

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



Community Meeting Room, 177 First Street West
Monday, June 4, 2012
5:00 p.m. Closed Session (Special Meeting)
6:00 p.m. Regular Session

AGENDA

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

5:00 P.M. – SPECIAL MEETING - CLOSED SESSION AGENDA

1. CALL TO ORDER

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

2. CLOSED SESSION

A: CONFERENCE WITH LABOR NEGOTIATORS, pursuant to Government Code §54957.6. Agency designated representatives: City Manager Kelly, and City Attorney Walter. Employee Organizations: Non-represented Confidential, Executive, Management and Administrative personnel and City of Sonoma Employees' Association (SEIU 1020).

6:00 P.M. – REGULAR MEETING AGENDA

RECONVENE, CALL TO ORDER & PLEDGE OF ALLEGIANCE

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

REPORT ON CLOSED SESSION

1. COMMENTS FROM THE PUBLIC

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

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers' Comments and Announcements

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

4. PRESENTATIONS

Item 4A: Proclamation Declaring June 4, 2012 as Maxime Simonet Day

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:** **Request by the American Legion Post 459 and Native Sons of the Golden West for City-subsidized use of the Sonoma Valley Veterans Memorial Building for one day on October 13, 2012.**
Staff Recommendation: Approve the request subject to applicant's compliance with the City's standard insurance requirements.
- Item 5C:** **Request by the Ladies Auxiliary to the Veterans of Foreign Wars Bear Flag Post 1943 for City-subsidized use of the Sonoma Valley Veterans Memorial Building for one day on January 19, 2013.**
Staff Recommendation: Approve the request subject to applicant's compliance with the City's standard insurance requirements.
- Item 5D:** **Request by Sonoma International Film Festival for City-subsidized use of the Sonoma Valley Veterans Memorial Building for one day on April 13, 2013.**
Staff Recommendation: Approve the request subject to applicant's compliance with the City's standard insurance requirements.
- Item 5E:** **Request by Soroptimist International Sonoma Valley for City-subsidized use of the Sonoma Valley Veterans Memorial Building for one day on February 1, 2013.**
Staff Recommendation: Approve the request subject to applicant's compliance with the City's standard insurance requirements.
- Item 5F:** **Adoption of resolution approving the adopted Conflict of Interest Code of the Oversight Board to the Dissolved Sonoma Community Development Agency (CDA).**
Staff Recommendation: Adopt the resolution approving the Conflict of Interest Code adopted by the Oversight Board.
- Item 5G:** **Approval of the Minutes of the May 21, 2012 Meeting.**
Staff Recommendation: Approve the minutes.
- Item 5H:** **Adoption of Resolution approving and consenting to the use of City streets by the Sonoma Community Center for the 4th of July Parade on Wednesday, July 4, 2012.**
Staff Recommendation: Adopt the resolution approving the use of City streets and recommending Caltrans approval subject to the following conditions: 1) Applicant shall contact Police Department as soon as possible to review traffic control plan and contract for services. 2) Applicant shall provide a written request for special barricading to the Public Works Department at least two weeks prior to the event. 3) Applicant shall comply with City of Sonoma standard insurance requirements.

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

Item 5I: 1) Approval of Indemnity Agreement with Keller Canyon landfill indemnifying City for hazardous waste and landfill closure liability.
2) Approval of Indemnification Agreement with Sonoma Garbage Collectors, Inc. (“SGC”) in which SGC assumes liabilities of and indemnifies City for the City’s obligations under the Keller Canyon agreement referenced in item #1.
Staff Recommendation: By motion, approve Indemnity Agreement with Keller Canyon and the Agreement Indemnifying the City for Nonconforming Waste, and authorize the City Manager to execute same on behalf of the City and City Council.

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

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

Item 6A: Approval of the portions of the Minutes of the May 21, 2012 City Council / Successor Agency Meetings pertaining to the Successor Agency.
Staff Recommendation: Approve the minutes.

Item 6B: Adoption of Administrative Budget for Administrative Allowance for FY 2012-13.
Staff Recommendation: Approve the budget.

7. PUBLIC HEARING

Item 7A: Discussion, consideration and possible introduction of an ordinance establishing new regulations for Formula Businesses.
Staff Recommendation: Conduct public hearing and introduce the ordinance, subject to any additional amendments that may be directed by the City Council.

8. REGULAR CALENDAR – CITY COUNCIL

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

Item 8A: Discussion, consideration and possible direction to staff regarding a request to send a letter from the City Council to the Board of the Valley of the Moon Fire District urging pension reform, requested by Mayor Sanders.
Staff Recommendation: Council discretion.

9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

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

10. COUNCILMEMBERS’ REPORTS AND FINAL REMARKS

Item 10A: Reports Regarding Committee Activities.
Item 10B: Final Councilmembers’ Remarks.

11. COMMENTS FROM THE PUBLIC

12. ADJOURNMENT

I do hereby certify that a copy of the foregoing agenda was posted on the City Hall bulletin board on May 31, 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 Wednesday before each regularly scheduled meeting at City Hall, located at No. 1 The Plaza, Sonoma CA. Any documents subject to disclosure that are provided to all, or a majority of all, of the members of the City Council regarding any item on this agenda after the agenda has been distributed will be made available for inspection at the City Clerk's office, No. 1 The Plaza, Sonoma CA during regular business hours.

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

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



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

City Council Agenda Item: 4A

Meeting Date: 06/04/2012

Department

Administration

Staff Contact

Gay Johann, City Clerk

Agenda Item Title

Proclamation Declaring June 4, 2012 as Maxime Simonet Day

Summary

Mayor Sanders will present a proclamation recognizing the achievements and talents of Maxime Simonet.

Recommended Council Action

Mayor Sanders to present the proclamation to Mr. Simonet.

Alternative Actions

Council discretion

Financial Impact

n/a

Environmental Review

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

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

1. Proclamation

Copy to: Maxime Simonet - via email

City of Sonoma



Proclamation

MAXIME SIMONET DAY

WHEREAS, The City of Sonoma places a high value on the arts and we encourage and support local artists in many ways. We have a Treasure Artist program and a Commission dedicated to the Arts. We provide subsidies to the Sonoma Community Center and the Sebastiani Theater which in turn provide venues where the performing arts can thrive; and

WHEREAS, Maxime Simonet was born and raised in Sonoma and attended Sonoma schools. And while attending Prestwood Elementary School and Sonoma Valley High School his interest in the performing arts grew, and it became clear to many that he had the makings of a star. He participated in many local theater performances including Godspell, Elephant Man, Pippin, Future Perfect Tense, and West Side Story to name a few; and

WHEREAS, he received many rave reviews in the local newspaper such as this one written about his performance in Elephant Man while a Sophomore in High School: "Simonet splendidly grasps the subtleties of the hideously disfigured yet charming elephant man. His performance is moving."; and

WHEREAS, When Maxime graduated from Sonoma Valley High School in 2007 his talent was recognized by many Sonoma Valley community leaders and received many college scholarships from Sonoma organizations; and

WHEREAS, Maxime went on to graduate from Hampshire College in 2011 where he studied storytelling primarily through the mediums of film and theater; and

WHEREAS, Maxime is destined to be a star; and as a product of the arts-nourishing Sonoma community; he deserves to be recognized for his talents and achievements and it is the goal of the City of Sonoma to encourage and support our own as they pursue their dreams and artistic pursuits.

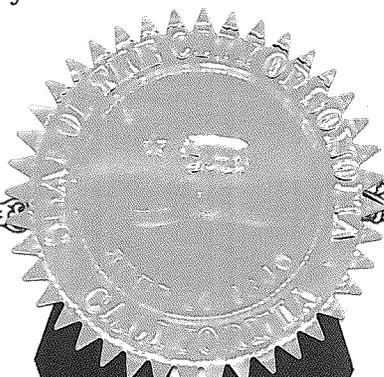
NOW, THEREFORE, I, Joanne Sanders, Mayor of the City of Sonoma, do hereby declare June 4, 2012 as

MAXIME SIMONET DAY

In the City of Sonoma extend our very best wishes to Maxime in all his future endeavors.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Sonoma to be affixed this 4th day of June 2012.

JOANNE SANDERS, MAYOR





City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5B

Meeting Date: 06/04/2012

Department

Administration

Staff Contact

Gay Johann, City Clerk

Agenda Item Title

Request by the American Legion Post 459 and Native Sons of the Golden West for City-subsidized use of the Sonoma Valley Veterans Memorial Building for one day on October 13, 2012.

Summary

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

American Legion Post 459 and Native Sons of the Golden West requested City-subsidized use of the Veteran's Building on October 13, 2012 for their annual Battle of the Bartenders fundraiser.

If all four requests on the June 4 Consent Calendar are approved, the City will have eleven allocated days remaining for the fiscal year ending June 30, 2013.

Recommended Council Action

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

Alternative Actions

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

Financial Impact

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

Environmental Review

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

Status

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

Attachments:

Request from Terry Leen

cc: Terry Leen, via email

Gay Johann

From: Ronda Ross-Leen <ronjovi21@yahoo.com>
Sent: Friday, May 18, 2012 9:55 AM
To: Ken Brown
Cc: Gay Johann
Subject: Re: Veterans bldg. free day

This is the Sonoma Bar Battle. Funds raised are split between American Legion Post 489 and Native Sons of the Golden West. Funds are used for veterans, active military, local scholarships and other local needs

Thanks,
Terry
Sent from my iPad

On May 17, 2012, at 1:24 PM, Ken Brown <ken@bearflagsocialclub.com> wrote:

What event? Let me help- Ken
On May 17, 2012, at 10:41 AM, Ronda Ross-Leen wrote:

Gay,
Could you please put on the city council agenda for a free day Oct. 13, 2012 for an event sponsored by American Legion and the Native Sons. The city has done this event for the past 5 yrs.

Respectfully,
Terry Leen
Sgt. At Arms
American Legion

Sent from my iPad

Ken Brown
Mayor Pro Tem - City of Sonoma

Ken@BearFlagSocialClub.com
Cell 707-938-8623

Host of Mornings in Sonoma
164 West Napa Street, Sonoma CA.

Monday-Friday 8-10a
SVTV Cable Comcast Cable Channel 27
sonomasuntv.com
sonomasunfm.com
sunfmtv.com



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5C

Meeting Date: 06/04/2012

Department

Administration

Staff Contact

Gay Johann, City Clerk

Agenda Item Title

Request by the Ladies Auxiliary to the Veterans of Foreign Wars Bear Flag Post 1943 for City-subsidized use of the Sonoma Valley Veterans Memorial Building for one day on January 19, 2013.

Summary

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

Ladies Auxiliary to the Veterans of Foreign Wars Bear Flag Post 1943 requested City-subsidized use of the Veteran's Building on January 19, 2013 for their annual Pasta Dinner fundraiser.

If all four requests on the June 4 Consent Calendar are approved, the City will have eleven allocated days remaining for the fiscal year ending June 30, 2013.

Recommended Council Action

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

Alternative Actions

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

Financial Impact

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

Environmental Review

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

Status

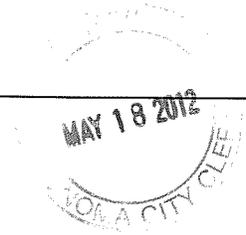
- Approved/Certified
 - No Action Required
 - Action Requested
-

Attachments:

Request from Sarah Parker

cc: Sarah Parker, via email

Ladies Auxiliary to the Veterans of Foreign Wars Bear Flag Post 1943



May 17, 2012

City Council
C/O Gay Johann
City of Sonoma
No. 1 The Plaza
Sonoma, CA 95476

Re: Donated Day of the Vet's Building

Dear Council Members:

The Ladies Auxiliary to the Veterans of Foreign Wars would like to thank you for your contribution of a free day last year for our First Annual Pasta Dinner fundraiser. Because of your help, we were able to raise \$4,000 for our auxiliary. A portion of the funds went to F.I.S.H. and another portion went to The Pathway Home, located in Yountville.

We will be holding our Second Annual Pasta Dinner, and have reserved the Veterans Memorial Hall for January 19, 2013, and are again requesting your assistance for one of the "free" days that you provide to local nonprofit organizations.

Thank you for your support of the Ladies Auxiliary to the Veterans of Foreign Wars, and thank you for considering our request. If you have any questions, please feel free to contact me at the number below. I look forward to hearing from you.

Sincerely,



Sarah L. Parker
President
LAVFW Post 1943
94-6089710



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5D

Meeting Date: 06/04/2012

Department

Administration

Staff Contact

Gay Johann, City Clerk

Agenda Item Title

Request by Sonoma International Film Festival for City-subsidized use of the Sonoma Valley Veterans Memorial Building for one day on April 13, 2013.

Summary

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

Sonoma International Film Festival requested City-subsidized use of the Veteran's Building on April 13, 2013 for the Film Festival.

If all four requests on the June 4 Consent Calendar are approved, the City will have eleven allocated days remaining for the fiscal year ending June 30, 2013.

Recommended Council Action

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

Alternative Actions

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

Financial Impact

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

Environmental Review

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

Status

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

Attachments:

Request from Mary Cutcliffe

cc: Mary Cutcliffe, via email

From: Mary Catherine Cutcliffe [mailto:mc@sonomafilmfest.org]
Sent: Friday, May 18, 2012 3:25 PM
To: Gay Johann
Cc: Debra Rogers
Subject: Re: Rent Subsidy @ Veterans Building

Hi gay -

My regrets for the delay in sending a reply with a formal request to be considered for a rent subsidy day at the Vet's building.

I was just reviewing the City Council Agenda for Monday and note that there are 3 requests on the agenda. I know that Kevin will be there to give a report about the 2011 Festival, it may have been a good day for us to be on the agenda?

Weeks ago when you asked for info about how the building would be used, Kevin gave me this statement:

"The Vets Building will provide an important venue for the Sonoma International Film Festival to used for screening films, hosting special events, and providing the only large capacity facility to host a variety of festival events from Thursday April 11th through Sunday the 14th 2013....KW McNeely"

I realize it most likely is to late for the May 21st agenda, but can you add the Film Festival for consideration of a rent subsidy day? We have reserved the Vet's Building, all rooms, April 11-15, 2013 through Raquel Curiel Morales who works with the County.

Thank you,
MC

Mary Catherine Cutcliffe
Director of Operations
mc@sonomafilmfest.org
o: 707-933-2600
direct: 206-4483
c: 205-602-6514

Break bread, lift a glass, see some flicks

<image001.jpg>

On May 4, 2012, at 11:18 AM, Gay Johann wrote:

Dear Ms. Cutcliffe,



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5E

Meeting Date: 06/04/2012

Department

Administration

Staff Contact

Gay Johann, City Clerk

Agenda Item Title

Request by Soroptimist International Sonoma Valley for City-subsidized use of the Sonoma Valley Veterans Memorial Building for one day on February 1, 2013.

Summary

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

Soroptimist International Sonoma Valley requested City-subsidized use of the Veteran's Building on February 1, 2013 for the Road To Reality for the Senior class of 2013.

If all four requests on the June 4 Consent Calendar are approved, the City will have eleven allocated days remaining for the fiscal year ending June 30, 2013.

Recommended Council Action

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

Alternative Actions

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

Financial Impact

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

Environmental Review

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

Status

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

Attachments:

Request from Maddy Leader

cc: Maddy Leader, via email

Gay Johann

From: Maddy <maddy@maddyleader.com>
Sent: Wednesday, May 16, 2012 12:23 PM
To: Gay Johann
Subject: Soroptimist Road to Reality 2013

Hi Gay,

I am hoping that the City Council can approve our day at the Veterans Memorial Building for Road to Reality 2013. It will be taking place on Thursday, February 1, 2013 for the Senior class of 2013.

Please let me know if they can address this for us soon.

Thank you for all your help.

Regards,

Maddy

Maddy Leader
Soroptimist International Sonoma Valley
2nd Vice President
Chair, Road to Reality
maddy@maddyleader.com
(707)938-7099



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5F

Meeting Date: 06/04/2012

Department

Administration

Staff Contact

Gay Johann, City Clerk

Agenda Item Title

Adoption of resolution approving the adopted Conflict of Interest Code of the Oversight Board to the Dissolved Sonoma Community Development Agency (CDA).

Summary

On January 12, 2012, City Council designated the City of Sonoma as the Successor Agency to the former Sonoma Community Development Agency. On February 1, 2012, all assets, properties, contracts, leases, and records of the former redevelopment agency were transferred by operation of law to the Successor Agency. As prescribed in AB 1x 26 a seven member "Oversight Board" was established pursuant to Health and Safety Code Section 34179 to assist in the close out and wind down of the dissolved redevelopment agency.

On April 11, 2012, the League of California Cities (LCC) requested Fair Political Practices Commission (FPPC) advice regarding AB x1 26 as it relates to Filing Requirements for Successor Agency and Oversight Board compliance requirements with the Political Reform Act/Conflict of Interest for both the Successor Agency and Successor Agency Oversight Board.

On April 25, 2012 the FPPC responded that the Political Reform Act requires public officials to disclose information about their financial interests that can materially affect their official actions and may cause them to disqualify themselves from acting when there is a potential conflict of interest (Government Code Section 81002(c)). Successor agencies and Oversight Boards have control and oversight over obligations, assets and property and therefore require accurate financial disclosure. The FPPC concluded that the City Council may serve as the code reviewing body for the Successor Agency and Oversight Board.

The Oversight Board adopted a Conflict of Interest Code on April 4, 2012 and Successor Agency legal counsel has recommended that the City Council, as the code reviewing body, review and approve the Conflict of Interest Code adopted by the Oversight Board.

Recommended Council Action

Adopt the resolution approving the Conflict of Interest Code adopted by the Oversight Board.

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 approving the adopted Conflict of Interest Code
-

cc: None

CITY OF SONOMA

RESOLUTION NO. xx - 2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA APPROVING THE ADOPTED CONFLICT OF INTEREST CODE OF THE OVERSIGHT BOARD TO THE DISSOLVED SONOMA COMMUNITY DEVELOPMENT AGENCY (CDA)

WHEREAS, pursuant to Government Code sections 87300 and 87301, the Oversight Board to the Dissolved Sonoma Community Development Agency (CDA) adopted a conflict of interest code on April 4, 2012; and

WHEREAS, pursuant to Sections 82011 and 87303 of the Government Code, the Oversight Board to the Dissolved Sonoma Community Development Agency has submitted its adopted code to the City Council of the City of Sonoma, the code reviewing body, for approval; and

WHEREAS, the adopted conflict of interest code of the Oversight Board to the Dissolved Sonoma Community Development Agency is attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, pursuant to Government Code section 87303, the City Council as code reviewing body, may approve the code as submitted, revise the proposed code and approve it as revised, or return the proposed code to the agency for revision and resubmission; and

WHEREAS, the proposed code as adopted is lawful under the Political Reform Act of 1974.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Sonoma does hereby approve the adopted conflict of interest code of the Oversight Board to the Dissolved Sonoma Community Development Agency, attached hereto as Exhibit A.

The foregoing resolution was adopted the 4th day of June 2012, by the following vote:

Ayes:
Noes:
Absent:

Joanne Sanders, Mayor

ATTEST:

Gay Johann, City Clerk

**OVERSIGHT BOARD TO THE DISSOLVED SONOMA COMMUNITY
DEVELOPMENT AGENCY (CDA)**

OVERSIGHT BOARD RESOLUTION NO. 02-2012

**A RESOLUTION OF THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY TO THE
DISSOLVED SONOMA COMMUNITY DEVELOPMENT AGENCY ADOPTING A CONFLICT
OF INTEREST CODE FOR THE OVERSIGHT BOARD**

WHEREAS, the Oversight Board to the Successor Agency to the dissolved Sonoma Community Development Agency has been appointed pursuant to the provisions of Health & Safety Code Section 34179; and

WHEREAS, the Oversight Board is deemed a local entity for purposes of the Political Reform Act; and

WHEREAS, pursuant to the Political Reform Act and regulations promulgated thereunder by the Fair Political Practices Commission ("FPPC"), a newly established local entity is required to adopt a conflict of interest code; and

WHEREAS, the Oversight Board finds and determines that it is appropriate to adopt as its conflict of interest code the model conflict of interest code promulgated by the FPPC as set forth in this Resolution;

NOW, THEREFORE, BE IT RESOLVED by the Oversight Board as follows:

SECTION 1. Pursuant to the Political Reform Act of 1974, Government Code Section 87300 et seq., and Section 18730 of Title 2 of the California Code of Regulations, the Board adopts the model conflict of interest code promulgated by the Fair Political Practices Commission of the State of California as set forth in Section 18730 of Title 2 of the California Code of Regulations, which model conflict of interest code is incorporated herein by reference, and which, together with the list of designated positions and the disclosure categories applicable to each designated position as set forth in Sections 3 and 5 of this Resolution, collectively constitutes the Board's conflict of interest code. As the model conflict of interest code set forth in Section 18730 of Title 2 of the California Code of Regulations is amended from time to time by State law, regulatory action of the Fair Political Practices Commission, or judicial determination, the portion of the Board's conflict of interest code comprising the model conflict of interest code shall be deemed automatically amended without further action to incorporate by reference all such amendments to the model conflict of interest code so as to remain in compliance therewith. Nothing in this Resolution shall supersede the independent applicability of Government Code Section 87200.

SECTION 2. The definitions contained in the Political Reform Act of 1974 and in the regulations of the Fair Political Practices Commission, and any amendments to either of the foregoing, are incorporated by reference into this conflict of interest code.

SECTION 3. The following are the designated Board positions, the holders of which shall be required to file statements of economic interests: Oversight Board members.

SECTION 4. The code reviewing body for this conflict of interest code shall be the City Council of the City of Sonoma. This conflict of interest code shall be promptly submitted after its adoption by the Secretary to the Clerk of the City Council. Statements of economic interests shall be filed by Oversight Board members with the Clerk of the Sonoma City Council.

SECTION 5. The Board finds and determines that the persons holding the positions set forth in Section 3 make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

SECTION 6. Each person holding a designated position set forth in Section 3 shall report in every disclosure category set forth in the statement of economic interests promulgated by the FPPC to the extent such category is applicable to such person pursuant to the rules and regulations of the FPPC. The disclosure categories as promulgated by the FPPC may be amended from time to time and such amendments shall not require an amendment to this code or Resolution.

SECTION 7. Sections 3 and 6 of this Resolution constitute the Appendix referred to in subdivision (b)(2) of Section 18730 of Title 2 of the California Code of Regulations.

SECTION 8. Nothing contained in this Resolution is intended to modify or abridge the provisions of the Political Reform Act of 1974, Government Code Section 87000 et seq., or the FPPC regulations, Title 2 California Code of Regulations including Sections 18700 et seq. The provisions of this Resolution are additional to the Political Reform Act and FPPC Regulations. This Resolution shall be interpreted in a manner consistent with the Political Reform Act and FPPC regulations. In the event of any inconsistency between the provisions of this Resolution, on the one hand, and the Political Reform Act and/or the FPPC regulations, on the other hand, the provisions of the Political Reform Act and FPPC regulations shall govern.

SECTION 9. If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Resolution. The Board hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared invalid.

PASSED AND ADOPTED by the Oversight Board at a meeting held on the 4th day of April, 2012 with the following vote:

AYES: Blum, Calvert, Fogg, Sanders, Hudson, Roberts, Gibson
NOES: None
ABSENT: None



Joanne Sanders, Chair

ATTEST:



Cathy Lanning, Secretary

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

§ 18730. Provisions of Conflict-of-Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict-of-interest code within the meaning of Section 87300 or the amendment of a conflict-of-interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict-of-interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict-of-interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict-of-interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict-of-interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict-of-interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

(C) The filing officer is the same for both agencies.¹

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories

are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict-of-interest code.²

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making

of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the

previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$420.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$420 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.

2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.

4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she

vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
 - a. The date the loan was made.

b. The date the last payment of \$100 or more was made on the loan.

c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in this title.

3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action.

Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect,

distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$420 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any

governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

¹Designated employees who are required to file statements of economic interests under any other agency's conflict-of-interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

²See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

³For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

⁴Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

⁵A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

⁶Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In

addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

HISTORY

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14).
Certificate of Compliance included.
2. Editorial correction (Register 80, No. 29).
3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).
4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).
5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).
6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).
7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).
8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28-90; operative 9-27-90 (Reg. 90, No. 42).
9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of Note filed 8-7-92; operative 9-7-92 (Register 92, No. 32).
10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93; operative 2-4-93 (Register 93, No. 6).

11. Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11-22-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.

12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).

13. Editorial correction adding History 11 and 12 and deleting duplicate section number (Register 94, No. 17).

14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and Note filed 3-14-95; operative 3-14-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 11).

15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).

16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).

17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 15).

18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of Note filed 8-24-98; operative 8-24-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 35).

19. Editorial correction of subsection (a) (Register 98, No. 47).

20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative

5-11-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 20).

21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of Government Code section 11380.2 and Title 2, California Code of Regulations, section 18312(d) and (e) (Register 2000, No. 49).

22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).

23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4. filed 2-13-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).

24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).

25. Editorial correction of History 24 (Register 2003, No. 12).

26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).

27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 1).

28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).

29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).

30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).

31. Amendment of section heading and section filed 11-15-2010; operative 12-15-2010. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2010, No. 47).



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5G

Meeting Date: 06/04/2012

Department

Administration

Staff Contact

Gay Johann, City Clerk

Agenda Item Title

Approval of the Minutes of the May 21, 2012 Meeting.

Summary

The minutes have been prepared for Council review and approval.

Recommended Council Action

Approve the minutes.

Alternative Actions

Correct or amend the minutes prior to approval.

Financial Impact

N/A

Environmental Review

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

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

Minutes

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



***Community Meeting Room, 177 First Street West
Monday, May 21, 2012***

**5:15 p.m. Special Joint Meeting with the
Cultural & Fine Arts Commission**

6:00 p.m. Regular Meeting

MINUTES

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

**5:15 P.M. – SPECIAL MEETING
JOINT MEETING WITH CULTURAL AND FINE ARTS COMMISSION
IN THE CONFERENCE ROOM NEXT TO THE COMMUNITY MEETING ROOM**

Item SS1: Study Session with Cultural and Fine Arts Commission to discuss, consider and provide possible direction to staff regarding proposed revisions to Public Art Ordinance.

PRESENT: Mayor Sanders and Councilmembers Brown, Gallian and Rouse. CFAC Chair Sheridan and members Carlsson, Personette, Simmel, and Cravens.

ABSENT: CIm. Barbose and Commissioners Ransom and Ontko were absent.

Also present were City Manager Kelly, City Clerk Johann, City Attorney Walter and Development Services Director Wirick.

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

City Manager Kelly reported that following lengthy study, the City Council adopted the Public Art Ordinance in April 2009. Since that time, the economy had impacted the City's revenue streams during the extended recession to the extent that the Council had waived the .25% annual public art contribution from the General Fund for successive years. She stated that the City's former redevelopment agency's bond-funded projects had been recently challenged by the State Department of Finance, and thus, one source of funding for public art under the 1% mandated contribution was uncertain at this time.

City Manager Kelly stated that staff was recommending that due to experience with the Public Art Ordinance to date, revisions to the Ordinance be considered that would: 1) narrow the definition of public development projects that are eligible for the funding contribution acknowledging that the City's financial situation does not currently and may not in the future allow for 1% contributions to public art; and; 2) provide the City Council with sole discretion regarding whether to apply a up-to-1% contribution to a project and clarify the point in the process whereby the percentage would be calculated. City Manager Kelly further stated that the recommended amendments should be retroactive to January 1, 2011 to account for those former Sonoma Community Development Agency bond projects. She added that while public art was important, the City was entering into a new era

where it would have to compete with Fire and Police services for funding, and that she was in favor of removing earmarks from the City's budget in order to provide the Council with more discretion.

CIm. Rouse stated that under current circumstances the City needed to look at "must haves" not "wants". City Manager Kelly pointed out that under the recommended amendments, the Council could decide to fund public art in any given year.

Commissioner Simmel stated that the Commission worked on the Public Art Policy, at the request of the City Council to be in compliance with the General Plan, for four years. He stated he was disappointed by what was being proposed and said that the ordinance should not be changed on a whim.

Commissioner Cravens stated the recommendation was a strong action for what she perceived as a "temporary" financial crisis. She asked if the amendments to the ordinance could be temporary in nature.

CIm. Brown stated that it was not a temporary situation; that the funding source (redevelopment money) was gone for good. He added that he had always supported the commission and public art; however, it was Council's responsibility to focus on the budget and determine what were appropriate expenditures under the current financial crisis. He reminded everyone that the City had made a major contributions to the museum and Community Center and had steadfastly provided funding for the commission.

CIm. Gallian stated that she felt it would be a real challenge to argue to the Department of Finance that funds for public art at the library were an Enforceable Obligation Payment and without their approval it would divert to a General Fund obligation.

City Attorney Walter stated that as the ordinance is currently written, the 1% on public development projects was not discretionary. In order to make it discretionary, the ordinance needed to be amended. He pointed out that the City was in a very serious financial crisis.

Commissioner Simmel stated that commissioners knew there would be no money for the library public art but he objected to changes that would affect the art set aside associated with future development projects.

Mayor Sanders stated that if left in place, the current provisions would require the City to set aside \$158,000 on \$15.8 million dollars' worth of road improvements and stated that the City could ill-afford to do that. She explained that no decision was being made at the meeting but that the Council wanted to have the study session as an opportunity to have dialog with commissioners and to explain why the amendments were being proposed and work together with the commission.

In response to the question by CIm. Rouse, City Manager Kelly stated she would like to have the proposed amendments adopted sooner rather than later, especially since it had retroactive provisions. She noted that the City was presently not in compliance with the ordinance.

CIm. Brown stated his support for the amendments recommended by staff. He stated that the commission had been valuable before the ordinance would remain valuable and he hoped commissioners would look for other sources of revenue.

Commissioner Carlsson stated that commissioners could get back to the City Manager and City Council after they had a chance to discuss the matter at their next meeting.

6:00 P.M. – REGULAR MEETING

Mayor Sanders called the meeting to order at 6:00 p.m. Nellie Cravens led the Pledge of Allegiance.

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

ABSENT: Barbose

ALSO PRESENT: City Manager Kelly, City Clerk Johann, City Attorney Walter, City Engineer Bertolero.

1. COMMENTS FROM THE PUBLIC

Roy Tennant reported a number of instances where he had been in contact with Planning Department staff to report instances of Mayor Sanders' campaign sign violations. He said that her non-conforming signs remained standing long after the Mayor had been advised to remove them and that one was still on display on Fourth Street West. Mr. Tennant stated that the instances he cited could be verified by City staff.

Michael Sexton, Director of Gran Fondo, thanked the City Council, City staff, and the local merchants for helping make their event a huge success. He reported raising over \$75,000 for local charities.

Bob Mosher stated that his 'Cuclis for Supervisor' sign had been stolen out of his yard. He said such behavior was below the dignity of the office of Supervisor.

Herb Golenpaul reported that retired or active Coast Guard members were being sought to participate in the Memorial Day ceremony.

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers' Comments and Announcements

CIm Brown dedicated the meeting to John McEndy. He stated that many candidate signs were being ripped off and it was a shame.

CIm. Gallian announced that CBS Evening News would feature an interview with James Parks on Sunday. She thanked the volunteers who worked to clean up the cemeteries and congratulated Melinda Kelly for putting together a video documenting construction of the rainwater harvest tower at the Community Center.

Tom Rouse reported that local merchants were very enthusiastic about the flow of people generated by the Gran Fondo.

Mayor Sanders stated that it was true; she had a couple of signs out in the community a little larger than they should have been and still had one up because the property owner refused to take it down. She reported that she conducted a tour of City Hall and a mock City Council meeting for the St. Francis Solano Third Grade class. Mayor Sanders also commended the Nelson family for their recent generous contribution to the hospital and noted that she would be doing a proclamation to recognize them in the near future.

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

City Manager Kelly reported that the next Oversight Meeting would be on June 13 at 5 p.m. She stated that at the request of the Mayor, she had asked City Engineer Bertolero to report on the status of the turn lane at Leveroni and Broadway.

City Engineer Bertolero reported that the City had received a grant in 2010 for installation of a turn lane on Leveroni at Broadway. She explained that along with the grant came requirements that included completion of several studies and surveys. Ms. Bertolero also pointed out that \$56,000 of former CDA money had been earmarked as the City cash match for the program; an amount that may now have to come from the General Fund. She said that approximately \$50,000 had been spent to date.

4. PRESENTATIONS

Item 4A: Proclamation Recognizing Ben Flajnik

Mayor Sanders stated that Mayor Pro Tem Brown had suggested the proclamation for Ben Flajnik. She stated that besides being raised in Sonoma and producing wine; Ben became somewhat of a celebrity by starring in the 2012 reality show The Bachelor and was very worthy of receiving the proclamation which she then presented to him.

Mr. Flajnik said that he loved Sonoma with all his heart and he felt truly blessed to be a part of such a unique place and to be able to work with his best friends making wine. He thanked the Mayor and City for the proclamation.

Item 4B: Sonoma International Film Festival 2012 – Wrap up Presentation

Kevin McNeely thanked the City Council for authorizing installation of the “Sonomawood” sign during the festival. He reported a great attendance and stated that although they did not receive financial support from the City they were able to once again make a contribution to the student film class at the high school. He invited the City Council to give some thought about their future involvement in the festival.

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 Nellie Cravens to the Cultural and Fine Arts Commission for a two-year term.

Item 5C: Request by the American Legion Post 489 for City-subsidized use of the Sonoma Valley Veterans Memorial Building for one day on November 3, 2012. Approved subject to applicant’s compliance with the City’s standard insurance requirements.

Item 5D: Request by the Native Sons of the Golden West for City-subsidized use of the Sonoma Valley Veterans Memorial Building for one day on January 26, 2013. Approved subject to applicant’s compliance with the City’s standard insurance requirements.

Item 5E: Approval of the Minutes of the May 7, 2012 Meeting.

Item 5F: Adoption of Plans and Specifications and Award of Contract to Mascon Inc/Argonaut Constructors Joint Venture, lowest responsible bidder, for the Este

Madera Road Rehabilitation Project No. 1119 and approval of Change Order No. 1 for the total amount of \$369,685.00.

Item 5G: Request by the Veterans of Foreign Wars for City-subsidized use of the Sonoma Valley Veterans Memorial Building for one day on September 8, 2012. Approved subject to applicant's compliance with the City's standard insurance requirements.

It was moved by Clm. Rouse, seconded by Clm. Gallian, to approve the Consent Calendar as presented. The motion carried unanimously except that Clm. Barbose was absent and Clm. Rouse abstained from voting on the May 7 minutes (5E).

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

Item 6A: Approval of the portions of the Minutes of the May 7, 2012 City Council / Successor Agency Meetings pertaining to the Successor Agency.

It was moved by Clm. Rouse, seconded by Clm. Gallian, to approve the Consent Calendar as presented. The motion carried unanimously except that Clm. Barbose was absent and Clm. Rouse abstained from voting on the May 7 minutes (5E).

ITEM 8C CONTINUED: City Manager Kelly reported that agenda item 8C would be continued to a future meeting.

7. PUBLIC HEARING – None Scheduled

8. REGULAR CALENDAR – CITY COUNCIL

Item 8A: Discussion, consideration, and possible direction to staff regarding the City's Economic Development Program and the Sonoma Valley Economic Development Partnership.

City Manager Kelly reported that since 2004, the City of Sonoma had approached economic development through a partnership concept, realizing regional economies of scale and working in conjunction with the Sonoma Valley Chamber of Commerce and the Sonoma County Community Development Commission, contributing to a Valley-wide economic development effort. The partnership evolved and currently, support for the partnership was provided as follows: City of Sonoma (former redevelopment funding): \$69,360; Sonoma County (former redevelopment funding): \$15,640; and SV Chamber of Commerce: (in-kind support) for a total budget of \$85,000.

City Manager Kelly reported that the Partnership had been very successful, won multiple awards and had been emulated in other jurisdictions. She said the value of the Partnership was clear; however, the traditional funding for the program had ended with the dissolution of redevelopment, and thus a new model for funding this critical program must be found. She reported that the SV Chamber of Commerce had allocated a \$15,000 private funding match as of July 1, 2012 for the Economic Partnership and had also directed Chamber staff to apply for County of Sonoma Advertising Program Funding in the amount of \$16,000 which could be directed toward the Partnership.

Clm. Brown inquired about funding from the County. City Manager Kelly reported that the Community Development Commission did not include partnership funding in their new Recognized Obligation Payment Schedule (ROPS) and that she had been in touch with Supervisor Brown's office and Ben Stone and had been told there was no funding set-aside for the Partnership.

In response to the question by Clm. Rouse, Jennifer Yankovich stated that the \$15,000 Chamber funding would come from County Transient Occupancy Tax (TOT).

Economic Development Program Manager Decker provided a report of the activities and accomplishments of the Partnership. Jennifer Yankovich stated the Chamber would continue to support the City's efforts in putting together a program that would continue to maintain the Valley's ambiance and viability.

Clm. Gallian stated she would like staff to look for other sources of funds and possibly a reduction of the current program. She added that it might be possible that future Tourism Improvement District (TID) funds could be used.

Mayor Sanders stated that the program had always supported the unincorporated Valley equally; however, the funding had been primarily from the City. She said it was a major disappointment to learn that the County would not be contributing to the program.

Clm. Rouse stated the City needed to look at its wants versus its needs. He suggested exploring the use of TID funds and agreed that the County involvement should be greater.

Item 8B: Receive status report on the 2012 Pavement Management Program report and impact of the loss of redevelopment funding on the City's street rehabilitation program.

City Engineer Bertolero reported that the City was required to update its Pavement Management Program (PMP) every two years in order to receive State and Federal funds for pavement rehabilitation. The PMP report was recently completed by Capitol Asset & Pavement Services. Based on the report, the City's current Pavement Condition Index (PCI) was 70 indicating the City's streets were in "Good" condition. Bertolero provided a detailed review of the entire study.

Clm. Rouse stated that the City needed to limit the number of times its streets were cut into by utility companies and for lateral installations and repairs. Bertolero stated that staff was working on a trench cut ordinance which would contain more stringent requirements.

Mayor Sanders invited comments from the public. Herb Golenpaul commented on the report.

Item 8C: Discussion, consideration, and possible direction to staff regarding proposed revisions to the Special Event Policy.

This item was carried over to a future agenda.

9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

No items.

10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS

Item 10A: Reports Regarding Committee Activities.

Clm. Gallian reported on the Sonoma County Transportation Authority/Regional Climate Protection Agency meeting.

Mayor Sanders reported on the Library Advisory Committee, Disaster Council, Economic Development and Oversight Board meetings.

Item 10B: Final Councilmembers' Remarks.

Cm. Rouse thanked Rotary Club for the luncheon they provided for City employees.

Cm. Gallian reported the Cottage and Garden tour would take place on June 3 and encouraged everyone to arrive early to get a seat at the annual Memorial Day service.

Mayor Sanders stated she planned on keeping in touch with staff regarding the State's plan to make Casa Grande a pay-for-parking lot.

11. COMMENTS FROM THE PUBLIC

Herb Golenpaul suggested that the City require the TID to provide funding for its Tier 1 non-profits and the Economic Development Partnership.

12. PUBLIC COMMENTS REGARDING CLOSED SESSION

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

At 8:10 p.m. Mayor Sanders announced the Council would convene in closed session. All members except Cm. Barbose were present. Also present were City Manager Kelly and City Attorney Walter.

13. CLOSED SESSION

Item 13A: 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. Negotiating Parties: Sonoma County Library, a Joint Powers Agency. Under Negotiation: Price and terms of payment of lease.

14. RECONVENE IN OPEN SESSION & REPORT ON CLOSED SESSION

At 8:45 p.m. the Council reconvened in open session and Mayor Sanders announced that no reportable action had been taken while in closed session.

15. ADJOURNMENT

The meeting was adjourned at 8:46 p.m. in memory of John McEndy.

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: 5H

Meeting Date: 06/04/12

Department

Public Works

Staff Contact

Milenka Bates, Public Works Director

Agenda Item Title

Adoption of Resolution approving and consenting to the use of City streets by the Sonoma Community Center for the 4th of July Parade on Wednesday, July 4, 2012.

Summary

Special event permit applications that include requests for the closure of City streets in conjunction with the event must obtain City Council approval of the related street closure. Because the event involves use of SR 12, the applicant must also obtain permission and an encroachment permit from Caltrans.

The Sonoma Community Center has requested temporary closure of portions of East Napa Street, Broadway (Highway 12), Spain St and First St West in conjunction with the July 4, 2012, 4th of July Parade. Details of the requested street closures are specified in the application and in the attached supplemental report.

Recommended Council Action

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

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

Alternative Actions

1. Approve the request with specified modifications
2. Deny the request

Financial Impact

This is a City-supported event.

Environmental Review

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

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

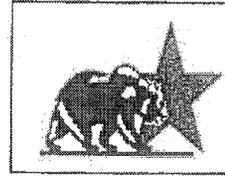
1. Application
2. Resolution

cc:

Toni Castrone
Sonoma Community Center
276 E. Napa Street
Sonoma, CA 95476



City of Sonoma
No. 1 The Plaza
Sonoma CA 95476



PERMIT APPLICATION
FOR USE OF CITY STREETS

Application Fee: \$373.00
(Encro 100 30203)

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

Name of Applicant: Toni Castrone

Name of Sponsoring Organization: Sonoma Community Center

Address: 276 E Napa Street, Sonoma CA 95476

Telephone Numbers: Day: 928-4626x6 Night: _____ Fax: _____ Email: toni@sonomacommunitycenter.org

Name of Event: Parade + Plaza Celebration

Type of Event - Mark Appropriate Box

Run or Walk

Rally or Assembly

Parade

Other _____

Date(s) of Event: 7/4/12

Street Closure(s) Requested:

1st East between Blue Wing and E Napa from 8 am/pm to 12 am/pm
E Napa between 1st E and 1st W from 8 am/pm to 12 am/pm
1st West between Spain/ and E Napa from 8 am/pm to 12 am/pm

Spain, from 1st E to Pt West

/Vets bldg " "

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

Annual 4th of July parade. Begins @ 10am - ends by 12noon. Appx 110 entries, w/ floats, banners, cars, horses, etc. Reviewing stand on Napa, in front of City Hall.

Estimated Daily Attendance: 10,000

If a Sound Amplification is be used, describe the type, location, purpose and hours of use: Reviewing stand w/ Announcer + satellite announcer mid-way up 1st West.

TRAFFIC PLAN: PARADE ROUTES AND HIGHWAY 12 DETOURS.

The purpose of this memo is to outline alternative routes while parades or other festivals are in progress in the area of Broadway (Highway 12) and W. Napa Street (Highway 12). During such events, traffic will be diverted around the Sonoma Plaza and adjacent streets.

Historically, traffic has been detoured around 1st Streets East and West, East and West Napa Streets and East and West Spain Streets during special events. With an increase of popularity of Sonoma events, there has been a steady increase in spectator attendance. With an increase of pedestrian traffic along the city streets surrounding the events, there is an increased danger of injury collisions involving vehicles and pedestrians. The danger increases when both driver's and spectator's attention are drawn to the event rather than the roadway. The alternative routes outlined in this memo are designed to minimize the impact of Highway 12 traffic, while keeping in mind the safety of pedestrians and spectators of the festivities in progress.

Highway 12 is considered to be an east/west highway. However within the City of Sonoma, there are portions of Highway 12 that run north/south. For purposes of this plan, Broadway (SR-12) will be referred to as north/south and W. Napa Street (SR-12) will be referred to as an east/west roadway.

RECOMMENDATIONS FOR W/B HIGHWAY 12 TRAFFIC:

N/B Broadway (SR-12) - I recommend diverting Highway 12 traffic from Broadway onto W/B Leveroni Road. From Leveroni Road, detouring traffic to N/B 5th Street West and ultimately east or westbound W. Napa Street (SR-12) depending on ultimate destination.

Placement of appropriate signs should be as follows:

Broadway, approximately 200 – 300' south of Napa Road: 1 x SPECIAL EVENT ROAD CLOSED AHEAD, HWY 12 DETOUR, LEVERONI ROAD.

Leveroni Road @ 5th Street West: HIGHWAY 12 DETOUR- RIGHT TURN

W. Napa Street @ 5th Street West: END DETOUR

Should traffic continue N/B on Broadway and still need to detour, an alternate detour route should be W/B on W. Macarthur Street. Traffic should then be detoured to N/B 5th Street West and ultimately east or westbound on W. Napa Street (Hwy 12) depending on ultimate destination.

Placement of appropriate signs should be as follows:

Broadway, approximately 200' south of W. Macarthur Street: 1 x ROAD CLOSED AHEAD, HWY 12 DETOUR onto Leveroni Road.

W. Macarthur Street @ 5th Street West: HIGHWAY 12 DETOUR- RIGHT TURN.

N/B Highway 12 traffic will be stopped at McDowell Street, leaving this left turn as the last Highway 12 escape. Large white wooden barricades with ROAD CLOSED signs will block Highway 12 at McDowell Street. Traffic will be allowed to continue normal ingress and egress to the side streets along the Highway 12 corridor between the southern city limits and McDowell Street. There will be a “Left Turn Only” sign placed on 1st Street West at McDowell Street, directing traffic southbound on 1st Street West, away from the festivities.

RECOMMENDATIONS FOR E/B HIGHWAY 12 TRAFFIC:

W. Napa Street (Hwy 12) - I recommend diverting Highway 12 traffic from W. Napa Street to S/B 5th Street West. Traffic will be allowed to use any of the cross streets, however Highway 12 traffic will be detoured onto E/B Leveroni Road. From Leveroni Road, traffic will be detoured to N/B or S/B Broadway (Hwy 12) depending on ultimate destination.

Placement of appropriate signs should be as follows:

W. Napa Street (Hwy 12), approximately 200 – 300’ west of 5th Street West: 1 x SPECIAL EVENT ROAD CLOSED AHEAD, HWY 12 DETOUR S/B 5th STREET WEST.

5th Street @ West Leveroni Road: HIGHWAY 12 DETOUR- LEFT TURN

Leveroni Road @ Broadway (Hwy 12): END DETOUR

Should traffic continue W/B on W. Napa Street, and still need to detour, an alternate detour route should be S/B on 2nd Street West. Traffic should then be detoured to E/B W. Macarthur Street and ultimately east or westbound on Broadway (Hwy 12) depending on ultimate destination.

Placement of appropriate signs should be as follows:

W. Napa Street (Hwy 12), approximately 200’ west of 2nd Street West: SPECIAL EVENT ROAD CLOSED AHEAD, HWY 12 DETOUR 2ND STREET WEST.

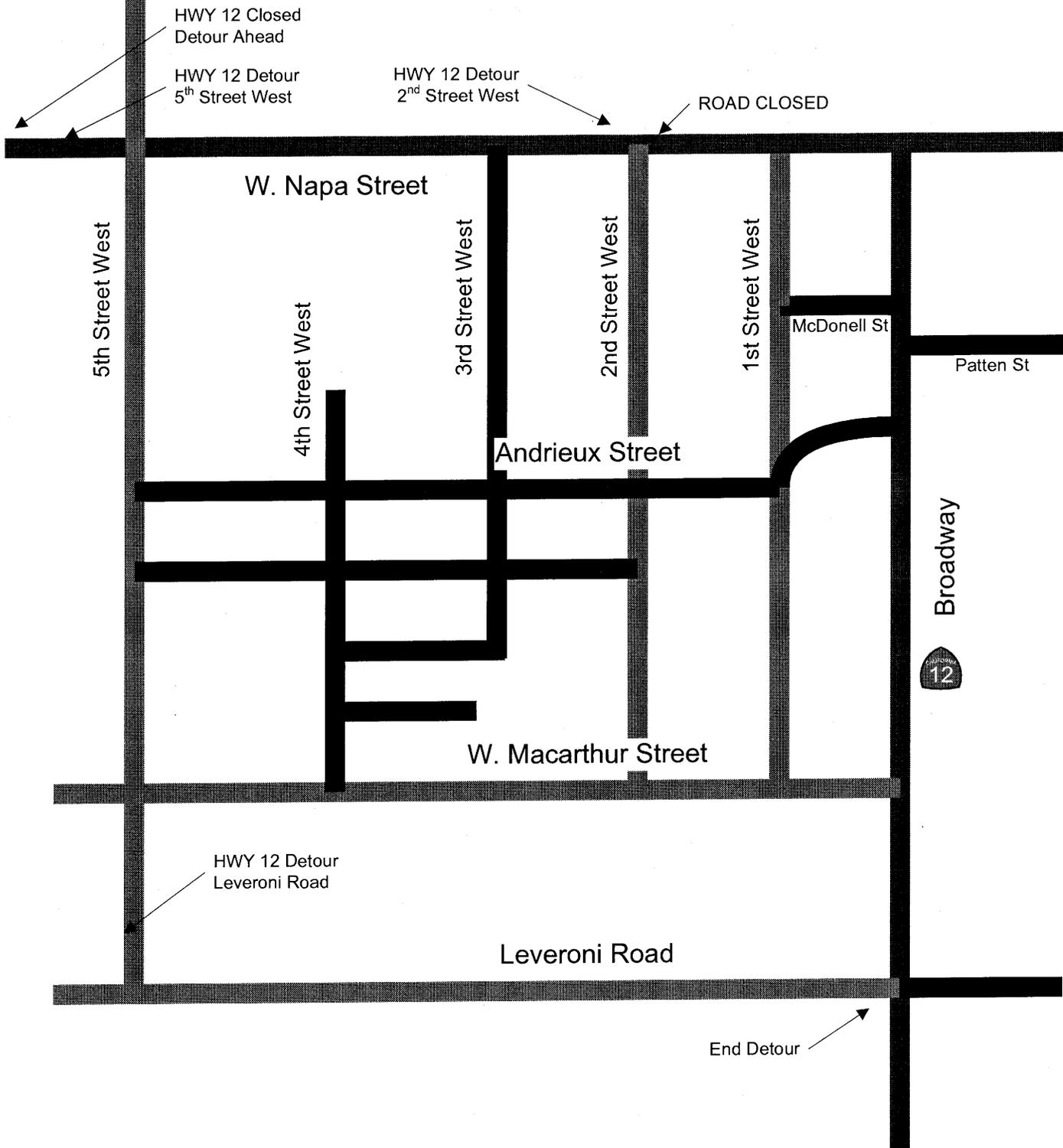
2ND Street West @ W. Macarthur Street: HIGHWAY 12 DETOUR- LEFT TURN.

W/B Highway 12 traffic will be stopped at 1st Street West, leaving this right turn as the last Highway 12 escape. Large white wooden barricades with ROAD CLOSED signs will block Highway 12 at 2nd Street West. Traffic will be allowed to continue normal ingress and egress to the side streets along the Highway 12 corridor between the western city limits and 1st Street West. There will be a “Right Turn Only” sign placed W. Napa

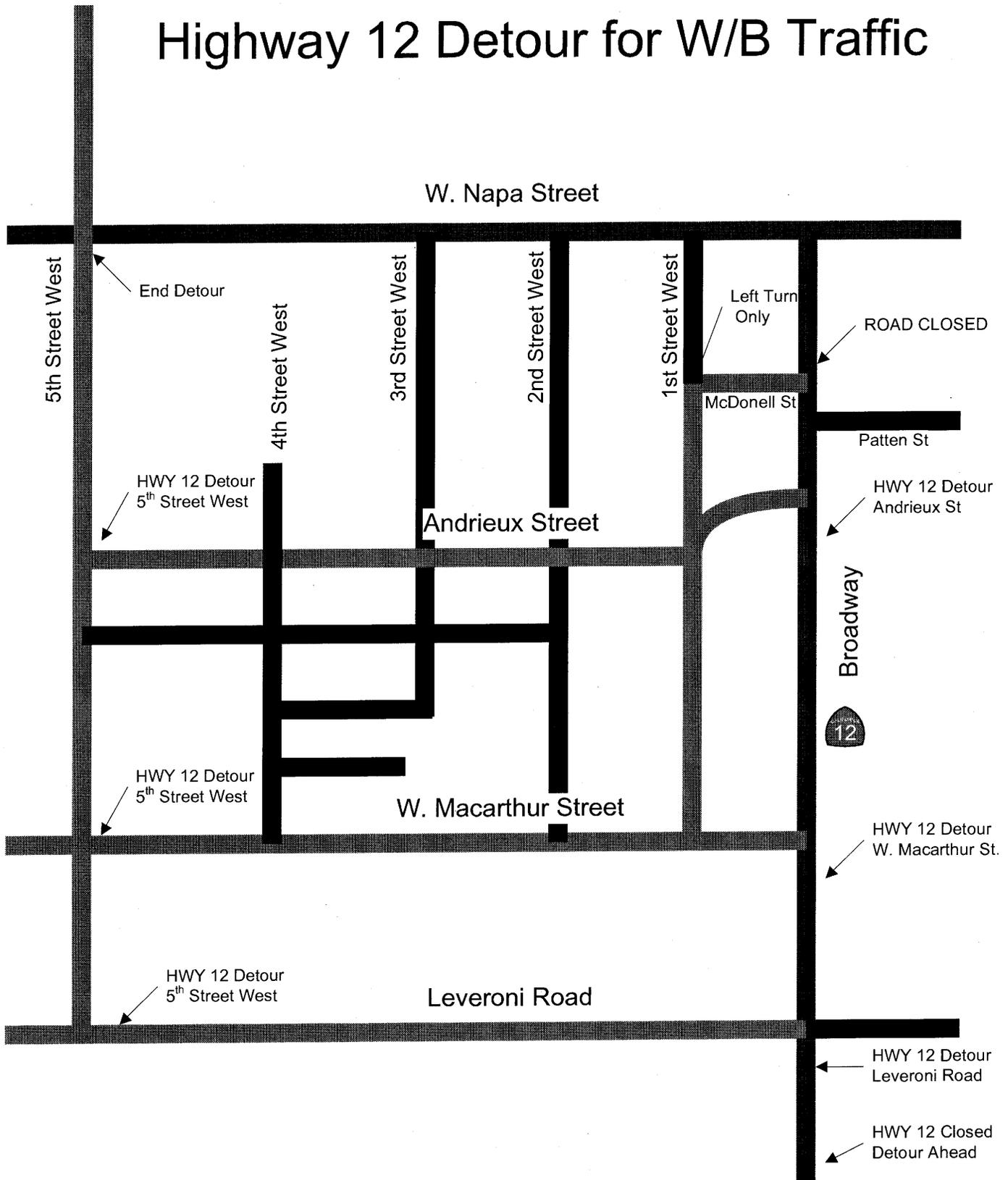
Street at 1st Street West, directing traffic southbound on 1st Street West, away from the festivities.

Any vehicles parked along W. Napa Street, between 1st Street West and 2nd Street West will be directed either W/B or southbound on 1st Street West away from the festivities.

Highway 12 Detour for E/B Traffic



Highway 12 Detour for W/B Traffic



CITY OF SONOMA

RESOLUTION NO. __ - 2012

**RESOLUTION APPROVING AND CONSENTING
TO THE USE OF CITY STREETS
2012 4th of July Parade**

WHEREAS, Sonoma Community Center has made application to conduct the 4th of July Parade, which will involve use of State Route 12; and

WHEREAS, the 4th of July Parade will temporarily impede and restrict the free passage of traffic over State Route 12 on July 4, 2012 between First St. East and First St. West and State Route 12 between MacArthur and Napa Street and between the hours of 9:00 a.m. and 12:00 noon.

NOW THEREFORE be it resolved that the City Council of the City of Sonoma approves and consents to the proposed 4th of July Parade and recommends approval of and consents to the proposed restriction of State Route 12 upon terms and conditions deemed appropriate and necessary by the State of California, Department of Transportation.

BE IT FURTHER RESOLVED that the following traffic and parking restrictions necessary to conduct the parade are hereby approved.

1. No parking on First Street West and First Street East between Spain and Napa from 6:00 a.m. until the conclusion of the parade.
2. No parking on Spain Street and Napa Street between First Street West and First Street East from 6:00 a.m. until the conclusion of the parade.
3. First Street East between Spain and Blue Wing Drive will be closed from 9:15 a.m. until the conclusion of the parade.
4. First Street West between Spain Street and the Sonoma Memorial Veterans Building will be closed from 9:00 a.m. until the conclusion of the parade.
5. Traffic will be detoured from State Route 12 at Napa Road, Leveroni Road, MacArthur Street and Andrioux Street and State Route 12 will be closed from Patten St. and McDonnell Street from 9:30 a.m. until conclusion of the parade.

The foregoing Resolution was duly adopted this 4th day of June 2012, by the following vote:

Ayes:
Noes:
Absent:

Joann Sanders, Mayor

ATTEST:

Gay Johann, City Clerk



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5I

Meeting Date: June 4, 2012

Department

Administration

Staff Contact

Jeffrey Walter, City Attorney

Agenda Item Title

- (1) Approval of Indemnity Agreement with Keller Canyon landfill indemnifying City for hazardous waste and landfill closure liability.
 - (2) Approval of Indemnification Agreement with Sonoma Garbage Collectors, Inc. ("SGC") in which SGC assumes liabilities of and indemnifies City for the City's obligations under the Keller Canyon agreement referenced in item #1.
-

Summary

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

However, under paragraph 2 of the landfill indemnification agreement ("Keller Agreement"), the City agrees to cause SGC to remove any "Nonconforming Waste" (as defined in the Keller Agreement) that SGC delivers to the Devlin Road transfer station. Nonconforming Waste is waste that does not originate in the City or waste that may not be lawfully delivered to the Devlin Road transfer station. Because SGC has control over what waste it collects and delivers to Devlin Road, a second agreement is attached that requires SGC to assume the City's obligations under paragraph 2 of the Keller Agreement and to indemnify the City for any liabilities associated with those paragraph 2 obligations. The City-SGC indemnification agreement is attached.

Recommended Council Action

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

Alternative Actions

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

Financial Impact

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

Environmental Review

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

Status

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

Attachments:

Indemnity Agreement with Keller Canyon

Agreement Indemnifying the City for Nonconforming Waste with SGC

cc:

Ken Wells

Tom Bruen

SUPPLEMENTAL REPORT

Review and Consideration of Indemnification Agreements Pertinent to Solid Waste Delivered to Keller Canyon

For City Council meeting of June 4, 2012

This is the second time these documents have come before the Council. The first time, the Keller Canyon-City agreement required the City to indemnify Keller Canyon for certain liabilities, namely, any damages arising out of Sonoma Garbage Collectors' ("SGC") delivery of "Nonconforming Waste" (waste not generated in the City or otherwise not permitted to be disposed of at Keller Canyon landfill) to Keller Canyon. The Council did not support this indemnification provision (in paragraph 2). Keller Canyon has agreed to delete this provision and, insofar as Nonconforming Waste being delivered to Keller Canyon is concerned, limit the City's responsibility to causing SGC to remove and properly dispose of same. The attached agreement is in red-line format so that the Council can easily see the changes to the first agreement that are now being proposed. Keller Canyon has approved this agreement.

The second agreement is between SGC and the City. Under this agreement, SGC assumes all of the City's liability and responsibilities under the Keller Canyon-City agreement, as well as indemnifies the City for any and all damages that arise from SGC's delivery of the City's solid waste to Keller Canyon landfill. This agreement has been strengthened in the City's favor. The changes from the first iteration are shown in red-line and strike-out format. SGC has approved this agreement.

INDEMNITY AGREEMENT

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

RECITALS

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

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

Now, therefore, the parties hereto agree as follows:

AGREEMENT

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

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

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

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

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

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

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

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

CITY OF SONOMA

By: _____
Linda Kelly, City Manager

**KELLER CANYON LANDFILL COMPANY, a
California Corporation**

By: _____
Name:
Its: Authorized Signatory

AGREEMENT INDEMNIFYING CITY FOR
NONCONFORMING WASTE – KELLER CANYON

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

RECITALS

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

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

WHEREAS, since the activities ~~for~~ which the City is agreeing to take under the Indemnity Agreement are obligations stemming from the acts and/or omissions of SGC and ~~indemnify the Landfill~~ are out of the City’s control but are within the control of SGC, SGC has agreed to assume and indemnify the City for City’s ~~Indemnification~~ Obligations under the terms and conditions of this Agreement:

NOW, THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

AGREEMENT

1. SGC shall assume and hereby agrees to discharge all of the City’s ~~Indemnification~~ Obligations as though said obligations were and are SGC’s to perform under the Indemnity Agreement in accordance with the terms and conditions set forth in the Indemnity Agreement. Without limiting the generality of the foregoing, SGC agrees that upon notice from the City and/or Keller, SGC shall remove, properly transport and properly dispose at a permitted disposal facility all Nonconforming Waste.
2. SGC shall indemnify, defend with counsel selected by SGC but reasonably acceptable to the City, and hold harmless the City and its officers, councilmembers, employees, and agents (“Indemnitees”), from any and all Damages (as that term is defined in the Indemnity Agreement) of any kind whatsoever paid, incurred or suffered by, or asserted against Indemnitees, arising from, or attributable to the acts or omissions of the City and/or SGC in connection with, related to, or arising out of the performance or non-performance of the City’s ~~Indemnification~~ Obligations.

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

CITY OF SONOMA

By: _____
Linda Kelly, City Manager

SONOMA GARBAGE COLLECTORS, INC.

By: _____
Name:
Its President

By: _____
Name:
Its Chief Financial Officer



City of Sonoma
City Council/Successor Agency
Agenda Item Summary

City Council Agenda Item: 6A

Meeting Date: 06/04/2012

Department

Administration

Staff Contact

Gay Johann, City Clerk

Agenda Item Title

Approval of the portions of the Minutes of the May 21, 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 5G for the minutes



City of Sonoma
City Council
as Successor Agency
Agenda Item Summary

City Council Agenda Item: 6B

Meeting Date: 06/04/2012

Department

Administration

Staff Contact

Linda Kelly, City Manager
Carol Giovanatto, Assistant City Manager

Agenda Item Title

Adoption of Administrative Budget for Administrative Allowance for FY 2012-13

Summary

AB 26 provides for an administrative cost allowance [at a minimum of \$250,000 allocation] to provide funds for the Successor Agency to wind down the affairs and administer the debt repayment of the former redevelopment agency. Under section 3417[b] of AB 26, the "administrative cost allowance" is defined as follows:

"Administrative cost allowance" means an amount that, subject to the approval of the oversight board, is payable from property tax revenues of up to 5 percent of the property tax allocated to the successor agency for the 2011-12 fiscal year and up to 3 percent of the property tax allocated to the Redevelopment Obligation Retirement Fund money that is allocated to the successor agency for each fiscal year thereafter..."

Based on current information on how the allocation formula is calculated the City, as Successor Agency, is eligible for the minimum payment of \$250,000 administrative cost allowance for FY 2012-13. Staff has placed the \$250,000 administrative cost allowance on the Recognized Obligation Payment Schedule [ROPS]. To validate this allocation, the Successor Agency must prepare and approve a budget for the administrative cost allowance which will be presented to the Oversight Board for final approval. Staff has prepared, for consideration by the Successor Agency, a budget to reflect the costs to administer the wind down of the CDA in an amount not to exceed \$250,000.

Recommended Council Action

Approve budget for Successor Agency administrative cost allowance for FY 2012-13.

Alternative Actions

Direct changes to the Successor Agency Budget.

Financial Impact

City/Successor Agency to receive minimum allocation of \$250,000 to off-set costs of administration.

Environmental Review

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

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

Successor Agency budget for administrative cost allowance.

cc:

SUCCESSOR AGENCY OF THE SONOMA COMMUNITY DEVELOPMENT AGENCY

ADMINISTRATIVE BUDGET - July 1, 2012 through June 30, 2013

	DESCRIPTION	Annual Fy2013
110	WAGES & BENEFITS <i>To account for wages & benefits for administrative and finance personnel assigned to perform mandated Successor Agency duties</i>	410,945
311	ACCOUNTING/AUDIT <i>To account for annual audit and reporting costs for Successor Agency</i>	22,000
407	CONTRACT SERVICES <i>To account for percentage of website for SA</i>	1170
453	ADVERTISING <i>To account for costs for posting and legal notices</i>	1,000
457	TRAVEL <i>To account for mileage reimbursements</i>	200
457	TRAINING/CONFERENCES <i>To account for training for SA Staff</i>	4,200
900	MGMT INFO SVS <i>To account for percentage of costs for MIS maintenance and equipment for SA</i>	29,055
900	LONGTERM BLDG MAINT <i>To account for percentage of costs for building maintenance for City Hall & Finance Dept</i>	6,332
900	OVERHEAD SUPPORT <i>To account for percentage of general operating costs of the General Fund Successor Agency activities.</i>	181,015
40000	TOTAL EXPENSE	655,917



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 7A

Meeting Date: 06/04/2012

Department

Planning

Staff Contact

David Goodison, Planning Director

Agenda Item Title

Discussion, consideration and possible introduction of a draft ordinance establishing new regulations for Formula Businesses.

Summary

In response to the Staples Office Supply store moving into the former Bonanza Ford tenant space, the City Council established an eight-member Ad Hoc Committee on Formula Stores at its meeting of May 16, 2011, with direction to study, research and report back to the City Council on options related to the possible regulation of formula businesses and changes in tenancy of large commercial spaces. The recommendations of the Ad Hoc Committee (which were developed over the course of four meetings and adopted on a vote of 4-3) were reviewed by the City Council over the course of two meetings, on December 19, 2011 and on March 5, 2012. Through those meetings, a three-member majority of the Council gave direction to staff to proceed with an ordinance but to scale back the scope of the regulation suggested by the Ad Hoc Committee. Ultimately, the Council majority determined that, with the exception of formula businesses proposed in tenant spaces having an area of 10,000 square feet or greater, the geographic scope of the ordinance should be limited to the Plaza area and the Historic Overlay zone. With those changes, the Council referred the draft ordinance to the Planning Commission for review and comment. The Planning Commission conducted its review over the course of two meetings, ultimately voting 4-3 to refer the ordinance back to the City Council for adoption without recommending any changes. Now the draft ordinance is back before the City Council for consideration and possible introduction.

Recommended Council Action

Conduct public hearing and introduce the ordinance, subject to any additional amendments that may be directed by the City Council. (Note: substantive amendments not previously considered by the Planning Commission may need to be referred to the Planning Commission for review.)

Alternative Actions

Council discretion.

Financial Impact

The cost of preparing an ordinance establishing regulations on formula businesses is being invoiced by the City Attorney on an hourly basis. By increasing the number of projects subject to use permit review, there would be a minor increase in fee income to the General Fund. The increase in the number of use permit reviews could have impacts on Planning staff in that less time would be available for other work activities. Increased restrictions and use permit processing times may lead to longer vacancies in some commercial spaces, potentially reducing revenues such as sales tax. The use permit process also creates uncertainties that could discourage proposals for new formula businesses from being made.

Environmental Review

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

Status

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

Attachments:

1. Draft Ordinance
2. Supplemental Report

3. Minutes of the City Council meeting of December 19, 2011
 4. Correspondence
 5. Zoning Map
 6. Plaza business inventory
-

cc:

Ad Hoc Committee mailing list (via email)
Robert Felder, Planning Commission Chair
Bruce and Richard Wagner

SUPPLEMENTAL REPORT

Discussion, consideration and possible introduction of an ordinance establishing regulations on Formula Businesses

For the City Council meeting of June 4, 2012

Background

In response to the Staples Office Supply store moving into the former Bonanza Ford tenant space, the City Council established an eight-member Ad Hoc Committee on Formula Stores at its meeting of May 16, 2011, with direction to study, research and report back to the City Council on options related to the possible regulation of formula businesses and changes in tenancy of large commercial spaces. Discussion at the first three meetings focused on the pros and cons of regulating formula businesses, possible definitions of a formula business, and approaches to the regulation of such businesses. The fourth meeting continued these topics and also included discussion of requiring a community impact report, economic analysis, and/or use permit for new occupancies of commercial spaces above a certain size threshold. At the conclusion of this meeting, the Ad Hoc Committee finalized its recommendations to the City Council. The recommendations of the Ad Hoc Committee were reviewed by the City Council over the course of two meetings, on December 19, 2011 and on March 5, 2012. Over the course of those meetings the City Council reviewed a draft ordinance modelled upon the recommendations of the Ad Hoc Committee; however, the Council ultimately voted 3-2 to direct staff to make several changes to the draft ordinance and to refer it to the Planning Commission for review (see attached minutes). The Planning Commission conducted its review over the course of two meetings, ultimately voting 4-3 to refer the ordinance back to the City Council for adoption without recommending any changes.

Recommendations of the Ad Hoc Committee

The final recommendations of the Ad Hoc Committee proposed that formula businesses (limited to retail, personal services and restaurants) be regulated by use permit through a two-tiered approach that would be more restrictive in the vicinity of the Plaza:

- A business within a chain with 9 or fewer locations would not be classified as a “Formula Business” and would not be subject to any new form of review.
- A business within a chain of 10-X stores (the number X to be determined) would be defined as a “Formula Business” and would be allowed subject to use permit review (including within the Plaza Retail Overlay Zone), except that within shopping centers having five or more tenant spaces no use permit would be required.
- Businesses within a chain of greater than X (with “X” left to be defined by the City Council) stores would be prohibited in the Plaza Retail Overlay zone, but allowed subject to use permit elsewhere (except, again, that there would be no use permit requirement in shopping centers of five or more tenant spaces).

These recommendations were adopted on 4-3 votes, with the dissenting members expressing the view that the regulations were overly broad.

City Council Discussion and Provisions of the Draft Ordinance

The City Council discussed the recommendations of the Ad Hoc Committee at its meetings of December 19, 2011 and March 5, 2012. Over the course of those meetings, a three-member majority of the Council

gave direction to staff to proceed with an ordinance but to scale back the scope of the regulation suggested by the Ad Hoc Committee. Ultimately, the Council majority determined that with one limited exception the geographic scope of the ordinance should be limited to the Plaza area and the Historic Overlay zone. This direction was based on the view that the primary purpose of regulating formula businesses was to protect the unique economic, historic and cultural character of the downtown area and other commercial areas having a heightened sensitivity with respect to historic qualities, as defined by the Historic Overlay zone. More specifically, the ordinance includes the following provisions:

- A business in a chain of nine stores or fewer would not be classified as a “Formula Business” and would not be subject to any new regulation.
- A “Formula Business” would be defined as a retail, restaurant, or personal services business with 10 or more substantially similar businesses, regardless of location or ownership. (*Note: hotels, offices, financial institutions, and other types of service businesses are not included in this definition.*)
- A “Large-scale Formula Restaurant” would be defined as a chain of 250 or more substantially similar businesses.
- Within the Plaza Retail Overlay District, Large-scale Formula Restaurants would be prohibited.
- A Conditional Use Permit would be required for any Formula Business to be located within the Historic Overlay zone, which includes the Plaza Retail Overlay District, with the exception of tenant spaces within specified Shopping Centers. Findings related to balance, community character, and compatibility would need to be made in order to grant the Conditional Use Permit.
- On a city-wide basis, the establishment of a formula business within a tenant space of 10,000 square feet or larger would also be subject to use permit review, except, again, within specified shopping centers.

This approach is reflected in the attached draft ordinance. As discussed above, the draft ordinance reflects the direction of a three-member Council majority. The two dissenting Councilmembers felt that even as scaled back relative the recommendations of the Ad Hoc Committee, the scope of regulation was still too broad.

Planning Commission Review

The Planning Commission conducted an initial review of the draft ordinance at its meeting of April 12, 2012. At that time, the Commission had a wide-ranging discussion of issues and options associated with the regulation of formula businesses, but while various questions were raised no specific direction was given to staff with respect to potential changes to the ordinance. A follow-up discussion was held at the Planning Commission meeting of May 10th, at which time staff provided additional information on the issue areas that were previously identified by the Planning Commission, along with staff comments and recommendations. In the course of discussion, it became clear that many Planning Commissioners favored expanding the scope of the proposed ordinance. Options that were discussed included the following:

- Expand the definition of a formula business to include offices and hotels.
- Eliminate the exemption of specified shopping centers.
- Administer the use permit requirement for formula businesses on a city-wide basis.
- Require a use permit for any change in business tenancy.

- Reduce the threshold for review of Large-scale Formula Business” from 10,000 square feet to some lesser size.

Ultimately, however, there was no majority agreement to make any change to the ordinance and as a result, the Planning Commission voted 4-3 to adopt the following motion: *“The Planning Commission hereby forwards the draft ordinance to the City Council for adoption as a first step in addressing broader issues associated with protecting the character of the entire community.”* (Comms Willers, George and Heneveld dissenting, Comm. Howarth absent.)

Note: The Planning Commission received correspondence (attached) from the owners of the Old Bowl commercial development (located at 19310 Sonoma Highway) requesting that their property be included as an exempt shopping center. The Planning Commission took no action on that request. As drafted, the ordinance exempts the following shopping centers: Sonoma Valley Center; the Marketplace; Maxwell Village; and Fifth Street West Plaza. Of these, only the Marketplace center lies within the Historic Overlay. For the others, the benefit of the exemption is that a change in a tenant space of 10,000 square feet or greater would not be subject to use permit review. (The advantage of naming specific shopping centers is that it allows the City Council to be very specific and avoids the need to create a new zoning definition. The potential disadvantage is that any future shopping center developed outside of the Historic District would be subject to the 10,000 square foot tenant space review requirement, unless a subsequent ordinance amendment is adopted.)

Recommendation

Introduce for first reading the draft ordinance on formula businesses, subject to any further amendments that may be identified by the City Council.

CITY OF SONOMA

ORDINANCE NO. X - 2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA AMENDING TITLE 19 OF THE SONOMA MUNICIPAL CODE BY ESTABLISHING ZONING REGULATIONS PERTAINING TO FORMULA BUSINESSES

The City Council of the City of Sonoma does ordain as follows:

Section 1. Amendments to “Zones and Allowable Uses” (Title 19, Division II) of the Sonoma Municipal Code.

A. Section 19.10.030.C.4 (/P Plaza Retail District) is hereby amended as follows:

4. /P (Plaza Retail) District. The /P overlay district is intended to preserve the vitality of Sonoma’s historic downtown area as a predominantly retail center.

a. Applicability. The /P overlay district is applied to sites and areas as identified on the zoning map.

b. Permit Requirements for Office Uses. Use permit approval is required for the establishment or expansion of any office use, where not already allowed by use permit, within any new or existing ground-floor tenant space having frontage along a public street or a major pedestrian arcade (defined as the Mercato, the Place des Pyrenees, and the El Paso).

c. Findings for Office Uses. In order to approve a use permit as required under subsection (C)(4)(b) of this section, the planning commission must find, in addition to the basic use permit findings set forth in SMC [19.54.040\(E\)](#), that the proposed use due to specific circumstances related to its size, nature or location, will not detract from the retail and pedestrian character of its immediate environs or the plaza generally, or that the office use is necessary for the economic viability of the site or its surroundings.

d. Prohibition on Formula Restaurants, Large. Formula Restaurants, Large are prohibited within the Plaza Retail District.

B. Table 2-2 (Commercial Uses and Permit Requirements) is amended to add “Formula Business, Small” and “Formula Business, Large”, as follows:

Allowed Uses and Permit Requirements for Commercial Zoning Districts	Permit Required by District		P	Use Permitted
	C	CG	UP	Use Permit required
Land Use	C	CG	L	License required
			—	Use not allowed
SPECIAL CIRCUMSTANCES COMMERCIAL DEVELOPMENT				
Commercial Development, Large	UP	UP		SMC 5.34
Development Adjacent to a	UP	UP		

<i>Residential Zone (3)</i>			
<i>Formula Business, Small</i>	<i>P/UP (4)</i>	<i>P</i>	<i>19.50.035</i>
<i>Formula Business, Large</i>	<i>UP</i>	<i>UP</i>	<i>19.50.035</i>
<i>Formula Restaurant, Large</i>	<i>UP/— (5)</i>	<i>UP</i>	<i>19.50.035</i>
<i>Shopping Center, Reconfiguration</i>	<i>UP</i>	<i>UP</i>	
<p><i>Notes:</i></p> <p><i>1. See SMC 19.10.050(C) regarding uses not listed. See Division VIII for definitions of the listed land uses.</i></p> <p><i>2. New residential developments subject to the city’s growth management ordinance (Chapter 19.94 SMC).</i></p> <p><i>3. Defined as new commercial construction or an addition to an existing commercial building, having an area of 1,000 square feet or greater.</i></p> <p><i>4. Use permit required within Historic Overlay zone.</i></p> <p><i>5. Prohibited in /P Plaza Retail District. See 19.50.035.</i></p>			

B. Table 2-3 (Mixed Uses and Permit Requirements) is amended to add “Formula Business, Small” and “Formula Business, Large”, as follows:

<i>Allowed Uses and Permit Requirements for Commercial Zoning Districts</i>	<i>Permit Required by District</i>	<i>P Use Permitted</i> <i>UP Use Permit required</i> <i>L License required</i> <i>— Use not allowed</i>
<i>Land Use</i>	<i>MX</i>	<i>Specific Use Regulations</i>
<i>SPECIAL CIRCUMSTANCES COMMERCIAL DEVELOPMENT</i>		
<i>Formula Business, Small</i>	<i>UP</i>	<i>19.50.035</i>
<i>Formula Business, Large</i>	<i>UP</i>	<i>19.50.035</i>
<i>Formula Restaurant, Large</i>	<i>UP</i>	<i>19.50.035</i>

Section 3. Amendments to “Special Use Standards” (Title 19, Division IV) of the Sonoma Municipal Code.

A. Section 19.50.010.B.1 (Applicability) is hereby amended to read as follows:

All zoning districts. Except as otherwise specified, the standards of this Chapter apply to all zoning districts (e.g., residential, commercial, manufacturing, etc.), and therefore, are combined in this Chapter.

B. Section 19.50.035 (Formula Businesses) is hereby added to read as follows:

19.50.035 Formula Businesses

A. Historic District. The establishment or expansion of a Formula Business within the Historic District shall require the approval of a use permit in compliance with SMC 19.54.040.

B. Formula Business, Large. The establishment or expansion of a Formula Business, Large shall require the approval of a use permit in compliance with SMC 19.54.040.

C. Additional Use Permit Findings Required. When use permit review is required, the planning commission shall approve, with or without conditions, the establishment or expansion of a Formula Business only if all of the following findings can be made, in addition to those identified in SMC [19.54.040](#), Use permits:

1. The Formula Business establishment will promote diversity and variety to assure a balanced mix of commercial uses available to serve both resident and visitor populations;

2. The proposed use, together with its design and improvements, is consistent with the unique and historic character of Sonoma, and will preserve the distinctive visual appearance and shopping/dining experience of Sonoma for its residents and visitors.

The following additional finding is required for the granting of a use permit for Formula Businesses on sites located within the /P (Plaza Retail) District:

3. The Formula Business establishment will be compatible with existing uses in the zone and will promote the zone's economic vitality as the commercial, cultural, and civic center of the community.

D. Prohibition on Formula Restaurants, Large. Formula Restaurants, Large are prohibited within the Plaza Retail Overlay Zone.

E. Exemptions. The provisions of this section shall not apply to Formula Businesses located or proposed to be located in the following shopping centers: (i) Sonoma Valley Center; (ii) the Marketplace; (iii) Maxwell Village; and (iv) Fifth Street West Plaza.

Section 4. Amendments to "Definitions" (Title 19, Division VIII) of the Sonoma Municipal Code.

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

Formula Business. Formula Business is hereby defined as Auto Parts Sales, Building Material Stores, Furniture, Furnishings and Equipment Stores, General Retail uses, Grocery Stores, Personal Services, or Restaurants as defined in section 19.92.020 of the Sonoma Municipal Code, which is required by contractual or other arrangement or affiliation to maintain a standardized ("Formula") array of services and/or merchandise, menu, employee uniforms, décor, facade design, signage, color scheme, trademark or service mark, name, or similar standardized features; and which causes it to be substantially identical to ten or more other businesses in the United States regardless of ownership or location at the time that the application is deemed complete.

(1) "Standardized array of services" shall be defined as a common menu or set of services priced and performed in a consistent manner.

(2) "Standardized array of merchandise" shall be defined as 50% or more of in-stock merchandise from a single distributor bearing uniform markings.

(3) "Trademark" shall be defined as a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods of one party from those of others.

(4) "Servicemark" shall be defined as word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of a service of one party from those of others.

(5) "Décor" shall be defined as the style of interior furnishings, which may include but is not limited to, style of furniture, wallcoverings or permanent fixtures.

(6) "Color scheme" shall be defined as selection of colors used throughout, such as on the furnishings, permanent fixtures, and wallcoverings, or as used on the façade.

(7) "Façade" shall be defined as the face or front of a building, including awnings, looking onto a street or an open space.

(8) "Uniform apparel" shall be defined as standardized items of clothing including but not limited to standardized aprons, pants, shirts, smocks or dresses, hat, and pins (other than name tags) as well as standardized colors of clothing.

(9) "Signage" shall be defined as a sign pursuant to Titles 18 and 19 of the Sonoma Municipal Code.

Formula Business, Large. A Formula Business which occupies or is proposed to occupy a tenant space having an area of 10,000 square feet or greater.

Formula Business, Small. A Formula Business which occupies or is proposed to occupy a tenant space having an area of less than 10,000 square feet.

Formula Restaurant, Large. A Formula Restaurant substantially identical to 250 or more other restaurants in the United States regardless of ownership or location at the time that the application is deemed complete.

Section 5. Exemption from Environmental Review.

The amendments to the Municipal Code effected by this ordinance are exempt from environmental review pursuant to Section (b)(3) of title 14 of the California Code of Regulations, as it can be determined with certainty that there is no possibility that establishing more restrictive regulations on formula businesses, as defined, may have a significant effect on the environment.

Section 6. Effective Date.

This ordinance shall become effective thirty (30) days from and after the date of its passage.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Sonoma this XX day of XX 2012.

Item 7A: Consideration of Sales Tax Ballot Measure, Continued

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

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

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

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

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

8. REGULAR CALENDAR – CITY COUNCIL

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

City Manager Kelly reported that, pursuant to Assembly Bill 1X 26, the Mayor could appoint two nominees to the Oversight Board of the Successor Agency to the dissolved Sonoma Community Development Agency. Pursuant to the City Council’s standard practice for commission and committee appointments, the Mayor would submit the names for consideration and request ratification of the nominees by the City Council.

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

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

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

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

Goodison stated that the draft ordinance reflected the recommendations of the Ad Hoc committee and subsequent direction provided by the City Council, as follows: 1) Formula businesses (encompassing retail, personal services and restaurants) would be regulated by use permit through a two-tiered approach that would be more restrictive in the vicinity of the Plaza. 2) A business within a chain with 9 or fewer locations would not be classified as a “Formula

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

Business” and would not be subject to any new form of review. 3) A business within a chain of 10-249 stores would be defined as a “Formula Business, Small” and would be allowed subject to use permit review (including within the Plaza Retail Overlay Zone), except that within specified large shopping centers, no use permit would be required. 4) Businesses within a chain of 250 or greater would be prohibited in the Plaza Retail Overlay zone, but allowed subject to use permit elsewhere (except, again, that there would be no use permit requirement in large shopping centers, as specified).

Mayor Sanders invited comments from the public.

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

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

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

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

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

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

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

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

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

Mayor Sanders asked if there were three votes to ban large scale (250 stores or more) formula restaurants on the Plaza. Cm. Gallian stated that 250 seemed too small. Cm. Brown said he could go along with it. Mayor Sanders stated there seemed to be support. Cm. Barbose proposed that the 250 store limit would only apply to chain restaurants in the Plaza Retail Overlay District and at any other location they would have to apply for a use permit. The council on a 3-2 vote, with Mayor Sanders and Councilmember Rouse dissenting, voted to revise the proposed ordinance to prohibit chain restaurants with 250 or more locations from the Plaza Retail Overlay District.

Cm. Barbose inquired if all were in support of the geographic area being citywide. Cm. Gallian stated she wanted to address the issue that arose when Staples came to town. Cm. Barbose suggested that a use permit be required for formula businesses within the Historic Overlay District and for any business over 10,000 square feet. Councilmembers Brown and Gallian agreed. The council approved on a 3-2 vote, with Mayor Sanders and Councilmember Rouse dissenting, to revise the proposed ordinance to require a use permit for a formula business within the Historic Overlay District and for one of 10,000 square feet or more outside the Historic Overlay District.

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

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

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

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

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

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

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

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

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

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

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

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

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

9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS

Item 10A: Reports Regarding Committee Activities.

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

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

Item 10B: Final Councilmembers' Remarks.

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

RECEIVED

APR 30 2012

CITY OF SONOMA

April 24, 2012

David Goodison,
Sonoma Director of Planning

Sonoma Planning Commission

Re: Olde Bowl Center
19310 Sonom Highway

To David Goodison, and Members of the Sonoma Planning Commission:

The owners of the Olde Bowl Center are now formally requesting that our property be included in the list of shopping centers that will be exempted from the Formula Business Ordinance that the Planning Commission is developing.

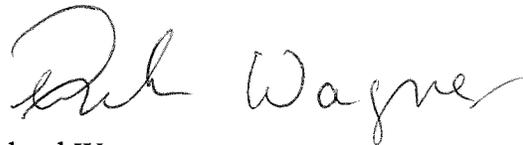
We believe that our property does fit the required criteria because, per Municipal Code 18.50.360, the shopping center has more than three commercial businesses, including one large suite that is over 10,000 square feet. Additionally, our shopping center does have a shared monument sign, common ingress and egress driveways, and common parking facilities.

The Olde Bowl Center is among the approved large shopping centers in the City of Sonoma and should be exempted from the Formula Business Ordinance so a potential large retail tenant, of over 10,000 square feet will not be required to obtain a special use permit.

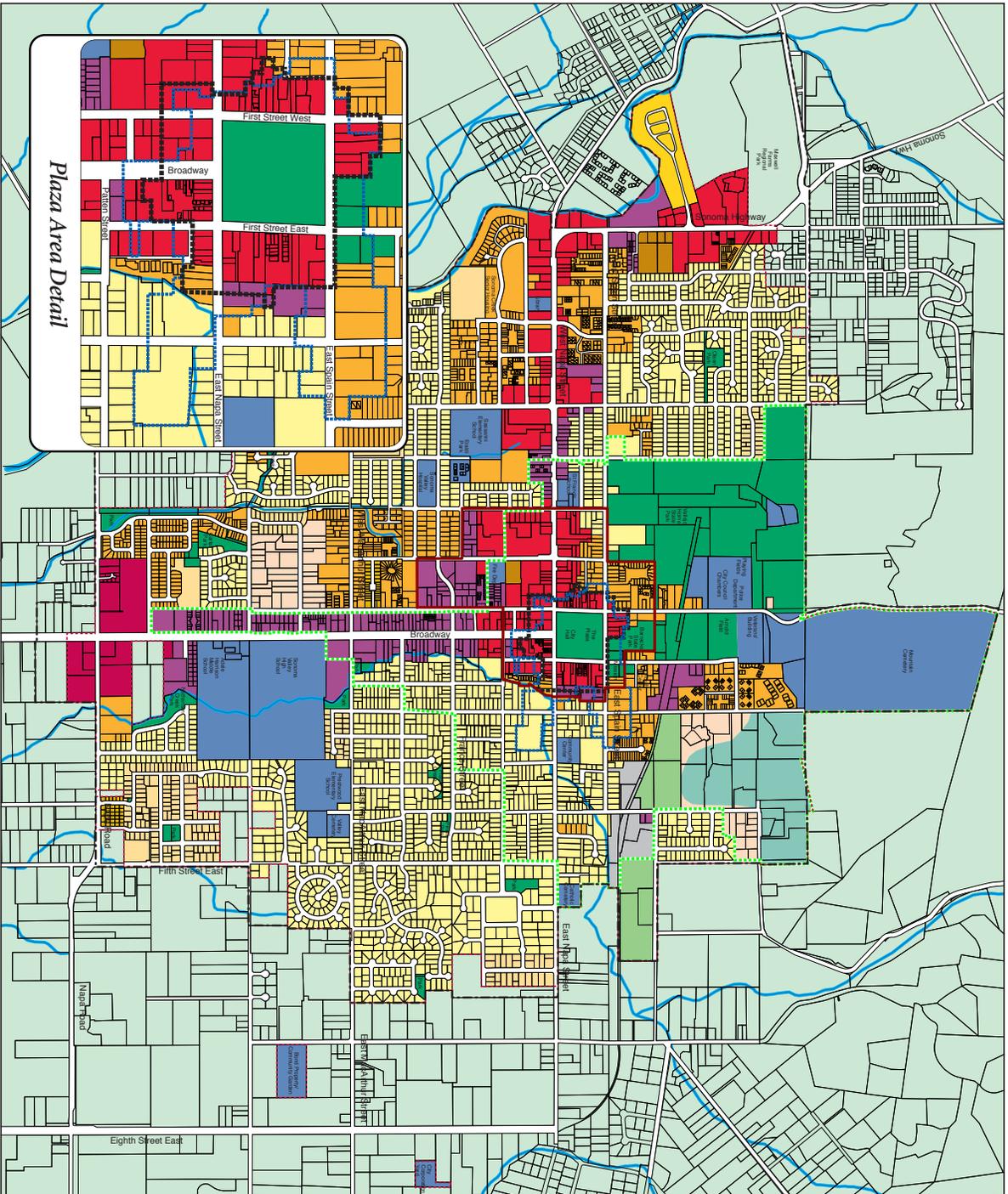
Thank you for your consideration of this request,



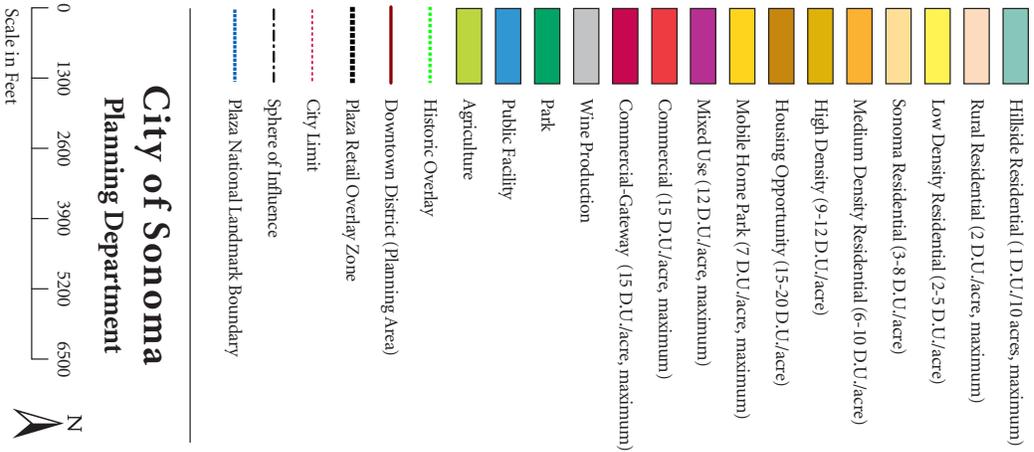
Bruce Wagner



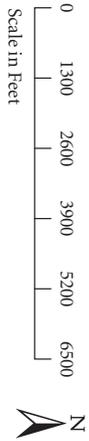
Richard Wagner



**Zoning Districts, Overlays, and
Plaza National Landmark Boundary**



City of Sonoma
Planning Department



DRAFT

May 30, 2012

To: Linda Kelly, City Manager
Cc: David Goodison, Planning Director
From: Laurie Decker, Economic Development Manager
SUBJECT: Business Database, Plaza Retail Overlay Zone (PROZ)

Background

Over the past year, the City Council as discussed issues and policy options regarding the current and desired mix of business uses in the downtown and citywide. The area at the heart of these discussions is the Plaza Retail Overlay Zone (PROZ), which comprises the Plaza itself and adjoining areas of approximately one-half block in most directions.

Currently, a City ordinance restricts conversion of ground-floor retail uses to office uses, through the requirement of a use permit. Beyond that, businesses uses are regulated through use permit requirements for new restaurant uses, design review requirements for external changes to business properties, and sign ordinance requirements.

The City Council is currently considering a draft ordinance to restrict formula businesses, including a prohibition of large-scale chain restaurants (250+) and use permit requirements for all formula businesses, defined as restaurant, retail, and personal services businesses with 10 or more similar outlets. During review of the draft ordinance by the Planning Commission, some commissioners commented on the growing number of wine tasting rooms on the Plaza, a topic not addressed by the formula ordinance.

As a source of data to be utilized in these discussions, I have prepared an inventory of all current ground-floor business uses in the Plaza Retail Overlay Zone. This inventory can also be as a baseline for monitoring trends and turnover rates in the PROZ business mix over time.

Findings

Key findings from the May 2012 business inventory include:

- There are currently 135 ground-floor business spaces in the Plaza Retail Overlay Zone.
- Two spaces are currently vacant, for a PROZ vacancy rate of about 1.5% (based on number of spaces, not square footage)
- Five businesses, or 3.7%, would be considered Formula Businesses under the proposed definition. These are: Mary's Pizza Shack, Chico's, Sole Desire, Ben & Jerry's, and Massage Envy.

- A total of 126 businesses, occupying 94.8% of ground-floor spaces, would not be considered Formula Businesses.
- Retail businesses represent almost 50% of the total ground-floor businesses, making this the largest use category by a significant margin. There are 66 existing retail businesses, including three retail businesses (Corner Store, Saret Gallery, and South American Secrets) that currently share space with tasting rooms (or are in process of doing so).
- There are a total of 23 service businesses or office uses on the ground floor of the PROZ, representing 17% of total businesses. The largest component is the 11 businesses in the banking or “FIRE” (finance, insurance, real estate) category, along with five personal services businesses and seven other types of service businesses or office uses.
- There are currently 21 businesses in the restaurants/food service category, representing 15.6% of the total.
- There are currently 13 wine tasting rooms open or in the process of opening in the PROZ, representing 9.7% of total businesses, not counting the three tasting rooms that share space with retail businesses.
- Other types of businesses on the ground floor of the PROZ include four lodging businesses; four taverns, bars, or wine bars; one theater, and one art museum.

PLAZA RETAIL OVERLAY ZONE (PROZ) : Business Database (Ground Floor)

Updated: May 30, 2012

	ADDRESS	BUSINESS NAME	FORMULA?*	BUSINESS TYPE	SUMMARY DATA:
1	100 W Spain	SummerVine	N	Retail	Business type: Retail Retail/Tasting Room combo Wine Tasting & Sales Tavern/Bar/Wine Bar Lodging Restaurant/Food Service Services - Banking, Finance, Insur, RE Services - Personal Services - Other Culture/Entertainment Vacant TOTAL
2	28 Spain	H Frank	N	Retail	
3	134 Church	Red Wolf Gallery	N	Retail	
4	38 Spain	Candlestick	N	Retail	
5	14 Spain	Fleuritique	N	Retail	
6	2 Spain	Sonoma Cheese Factory	N	Retail	
7	423 1st W	Baksheesh	N	Retail	
8	435 1st W	Sign of the Bear Kitchenware	N	Retail	
9	447 1st W	Fairmont Gallery	N	Retail	
10	457 1st W	Bella Vita	N	Retail	
11	453 1st W	Kaboodle	N	Retail	
12	461 1st W	The Loop	N	Retail	
13	475 1st W	Eraldi's Menswear & Shoes	N	Retail	
14	481-A 1st W	Large Leather	N	Retail	
15	491 1st W	Sonoma Silver Co.	N	Retail	
16	493 1st W	BRAM	N	Retail	
17	476 1st W	Sonoma Home	N	Retail	
18	103 W Napa St	Changing Seasons	N	Retail	
19	107 W Napa St	Harvest Home	N	Retail	
20	117-B 1st W	Sisters	N	Retail	
21	539 1st St W	My Girlfriend's Closet	N	Retail	
22	19 W Napa St	Historic Plaza Liquors	N	Retail	
23	521 Broadway	Sonoma Valley Music	N	Retail	
24	526 Broadway	Three Dog Bakery	N	Retail	
25	530 Broadway	Rika Optique	N	Retail	
26	546 Broadway	San Francisco Arts & Crafts	N	Retail	
27	536 Broadway	Wine Hardware	N	Retail	
28	11 E Napa St	Sole Desire	YES	Retail	
29	15 E Napa St	Sonoma Church Mouse	N	Retail	
30	29 E Napa St	Chico's	YES	Retail	
31	31 E Napa St	North Bay Gallery	N	Retail	
32	107 E Napa	Sox deVine	N	Retail	
33	109 E Napa St	Pandora's Box	N	Retail	
34	117 E Napa St	Bear Moon Clothing	N	Retail	
35	115 E Napa #A	Tiddle E Winks	N	Retail	
36	115 E Napa #B	French Nest	N	Retail	
37	127 E Napa St	Chanticleer Books	N	Retail	
38	148 E Napa St	La Haye Art Center	N	Retail	
39	140 E Napa St	Arts Guild Sonoma	N	Retail	
40	130 E Napa St	Reader's Books	N	Retail	
41	122 E Napa St	Kingston Ellis	N	Retail	
42	126 E Napa St	Studio Collection Jewelry	N	Retail	
43	116 E Napa St	Corner Store Kids	N	Retail	
44	496 1st St E	Halem & Co.	N	Retail	
45	492 1st St E	Simplicity by -elle	N	Retail	
46	Place des Pyrenees	The Briar Patch	N	Retail	
47	452 1st St East	Terra Firma Gallery	N	Retail	
48	452 1st St East	Lisa Kristine Gallery	N	Retail	
49	Mercato paséo	Eminent Design	N	Retail	

By Formula Store category:	#	%
Yes	5	3.7%
No	128	94.8%
Vacant	2	1.5%
TOTAL	135	100.0%

50	Mercato pasero	Chocolate Cow	N	Retail
51	Mercato pasero	Foot Candy	N	Retail
52	450 1st St East	Half Pint	N	Retail
53	450-c-1st St East	Artifax Gallery	N	Retail
54	Mercato pasero	The Total Look	N	Retail
55	Mercato pasero	Angellique	N	Retail
56	Mercato pasero	Venus Envy	N	Retail
57	El Paseo	Sonoma Rock & Mineral	N	Retail
58	El Paseo	Hipkiss Gallery	N	Retail
59	El Paseo	Wine Country Chocolates	N	Retail
60	El Paseo	Himalayan Bazaar	N	Retail
61	El Paseo	La Bodega Cheese & Pasta	N	Retail
62	416 1st St E	Filigree Estate Jewelers	N	Retail
63	147 E Spain St	Anne Appliman Flowers	N	Retail
64	5 E Napa St	South American Secrets/Winecraft**	N	Retail/Tasting Room combo
65	111 E Napa St	Saret Gallery / Spann Vineyards	N	Retail/Tasting Room combo
66	498 1st St E	The Corner Store/Hwy 12 Winery	N	Retail/Tasting Room combo
67	380 1st W	WALT Wines	N	Wine Tasting & Sales
68	481 1st W	Adobe Road Winery Tasting Room	N	Wine Tasting & Sales
69	483 1st W	Charles Creek	N	Wine Tasting & Sales
70	11 E Napa St	Westwood Winery	N	Wine Tasting & Sales
71	Vine Alley pasero	Glen Lyon/Two Amigos Wine Tasting	N	Wine Tasting & Sales
72	Vine Alley pasero	Haywood Estate	N	Wine Tasting & Sales
73	Vine Alley pasero	Bytler Estates Wine Tasting	N	Wine Tasting & Sales
74	Vine Alley pasero	Envolve Wine Tasting**	N	Wine Tasting & Sales
75	35 E Napa St	Sonoma Enoteca	N	Wine Tasting & Sales
76	111-B E Napa St	Kamen Estate Winery	N	Wine Tasting & Sales
77	141 E Napa St	Sojourn Cellars	N	Wine Tasting & Sales
78	Mercato pasero	Erik James Tasting Room	N	Wine Tasting & Sales
79	412 1st St E	Sonoma Wine Shop	N	Wine Tasting & Sales
80	465 1st W	Steiner's Tavern	N	Tavern/Bar/Wine Bar
81	524 Broadway	The Cave	N	Tavern/Bar/Wine Bar
82	127 E Napa St	Enoteca Della Santina	N	Tavern/Bar/Wine Bar
83	482 1st St E	Town Square	N	Tavern/Bar/Wine Bar
84	110 W Spain	Sonoma Hotel	N	Lodging
85	480 1st St E	Ledson Hotel & Harmony Lounge	N	Lodging
86	405 1st W	El Dorado Hotel	N	Lodging
87	18 W Spain	Swiss Hotel (hotel)	N	Lodging
88	405 1st St. W	El Dorado Kitchen	N	Restaurant/Food Service
89	18 W Spain	Swiss Hotel (restaurant)	N	Restaurant/Food Service
90	531 Broadway	Top That Yogurt	N	Restaurant/Food Service
91	110 W Spain	Girl and the Fig	N	Restaurant/Food Service
92	8 Spain	Mary's Pizza Shack	YES	Restaurant/Food Service
93	403 1st W	El Dorado Corner Café	N	Restaurant/Food Service
94	421 1st W	Sunflower Caffè Espresso & Wine Bar	N	Restaurant/Food Service
95	487 1st W	Harvest Moon Café	N	Restaurant/Food Service
96	529 1st St W	The Red Grape	N	Restaurant/Food Service
97	522 Broadway	Café 522	N	Restaurant/Food Service
98	101 E Napa St	Maya	N	Restaurant/Food Service
99	139 E Napa St	Rims Thai	N	Restaurant/Food Service
100	133 E Napa St	Della Santina's	N	Restaurant/Food Service
101	140 E Napa St	Café La Haye	N	Restaurant/Food Service
102	Place des Pyrenees	Murphy's Pub	N	Restaurant/Food Service
103	Place des Pyrenees	Taste of the Himalayas	N	Restaurant/Food Service
104	460 1st St East	Basque Boulangerie Café	N	Restaurant/Food Service

105	Mercato paseo	La Salette	N	Restaurant/Food Service
106	420 1st St E	Plaza Bistro	N	Restaurant/Food Service
107	408 1st St E	Ben and Jerry's	YES	Restaurant/Food Service
108	121 E Spain St	La Casa	N	Restaurant/Food Service
109	34 Spain	The Real Estate Company	N	Services - Banking, Finance, Insur, RE
110	35 W Napa St	Bank of America	N	Services - Banking, Finance, Insur, RE
111	501 Broadway	Chase Bank	N	Services - Banking, Finance, Insur, RE
112	529 Broadway	State Farm	N	Services - Banking, Finance, Insur, RE
113	500 Broadway	Union Bank	N	Services - Banking, Finance, Insur, RE
114	552 Broadway	Alain Pirel Real Estate	N	Services - Banking, Finance, Insur, RE
115	109 E Napa St	Coldwell Banker	N	Services - Banking, Finance, Insur, RE
116	27 E Napa St	Sothebys (several suites in Court Shops)	N	Services - Banking, Finance, Insur, RE
117	515 1st St E	Edwin Jones	N	Services - Banking, Finance, Insur, RE
118	470 1st St East	Wine Country Group	N	Services - Banking, Finance, Insur, RE
119	428 1st St	Frank Howard Allen	N	Services - Other
120	539 Broadway	Office use - occupied but no signage	N	Services - Other
121	521-B Broadway	The Collection Event Studio	N	Services - Other
122	520 Broadway	Sonoma Valley Bike Tours & Rentals	N	Services - Other
123	548 Broadway	Sonoma Shipping	N	Services - Other
124	525 1st St E	Sage Marketing/Odyssey Travel	N	Services - Other
125	466 1st St East	Thomas Hauser Atty at Law	N	Services - Other
126	27 E Napa St	Rozanski Design	N	Services - Other
127	539 1st St W	Catalina s Skin & Body	N	Services - Personal
128	539 Broadway	Beautiful Nails salon	N	Services - Personal
129	542 Broadway	Allen's Hair House	N	Services - Personal
130	452 1st St E	Massage Envy	YES	Services - Personal
131	Mercato paseo	En-er-gy Fitness	N	Services - Personal
132	476 1st St E	Sebastiani Theatre	N	Culture/Entertainment
133	551 Broadway	Sonoma Valley Museum of Art	N	Culture/Entertainment
134	Vine Alley paseo	Vacancy in Court Shops	N	VACANT
135	400 1st St E	Vacancy	N	VACANT

State parks and Mission properties are not included in the PROZ.

Joseph Hooker House property is in the PROZ but excluded from the inventory.

* Meets definition of formula business under existing draft ordinance

** In process



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 8A

Meeting Date: 6/4/12

Department

Administration

Staff Contact

Linda Kelly, City Manager

Agenda Item Title

Discussion, consideration and possible direction to staff regarding a request to send a letter from the City Council to the Board of the Valley of the Moon Fire District urging pension reform, requested by Mayor Sanders

Summary

Mayor Sanders is requesting City Council support for the sending of a letter from the Mayor and City Council to the Board of the Valley of the Moon Fire District, urging the Board to address pension reform. The City entered into a contract with the Valley of the Moon Fire District for Fire and Emergency Medical Services, effective February 1, 2012.

Recommended Council Action

Council discretion.

Alternative Actions

Council discretion.

Financial Impact

No impact based on writing of letter.

Environmental Review

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

Status

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

Attachments:

None

cc:



City of Sonoma
City Council
Agenda Item Summary

Agenda Item: 10A
Meeting Date: 06/04/2012

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

Agenda Item Title

Council Members Report on Committee Activities.

Summary

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

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

Recommended Council Action – Receive Reports

Attachments: None