AND PUBLIC HEARING CONCERNING THE ESTABLISHMENT OF THE SONOMA TOURISM IMPROVEMENT DISTRICT AND TO LEVY AN ASSESSMENT ON CERTAIN LODGING BUSINESSES WITHIN THE DISTRICT

NOTICE IS HEREBY GIVEN that on April 2, 2012, the City Council (the "Council") of the City of Sonoma (the "City") adopted a Resolution of Intention to establish the Sonoma Tourism Improvement District (the "STID") and to levy an assessment on certain lodging businesses within the STID as set forth in the attached Resolution of Intention.

NOTICE IS HEREBY FURTHER GIVEN that at 6:00 p.m. on May 7, 2012, at the City of Sonoma Community Meeting Room, 177 First Street West, Sonoma, CA 95476, a public meeting shall be held pursuant to Government Code section 54954.6 to allow public testimony regarding the establishment of the STID and the levy of assessments therein as set forth in the enclosed Resolution of Intention and pursuant to Government Code section 54954.6.

NOTICE IS HEREBY FURTHER GIVEN that at 6:00 p.m. on June 18, 2012, at the City of Sonoma Community Meeting Room, 177 First Street West, Sonoma, CA 95476, has been set as the time and place for a public hearing at which time the Council proposes to establish the STID and to levy the proposed assessment as set forth in the Resolution of Intention.

Boundaries: The proposed STID includes all lodging businesses (hotels, motels, inns, bed and breakfasts, and vacation rentals) located within the boundaries of the City of Sonoma.

Assessment: Annual assessment rates are 2% of gross short term (stays of 30 days or less) room rental revenue on lodging businesses. Based on the benefit received, assessments will not be collected on stays of more than thirty (30) consecutive days, nor on stays by federal or state employees on official business, nor on stays by any officer or employee of a foreign government on official business. Assessments pursuant to the STID shall not include room rental revenue resulting from stays pursuant to contracts executed prior to July 1, 2012.

Budget: The total STID annual budget for each year of its three year operation is anticipated to be approximately \$440,000.

Purpose: Marketing and sales promotions to increase overnight tourism and to market Sonoma as a tourist, meeting and event destination.

Collection: The STID assessment will be implemented beginning July 1, 2012 and will continue for three years. The City of Sonoma will be responsible for collecting the assessment on a monthly basis (including any delinquencies, penalties and interest) from each lodging business located in the boundaries of the STID.

Protest: Any owner of a lodging business within the proposed STID that will be subject to the assessment may protest the establishment of the STID. If written protests are received from the owners of lodging businesses in the proposed STID who represent 50 percent (50%) or more of the estimated annual assessments to be levied, the STID shall not be established and the assessment shall not be imposed.

You may mail a written protest to:

Office of the City Clerk
City of Sonoma
No 1. the Plaza
Sonoma, CA 95476

You may also appear at the public hearing and submit a written protest at that time.

Information: Should you desire additional information about this proposed STID or assessment contact:

Mr. Bill Blum
MacArthur Place Hotel & Spa
29 East MacArthur
Sonoma, CA 95476
(707)938-2929

Dated: _____

City Clerk



City of Sonoma
City Council
Agenda Item Summary

Agenda Item: 10A
Meeting Date: 05/07/2012

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