

**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 18, 2012
5:30 p.m. Closed Session (Special Meeting)
6:00 p.m. Regular Session**

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

AMENDED AGENDA

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

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

1. CALL TO ORDER

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

2. CLOSED SESSION

A: CONFERENCE WITH LABOR NEGOTIATORS, pursuant to Government Code §54957.6. Agency designated representatives: City Manager Kelly. Employee Organizations: Non-represented Confidential, Executive, Management and Administrative personnel.

6:00 P.M. – REGULAR MEETING AGENDA

RECONVENE, CALL TO ORDER & PLEDGE OF ALLEGIANCE

ROLL CALL (Barbose, Rouse, Brown, Gallian, 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 – None Scheduled

5. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL

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

- Item 5A:** **Waive Further reading and Authorize Introduction and/or Adoption of Ordinances by Title Only.** (Standard procedural action - no backup information provided)
- Item 5B:** **Approval of the Minutes of the June 4, 2012 Meeting.**
Staff Recommendation: Approve the Minutes.
- Item 5C:** **Approve the Notice of Completion for the Maxwell Village Pedestrian Improvements Project No. 0928 constructed by Quimu Contracting Inc. and Direct the City Clerk to File the Document.**
Staff Recommendation: Approve the Notice of Completion for the Maxwell Village Pedestrian Improvements Project No. 0928 and direct the City Clerk to file the document.
- Item 5D:** **Request by Sonoma Community Center for City-subsidized use of the Sonoma Valley Veterans Memorial Building for one day on July 4, 2012.**
Staff Recommendation: Approve the request subject to applicant's compliance with the City's standard insurance requirements.
- Item 5E:** **Second Reading and adoption of an ordinance establishing new regulations for Formula Businesses.**
Staff Recommendation: Adopt the ordinance.
- Item 5F:** **Request by Order of Sons of Italy Valley of the Moon Lodge #1959 for City-subsidized use of the Sonoma Valley Veterans Memorial Building for one day on March 2, 2013.**
Staff Recommendation: Approve the request subject to applicant's compliance with the City's standard insurance requirements.
- Item 5G:** **Approval of a resolution declaring the results of the June 5, 2012 Special Municipal Election.**
Staff Recommendation: Adopt the resolution.
- Item 5H:** **Adopt Resolution Accepting Public Improvements for the MacArthur Subdivision, a 26-lot subdivision located at 165 & 179 West MacArthur Street**
Staff Recommendation: Adopt the resolution.
- Item 5I:** **Adopt Resolution Accepting Public Improvements, Approving Amendment No. 1 to the Private Water System Agreement, and Accepting the Grant of Fire Access Easement for the Rancho de Sonoma Mobile Home Park located at 19275 Sonoma Highway.**
Staff Recommendation: Adopt the resolution i) accepting the public improvements; ii) approving Amendment No. 1 to the Private Water System Agreement; and iii) accepting the Grant of the Fire Access Easement for the Rancho de Sonoma Mobile Home Park and direct the City Clerk to record the executed amendment and grant of easement upon final payment of City fees by the owner.

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

- Item 5J:** **Execution of purchase agreement for a new 2012 Ford E-450 Leader 168 Custom Type III Ambulance.**
Staff Recommendation: Approve the purchase and authorize the City Manager to sign the purchase contract.

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 June 4, 2012 City Council / Successor Agency Meetings pertaining to the Successor Agency.**
Staff Recommendation: Approve the minutes.

7. PUBLIC HEARING

- Item 7A:** **Discussion, consideration and possible action to adopt resolution finding no majority protest to the levy of assessments, establishing the Sonoma Tourism Improvement District, and approving the Management District Plan and an agreement between the Sonoma Tourism Improvement District Corporation and the City of Sonoma.** (City Manager)
Staff Recommendation: Conduct public hearing and take protests and public testimony on levying of new assessments and establishment of the Sonoma Tourism Improvement District; adopt resolution.

8. REGULAR CALENDAR – CITY COUNCIL

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

- Item 8A:** **Discussion, consideration and possible action on the preparation of an application to designate portions of the City as a “Priority Development Area”, pursuant to the Bay Area regional FOCUS development and conservation strategy.** (Planning Director)
Staff Recommendation: Authorize staff to prepare an application for the designation of the downtown and the Highway 12 corridor as a Priority Development Area in order to support the City’s competitiveness in regional grant opportunities for infrastructure. Once the application is complete, staff would return to the City Council for authorization to file the application.

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 June 14, 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 normally available for public inspection the Wednesday before each regularly scheduled meeting at City Hall, located at No. 1 The Plaza, Sonoma CA. Any documents subject to disclosure that are provided to all, or a majority of all, of the members of the City Council regarding any item on this agenda after the agenda has been distributed will be made available for inspection at the City Clerk's office, No. 1 The Plaza, Sonoma CA during regular business hours.

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

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



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5B

Meeting Date: 06/18/2012

Department

Administration

Staff Contact

Gay Johann, City Clerk

Agenda Item Title

Approval of the Minutes of the June 18, 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, June 4, 2012
5:00 p.m. Closed Session (Special Meeting)
6:00 p.m. Regular Session**

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

MINUTES

SPECIAL MEETING - CLOSED SESSION

1. CALL TO ORDER

At 5:00 p.m., Mayor Sanders called the meeting to order. No one from the public was present to provide public testimony on closed session items. The Council recessed into closed session with all members present. City Manager Kelly was also present.

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).

REGULAR MEETING

The City Council reconvened in open session and Mayor Sanders called the meeting to order at 6:10 p.m. Members of Brownie Troop 10117, with Troop Leader Leslie Nicholson, led the Pledge of Allegiance.

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

ALSO PRESENT: City Manager Kelly, City Clerk Johann, City Attorney Walter, Planning Director Goodison, and Fire Chief Garcia.

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

1. COMMENTS FROM THE PUBLIC

Robert Parmelee thanked City Manager Kelly for responding to his request for information relating to the status of the \$250,000 allocation for administration of the dissolved Community Development Agency. He announced that a historic marker plaque would be placed on the Poppy Building on Sunday.

Deirdre Sheerin, CEO/Executive Director, announced a public information session regarding the Sweetwater Spectrum development would be held on June 11, 2012 at the Community Center.

David Cook announced that he would be running for City Council in November and stated that he planned to attend all Council meetings and would be commenting on important issues so that the public would know his stance on the issues.

Herb Golenpaul reported on a tree-planting program in Wales.

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers' Comments and Announcements

CIm. Brown announced the Bear Flag Reenactment on the Plaza on June 9.

CIm. Rouse thanked the owners of Highway 12 Winery for their involvement in the Hit The Road Jack Race and their donation of wine for the Ox Roast.

CIm. Barbose reported that he visited Amsterdam while on vacation and observed that many people rode bicycles there and that bike lanes were present on almost every street.

CIm. Gallian thanked everyone involved in the wonderful Memorial Day ceremony. She stated that a member of the Native Sons was passing and asked the community to help him in any way they could.

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

City Manager Kelly reported that the next Oversight Board meeting would be held June 13, 2012. She stated that if the City's sales tax measure passed, the first payments would be collected in November. To Mr. Parmelee, she stated that it had been determined that the City did qualify for the annual \$250,000 administration allocation and would receive a prorated payment now with the next allocation due in January 2013.

4. PRESENTATIONS

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

Mayor Sanders stated that the City believed in the arts and invested in it in many ways. She praised Maxime Simonet for his accomplishments as a comedian and musician and presented him with the proclamation. Mr. Simonet delivered a lively and entertaining thank you to the Mayor and City Council.

5. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL

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

Item 5B: Request by the 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. Approved 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. Approved 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.
Approved 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.
Approved 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). (Res. No. 20-2012)

Item 5G: Approval of the Minutes of the May 21, 2012 Meeting. Removed from consent, see below.

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. (Res. No. 21-2012)

**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.**

Mayor Sanders removed Item 5G. Clm. Gallian stated she would abstain on 5E. It was moved by Clm. Rouse, seconded by Clm. Brown, to approve the Consent Calendar except for 5G. The motion carried unanimously except that Clm. Gallian abstained on 5E due to a conflict of interest with Soroptimists.

Item 5G: Approval of the Minutes of the May 21, 2012 Meeting.

Mayor Sanders requested a minor change to the minutes. It was moved by Clm. Rouse, seconded by Clm. Brown, to approve the minutes as amended. The motion carried unanimously except that Clm. Barbose abstained due to his absence on May 21.

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

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

It was moved by Clm. Gallian, seconded by Clm. Rouse, to approve the minutes as amended above (Item 5G). The motion carried unanimously except that Clm. Barbose abstained.

Item 6B: Adoption of Administrative Budget for Administrative Allowance for FY 2012-13.

It was moved by Clm. Gallian, seconded by Clm. Rouse, to approve the administrative budget for FY 2012-13 totaling \$655,917. The motion carried unanimously.

7. PUBLIC HEARING

Item 7A: Discussion, consideration and possible introduction of an ordinance establishing new regulations for Formula Businesses.

Planning Director Goodison reported that 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 on May 16, 2011 and gave the 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. 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.

Cllm. Rouse inquired about the shopping center exemptions. Goodison explained that, as written, the ordinance exempted certain existing shopping centers which meant they would not be subject to the review required of commercial spaces 10,000 square feet or greater.

Mayor Sanders opened the public hearing. Herb Golenpaul reported on the definition of the word "ordinance" and stressed that the Council should not adopt something it wasn't willing to back up in the future.

Robert Felder, Chair of the Planning Commission, stated that some members of the Planning Commission felt the ordinance should do more and some felt it should do less and the best thing they could agree upon was that it was a start in the right direction.

David Cook stated that he served on the Ad Hoc Committee and that he would agree that some regulation was needed to protect the Plaza but he did not agree with the ordinance as a whole.

Issac Raboy stated he was working with the owners of the Old Bowl Center and questioned if the ordinance would apply to the adjacent property if one tenant were to utilize more than 10,000 square feet of the building. He stated that the ordinance would be discouraging to businesses interested in coming to Sonoma and he felt there were enough existing rules and regulations creating hurdles for businesses to face.

Nancy Simpson, member of the Sonoma League for Historic Preservation and Landmark Commission, stated there were enough rules in place and she strongly disagreed with a ban on businesses. She stated that any regulation should focus on the exterior of a building only, not what type of business were to go in it.

Ben Boyce stated he too served on the Ad Hoc Committee. He said that many people felt the ordinance did not have enough teeth but he would support it as a means to get it moving. He urged the Council to adopt the ordinance.

Jennifer Yankovich, Executive Director of the Sonoma Valley Chamber of Commerce, pointed out that of the one hundred thirty-five ground floor businesses within the Plaza Retail Overlay Zone, only five met the definition of a Formula Business. She stated that showed the City's processes were serving the community well. She stated that banning businesses would close doors and limit choices and that

the City should be spending its time and energy looking for businesses to go into the vacant sites such as the Creamery and the Old Bowl Center.

Clm. Barbose stated that it had been a long process and there had been a complete vetting of the issues and differences of opinion. He stated that the only ban contained in the ordinance was to restrict restaurants of a chain of two hundred fifty or more stores from locating on the Plaza and he did not see how that would be detrimental. It was moved by Clm. Barbose, seconded by Clm. Brown, to introduce the ordinance entitled 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.

Clm. Rouse stated that he was not in favor of the ordinance. He noted that unemployment was up and the latest jobs report had sent the stock market tumbling. Clm. Rouse stated that bans and regulations did not lead to prosperity and if Councilmembers owned commercial property they wouldn't want the ordinance either.

Clm. Gallian stated that the issue came up because the City was unprepared to deal with Staples coming in. She stated that the City had invested a year in the ordinance and she would support it because she felt the Plaza Overlay Zone restricting restaurants was necessary.

Clm. Brown stated his support for the ordinance.

Clm. Rouse conceded that there were three votes in favor and asked if a compromise could be reached by limiting the regulations to just the one regulating restaurants on the Plaza. Councilmembers Barbose, Gallian and Brown responded in the negative.

Mayor Sanders stated that a property owner looking to lease their property would have to wait an additional couple of months, while continuing to make their mortgage payments, before finding out if the proposed business would be allowed. She stated that on a recent visit to Williamsburg, Virginia she noticed that a Williams-Sonoma store was located right across the street from the historic William and Mary College. Mayor Sanders went on to state that the City's regulations had kept several businesses out of the Creamery Building and caused it to sit vacant for many years.

Clm. Gallian asked how long it would take to process a Use Permit required by the ordinance. Planner Goodison stated that it would take approximately two months to process in most instances.

It was moved by Clm. Rouse, seconded by Mayor Sanders, to amend the motion for introduction by amending the ordinance to include the Old Bowl Center in the list of exempted shopping centers. Clm. Barbose stated that he felt the members of the community would want to weigh in on a potential 10,000 square foot business. The motion failed by the following vote: AYES: Sanders, Rouse. NOES: Barbose, Brown, Gallian.

The main motion to introduce the ordinance carried three to two. AYES: Barbose, Brown, Gallian. NOES: Sanders, Rouse.

8. REGULAR CALENDAR – CITY 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.

City Manager Kelly introduced the item and Mayor Sanders stated that she wanted to know if there was Council support for sending a letter to the Valley of the Moon Fire District Board urging them to

move towards pension reform. Mayor Sanders stated that pension reform had become the number one political issue in the County and she also did not feel it was appropriate that City employee bargaining units were not sharing the same benefit packages and for one group to not be contributing towards their pension costs.

Mayor Sanders invited comments from the public. Herb Golenpaul said the Council should have thought of this before they let the Fire Department go.

CIm. Brown did not support sending a letter. He said the Council had a great relationship with the Board and he trusted them to take care of their budget. CIm. Brown added that he and Mayor Sanders, as the City representatives on the Oversight Committee, could discuss it at the next meeting.

CIm. Gallian stated she felt it would be better to address the issue at the meeting of the Fire Oversight Committee and then follow up with a letter, if it was necessary. She noted that the Board had not had a chance to present their budget yet.

CIm. Rouse felt it was a fiduciary responsibility to place on the record that the Council felt pension reform was vitally important.

CIm. Barbose stated that he felt the Board understood that and added that it was in their best interests to keep the ship afloat and run a sustainable organization. He felt the proper forum to bring the subject up was at the Oversight Committee meeting.

Mayor Sanders acknowledged that staff had direction on the matter.

9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

There were no items.

10. COUNCILMEMBERS’ REPORTS AND FINAL REMARKS

Item 10A: Reports Regarding Committee Activities.

CIm. Gallian commented that Councilmembers participated in the Valley of the Moon Water District’s 50th anniversary celebration.

Mayor Sanders reported she would attend the June 19 Sanitation District meeting at which they will conduct a public hearing and vote on proposed sanitation rate increases. She explained that she had concerns because the district had sent out public hearing notices that did not include the new rate methodology or information informing property owners if and how much their fees would change. She stated that the new methodology would result in a reduction of sanitation fees for some property owners; however, others would see their bills go up 50% or more.

Item 10B: Final Councilmembers’ Remarks.

CIm. Rouse encouraged people to get out and vote tomorrow.

CIm. Brown congratulated Mr. Cook for jumping into the City Council race.

11. COMMENTS FROM THE PUBLIC

Herb Golenpaul questioned the value of the lengthy comments made by Councilmembers regarding the Formula Business ordinance given that they knew going into it what the vote was going to be.

12. ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

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

Gay Johann, MMC
City Clerk



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5C

Meeting Date: 06/18/2012

Department

Planning

Staff Contact

Wendy Atkins, Associate Planner

Agenda Item Title

Approve the Notice of Completion for the Maxwell Village Pedestrian Improvements Project No. 0928 constructed by Quimu Contracting Inc. and Direct the City Clerk to File the Document.

Summary

The City Council awarded the contract to Quimu Contracting Inc. on December 19, 2011. The work consisted of installing new ADA curb ramps, crosswalk, pedestrian signals, pushbuttons, traffic loops and signage, including demolition of existing facilities, where required, and associated electrical improvements, as set forth on the project Plans and Specifications. Quimu contracting Inc. has completed work on the Maxwell Village Pedestrian Improvements Project (No. 0928) in accordance with the contract. The work has been inspected and approved by City staff. It is recommended that the Notice of Completion (NOC) be approved and the City Clerk directed to file the NOC at the County Recorder's office. There was one contract change order for this project in the amount of \$2,493. A summary of the final contract amount, including the approved contract change order (CCO) to date are shown on the table on the following page.

Recommended Council Action

It is recommended that Council approve the Notice of Completion for the Maxwell Village Pedestrian Improvements Project No. 0928 constructed by Quimu Contracting Inc. and direct the City Clerk to file the document.

Alternative Actions

N.A.

Financial Impact

At its meeting of October 17, 2011, the City Council approved the the FY 10/11 CIP, which budgeted \$82,000 for this project, with the funding source designated as the Special Projects Fund. The budget was established based on the Engineer's Construction Estimate of \$62,000, plus design and permit fees, along with other overhead. Because the construction bids for this work came in higher than expected, probably due to the small size of the project and the number of specialty subcontractors necessary to do the work, the City Council, at its meeting of December 19, 2011, approved an increase in the project budget of \$28,260 for a total project cost of \$110,260. The construction work was completed under budget, at \$72,474 (including change orders). Staff estimates that the final project cost will total \$95,184.

Environmental Review

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

Status

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

Attachments:

1. Change order summary
2. Draft Notice of Completion

CC:

Contract/Change Order Summary Table

	General Description	Amount
	Approved Original Contract and Contract Pay Items	\$74,967
CCO #1	Deletion of trench and detector hand holes, additional construction days	-\$2,493
	Final Contract Amount	\$72,474

When recorded, return to:

City Clerk
City of Sonoma
No. 1 The Plaza
Sonoma, CA 95476

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

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. On the 18th day of June, 2012, the public project known as:
Maxwell Village Pedestrian Improvements Project No. 0928 was completed.
2. The name and address of the party filing this Notice is:
City of Sonoma, No. 1 The Plaza, Sonoma, CA 95476
3. The name and address of the Contractor responsible for the construction of said public project is: Quimu Contracting Inc., 695 Priddy Drive, Dixon, CA 95620
4. The name and address of said Contractor's insurance carrier is:

Construction Specialties Insurance Services
2450 Venture Oaks Way, Suite 220
Sacramento, CA 95833
5. The general description of the public project was: The project includes traffic and pedestrian modifications and improvements at the intersection of Sonoma Highway (SR 12) and the Maxwell Village Shopping Center entrance. The project will include new ADA curb ramps, crosswalk, pedestrian signals, pushbuttons, traffic loops and signage, including demolition of existing facilities, where required, and associated electrical improvements. In addition, the limits of work include sidewalk and signage modifications at the park trailhead just north of the intersection.
6. The original contract amount was: \$ 74,967

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

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

Linda Kelly, City Manager

Dated: _____, 2012

ATTEST:

City Clerk



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5D

Meeting Date: 06/18/2012

Department

Administration

Staff Contact

Gay Johann, City Clerk

Agenda Item Title

Request by Sonoma Community Center for City-subsidized use of the Sonoma Valley Veterans Memorial Building for one day on July 4, 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.

Sonoma Community Center requested City-subsidized use of the Veteran's Building on July 4, 2012. If both requests on the June 18 Consent Calendar are approved, the City will have nine 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 Kathy Swett

cc: Kathy Swett, via email



SONOMA COMMUNITY CENTER

www.sonomacommunitycenter.org



Board of Directors

Madolyn Agrimonti

President

Baron Bernstein

First Vice President

Shelley Hallan

Second Vice President

Brock Arner

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David Goodison

Secretary

May 17, 2012

Sonoma City Council

#1 the Plaza

Sonoma, CA 95476

Valerie Casale

Jens Hoj

Jack Lundgren

Andrew Massie, Jr.

Sharon Nevins

Greg Silvi

Bob Smith

Marcie Waldron

Pam Gibson

Past President

Re: Request for Free Day at the Veterans' Building

Dear Mayor Sanders and members of the City Council:

The Sonoma Community Center hereby requests the use of a City-subsidized day at the Veterans Building on July 4, 2012. The unimpeded use of the Veterans' Building parking area is necessary for the successful staging of the parade. Because the Fourth of July celebration is not used as a fundraiser by the Community Center, the free use of the parking lot is very helpful in supporting the event.

Thank you for attention to this request and for your continued support of the Fourth of July Celebration.

Sincerely,

Kathy Swett
Executive Director

Kathy Swett

Executive Director

Advisory Council

Darius Anderson

Brad Bacon

Tim Boeve

Valerie Brown

Jeff Frieberg

Sara Hauter

Jim Kuhns

Jim Lamb

Star McKay

Doug McKesson

Buffington Miller

Michael Ross

Nancy Ryan

Megan Segre

Elizabeth Smith

Joseph Valentine

Lilla Weinberger

Walter Williams

Kathy Witkowicki

Jennifer Yankovich



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5E

Meeting Date: 06/18/2012

Department

Planning

Staff Contact

David Goodison, Planning Director

Agenda Item Title

Second reading and adoption of an 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, 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. After holding a public hearing on the matter at its meeting of June 4, 2012, the City Council voted 3-2 to introduce the ordinance (Councilmembers Rouse and Sanders dissenting).

Recommended Council Action

Adopt the ordinance.

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
-

cc:

Ad Hoc Committee mailing list (via email)

Robert Felder, Planning Commission Chair

Bruce and Richard Wagner, c/o Isaac Raboy

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

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.



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5F

Meeting Date: 06/18/2012

Department

Administration

Staff Contact

Gay Johann, City Clerk

Agenda Item Title

Request by Order of Sons of Italy Valley of the Moon Lodge #1959 for City-subsidized use of the Sonoma Valley Veterans Memorial Building for one day on March 2, 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.

Order of Sons of Italy Valley of the Moon Lodge #1959 requested City-subsidized use of the Veteran's Building on March 2, 2013 for their Scholarship Dinner Dance.

If both requests on the June 18 Consent Calendar are approved, the City will have nine 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 Karen Carroll

cc: Karen Carroll, via email



June 6, 2012

City of Sonoma
No. 1 The Plaza
Sonoma, California
95476

Dear Council Members,

On behalf of the Order Son's of Italy, Valley of the Moon Lodge # 1959, we are requesting the use of one of the City's "free days" at the Valley Veterans Memorial Building for our Scholarship Dinner Dance which this next year will be held March 2, 2013. All proceeds from this event go towards a Sonoma Valley High School Scholarship Fund.

Thank you for taking this into consideration.

Karen Carroll, Recording Secretary
P.O. Box 198
Sonoma, California
95476

938-1295

M. Carroll @ pon.net



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5G

Meeting Date: 06/18/12

Department

Administration

Staff Contact

Gay Johann, City Clerk

Agenda Item Title

Approval of a resolution declaring the results of the June 5, 2012 Special Municipal Election.

Summary

On March 5, 2012 the City Council adopted a resolution finding and declaring that an emergency existed that required asking the voters to approve a transactions and use tax before the next regular municipal election. At that same meeting, the City Council also adopted a resolution calling a Special Election and requesting the Board of Supervisors to consolidate it with the established election to be held on June 5, 2012. The Special Election was called for the purpose of submitting before the voters the following question:

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

Election night results indicate that Measure J passed. At the time of preparation of the agenda packet, the official statement of votes cast had not been received from the County Clerk; however, staff believes it will be available prior to the June 18, 2012 City Council Meeting. The resolution will be completed and copies of the official statement of votes cast will be made available at, or prior to, the City Council meeting.

Recommended Council Action

Adopt the resolution.

Alternative Actions

n/a

Financial Impact

n/a

Environmental Review

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

Status

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

Attachments:

Resolution

CITY OF SONOMA

RESOLUTION NO. xx - 2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA RECITING THE FACT OF THE SPECIAL MUNICIPAL ELECTION HELD ON JUNE 5, 2012, DECLARING THE RESULT AND SUCH OTHER MATTERS AS REQUIRED BY LAW

WHEREAS, a Special Municipal Election was held and conducted in the City of Sonoma, California, on Tuesday, June 5, 2012 for the purpose of submitting Measure J to the voters of the City in the form set forth below:

CITY OF SONOMA MEASURE J

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

WHEREAS, notice of the election was given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities; and

WHEREAS, on the 5th day of June 2012 at 7:00 a.m. the polls were duly and regularly opened for the special municipal election and polls were continuously kept open until 8:00 p.m.; and

WHEREAS, the Registrar of Voters Office of Sonoma County canvassed the returns of the election and has certified the results to this City Council, the results are received, attached and made a part hereof as "Exhibit A".

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SONOMA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the whole number of ballots cast in the precincts except vote by mail ballots and provisional ballots was ____.

That the whole number of vote by mail ballots cast in the City was ____, the whole number of provisional ballots cast in the City was ____, making a total of ____ ballots cast in the City.

Section 2. That the number of votes given at each precinct were as listed in "Exhibit A" attached.

Section 3. The City Council does declare and determine that a majority of the votes cast on Measure J did vote in favor of it, and that the measure was carried and shall be deemed adopted and ratified.

Section 4. That the City Clerk shall enter on the records of the City Council of the City, a statement of the results of the election, showing: (1) The whole number of ballots cast in the City; (2) The measure voted upon; (3) The total number of votes given at each precinct for and against Measure J; and (4) The total number of votes for and against Measure J.

Section 5. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED 18th day of June 2012, by the following vote:

AYES:
NOES:
ABSENT:

Joanne Sanders, Mayor

ATTEST:

Gay Johann, City Clerk



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5H

Meeting Date: 06/18/2012

Department

Public Works

Staff Contact

Toni Bertolero, City Engineer

Agenda Item Title

Adopt Resolution Accepting Public Improvements for the MacArthur Subdivision, a 26-lot subdivision located at 165 & 179 West MacArthur Street

Summary

Council approved the Final Map and entered into a Subdivision Improvement Agreement dated July 11, 2011 with the owner/developer, Steve Ledson. The improvements have been constructed in accordance with the approved plans and a Notice of Completion has been signed by the City Engineer. A one-year maintenance security for 10 percent of the cost of improvements plus replacement cost for trees as identified in a report by the City's arborist, John Meserve, has been posted by the owner in the form of an in-lieu cash assignment. The form of the security has been approved by the City Attorney.

Recommended Council Action

It is recommended that Council adopt the Resolution accepting the public improvements for the MacArthur Subdivision.

Alternative Actions

None.

Financial Impact

The developer paid for all public and private improvements pertaining to this project. The City will be responsible for maintenance of the public improvements after the one-year period.

Environmental Review

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

Status

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

Attachments:

1. Resolution
 2. Notice of Completion
-

cc:

CITY OF SONOMA

RESOLUTION NO. __ - 2012

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA ACCEPTING PUBLIC IMPROVEMENTS FOR THE MACARTHUR SUBDIVISION LOCATED AT 165 AND 179 WEST MACARTHUR STREET

WHEREAS, the City of Sonoma (City) approved the Final Map and Subdivision Improvement Agreement by Council Resolution 19-2011; and

WHEREAS, the City Engineer approved the improvement plans for the public improvements for this subdivision; and

WHEREAS, the City Engineer has certified that said public improvements were completed on the 6th day of June 2012; all in accordance with the approved plans and specifications.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sonoma does hereby accept said improvements as having been completed in accordance with the terms and condition of the approved plans and specifications.

ADOPTED this 18th day of June, 2012 by the following vote:

AYES:
NOES:
ABSENT:

Joanne Sanders, Mayor

ATTEST:

Gay Johann, City Clerk

City of Sonoma

Department of Public Works
No. 1 The Plaza
Sonoma California 95476-6690
Phone (707) 938-3332 Fax (707) 938-8775
E-Mail: cityhall@sonomacity.org



NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. On the 6th day of June 2012, the public improvements for the private development project known as: MacArthur Subdivision have been installed according to the City-approved plans for said project.
2. The name and address of the party filing this Notice is:
City of Sonoma, No. 1 The Plaza, Sonoma, CA 95476
3. The name and address of the Owner/Developer responsible for the construction of said public project is: Ledson and Ledson Development, P.O. Box 946, Sonoma, CA 95476, attention: Steve Ledson
4. The address of the property is:

165 and 179 West MacArthur Street, Sonoma, CA 95476
5. The general description of the public improvements: installation of driveway connections to private interior drive, water system improvements, sewer system improvements, storm drain system and related improvements in accordance with the improvement plans for the project (City reference drawings C-718).

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

Toni Bertolero
Toni Bertolero, City Engineer

Dated: 6/6, 2012



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 51

Meeting Date: 06/18/2012

Department

Public Works

Staff Contact

Toni Bertolero, City Engineer

Agenda Item Title

Adopt Resolution Accepting Public Improvements, Approving Amendment No. 1 to the Private Water System Agreement, and Accepting the Grant of Fire Access Easement for the Rancho de Sonoma Mobile Home Park located at 19275 Sonoma Highway

Summary

Rancho Sonoma Partners LLC (owner) received a grant for connection to the City's water system due to an Order from EPA to discontinue the use of well water for drinking water purposes at the Rancho de Sonoma Mobile Home Park (Park) due to the level of arsenic in the well water. The Park owner received a Proposition 84 grant for the connection to City water and the work has now been completed. The City entered into a Private Water System Maintenance Agreement on September 19, 2011 and City staff requested this amendment in order to provide for the owner's maintenance of on-site private fire hydrants constructed under the grant and to require that any future modifications to any public or private improvements to the Park's new water system be subject to a City building permit. Under current State laws regulating mobile home parks, the State has jurisdiction and the Park would not be required to obtain any City permits for work within the Park. Lastly, because the on-site fire hydrants are private, the City requested an access easement for purposes of access to and inspection of the fire hydrants which are located on Park property. Rancho de Sonoma has paid the City's fees in accordance with the Cost Recovery Agreement except for one final invoice which will be submitted after the final accounting of engineering, inspection and attorney charges have been compiled.

Recommended Council Action

It is recommended that Council adopt the resolution i) accepting the public improvements; ii) approving Amendment No. 1 to the Private Water System Agreement; and iii) accepting the Grant of the Fire Access Easement for the Rancho de Sonoma Mobile Home Park and direct the City Clerk to record the executed amendment and grant of easement upon final payment of City fees by the owner.

Alternative Actions

None.

Financial Impact

The private and public improvements were constructed under a State Proposition 84 grant received by the owner, Rancho Sonoma Partners LLC. The owner has been invoiced for payment of final fees and payment is due within 30 days of the invoice. The City is responsible for the public improvements located outside the MHP proper and within an existing public water easement.

Environmental Review

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

Status

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

Attachments:

1. Notice of Completion
2. Amendment No. 1 to the Private Water System Agreement
3. Grant of Fire Access Easement
4. Resolution Accepting Public Improvements



February 13, 2012

Toni Bertolero, City Engineer
City of Sonoma
No. 1 The Plaza
Sonoma, CA 95476

Dear Toni,

This letter is to request the City of Sonoma to accept the public improvement portion of the water connection project at Rancho de Sonoma. The project has been completed.

Best regards,



Tien Pham
Rancho Sonoma Partners, LLC

WATER SERVICE CONSOLIDATION AGREEMENT

City of Sonoma/Rancho Sonoma Partners

Page: 1 of 3

**RECORDED AT REQUEST OF AND
WHEN RECORDED RETURN TO:**

City Clerk
CITY OF SONOMA
No. 1 The Plaza
Sonoma, CA 5476

Rancho De Sonoma Mobile Home Park
APN: 127-141-012
Site Address: 19275 Sonoma Highway
Sonoma, CA 95476

Space above this line for Recorder's Use Only
EXEMPT FROM FEES (GC 6103)

CITY OF SONOMA

AMENDMENT NO. 1

PRIVATE WATER SYSTEM MAINTENANCE AGREEMENT

AMENDMENT NO. 1 TO THE PRIVATE WATER SYSTEM AGREEMENT

("Amendment 1") is dated as of _____, 2012 by and between the CITY OF SONOMA, a General Law city in the State of California, hereinafter referred to as CITY, and RANCHO SONOMA PARTNERS LLC, a California limited liability company, and its assignees and successors ("RSP LLC" or "OWNER"). CITY and OWNER are hereinafter sometimes referred to individually as "Party" and collectively as the "Parties."

RECITALS

A. The Parties entered into a PRIVATE WATER SYSTEM MAINTENANCE AGREEMENT ("Maintenance Agreement") dated September 19, 2011; and

B. Under the Maintenance Agreement, the OWNER is required to monitor, maintain and perform tests on the private fire hydrants installed on the Property as part of the Improvements; and

C. Under the Maintenance Agreement, the CITY is granted the right to come upon the Property and inspect and test the Private Improvements; and

D. Under the provisions of the Maintenance Agreement the OWNER has other maintenance responsibilities for the Park's New Water System; and

E. During OWNER's construction of the Park's New Water System, the OWNER connected the Park's existing well to the pool, laundry and toilets at the clubhouse on the Property. The California Department of Public Health has issued its February 16, 2012, order

requiring OWNER to remove said connections from the existing well and connect the pool, laundry and toilets at the clubhouse to the Park's New Water System; and

F. The CITY wishes to insure that such connections and modifications and any future connections, repairs, replacements, and modifications to the Park's New Water System and the OWNER's utilization of the well (i) are not in violation of the plans and specifications approved for the Water Project and (ii) otherwise comply with the CITY's Standards and applicable laws, rules and regulations; and

G. The Parties desire to describe, in greater detail, OWNER's monitoring, testing and maintenance obligations specified in the Maintenance Agreement and to provide greater specificity to the CITY's rights to inspect and test the Improvements and Private Improvements:

AGREEMENT.

NOW, THEREFORE, for valuable consideration, the receipt of which is acknowledged, and based upon the promises and agreements set forth herein, OWNER and CITY agree as follows:

1. Incorporation of Recitals. Each of the above Recitals is incorporated herein and agreed upon by the Parties.

2. Maintenance Agreement Amended. The Maintenance Agreement is amended as follows:

A. Paragraph 13 is added to read as follows:

13. Defined Terms. All capitalized terms used herein shall have the same meaning given to them in the Cost Recovery Agreement, Settlement Agreement and/or Water Consolidation Agreement, unless otherwise expressly stated herein.

B. Paragraph 2(a) is added to read as follows:

a. Without limiting the generality of the foregoing, OWNER shall maintain, test and monitor the private hydrants installed as part of the Improvements. The said testing and maintenance of the private hydrants shall comply with Federal, State and Local regulations governing fire protection systems, including but not limited to HCD MP 523, CCR Title 19 Division 1 Chapter 5, NFPA 25 Section 7 and CFC 507 and performed in the frequency stipulated under said regulations listed in this paragraph. The results of the tests performed by OWNER under the provisions of this subparagraph (a) shall be timely and promptly submitted to the required agencies in accordance with said regulations, including the City of Sonoma, Public Works Department, and the Sonoma Valley Fire and Rescue Authority.

C. The second sentence of paragraph 3 is amended to read as follows:

Upon reasonable notice to RSP LLC and/or as is otherwise provided under the CITY's Water System rules and regulations and/or applicable laws, the CITY shall have

WATER SERVICE CONSOLIDATION AGREEMENT

City of Sonoma/Rancho Sonoma Partners

Page: 3 of 3

the right to come upon the Property and inspect and test the Private Improvements, the well and any additions, connections, modifications and/or changes to (i) the Private Improvements, (ii) the Water Project, (iii) the Park's New Water System and/or (iv) the well on the Property.

D. Paragraph 14 is added to read:

14. Modifications to Park's New Water System. Any additions, connections, modifications and/or changes to the Private Improvements, the Water Project, the Park's New Water System and/or the well on the Property shall be subject to obtaining a CITY Building Permit (plumbing) in addition to any permit requirements of HCD (State of California, Department of Housing and Community Development). No work to be performed in connection with or related to said additions, connections, modifications and/or changes shall commence without securing a CITY Building Permit.

3. All of the terms and conditions of the Maintenance Agreement not amended by this Agreement shall remain in full force and effect.

4. Upon its full execution by all Parties, this Agreement shall be recorded by the CITY in the official records of the County of Sonoma.

IN WITNESS WHEREOF, this Amendment No. 1 is executed by the Parties hereto as of the date first written above.

OWNER

CITY OF SONOMA

Rancho Sonoma Partners, LLC, a California limited liability company

By: 
Its Managing Member

By: _____
Linda Kelly, City Manager

By: 
A Member

ATTEST:

City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:


Michael Stump, Attorney for OWNER

Jeffrey A. Walter, City Attorney

[If corporation, corporate seal and signatures of two (2) officers are required.]

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of MARIN

On April 30, 2012 before me, Joseph T. Laughlin, Notary Public,
(Here insert name and title of the officer)

personally appeared Stephen B. Jaeger

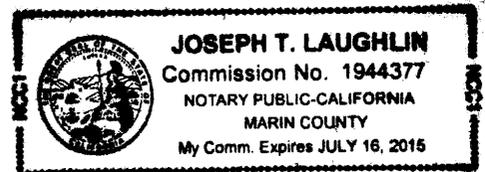
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he she/they executed the same in his her/their authorized capacity(ies), and that by his her/their signature(s) on the instrument the person(s),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

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

WITNESS my hand and official seal.

Joseph T. Laughlin
Signature of Notary Public

(Notary Seal)



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Amendment No. 1 - Private Water System

(Title or description of attached document)

Maintenance Agreement

(Title or description of attached document continued)

Number of Pages 3 Document Date _____

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- Individual (s)
 Corporate Officer

(Title)

- Partner(s)
 Attorney-in-Fact
 Trustee(s)
 Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they~~, -is /~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of MARIN

On April 30, 2012 before me, Joseph T. Laughlin, Notary Public,
(Here insert name and title of the officer)

personally appeared Stephen B. Jaeger

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

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

WITNESS my hand and official seal.

Joseph T. Laughlin
Signature of Notary Public

(Notary Seal)



ADDITIONAL OPTIONAL INFORMATION

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

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 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

DESCRIPTION OF THE ATTACHED DOCUMENT

Amendment No. 1 - Private Water System

(Title or description of attached document)

Maintenance Agreement

(Title or description of attached document continued)

Number of Pages 3 Document Date _____

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- Individual (s)
 Corporate Officer

(Title)

- Partner(s)
 Attorney-in-Fact
 Trustee(s)
 Other _____

DO NOT PLACE RECORDING DATA ABOVE THIS LINE

RECORDING REQUESTED BY

City of Sonoma

WHEN RECORDED RETURN TO

City Clerk
City of Sonoma
No. 1 The Plaza
Sonoma, CA 95476

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

FIRE ACCESS EASEMENT DEED

APN 127-141-012

Documentary Transfer Tax \$ -0-; No Apparent Value or Common Area

“No Fee Required” (Government Code Section 6103 & 27383)
recorded for the benefit of: The City of Sonoma

City of Sonoma, by: Linda Kelly, City Manager

For a valuable consideration, receipt of which is hereby acknowledged,

Rancho Sonoma Partners, LLC

herein referred to as “GRANTOR”, hereby GRANT(S) to the CITY OF SONOMA, CALIFORNIA, a municipal corporation, herein referred to as “GRANTEE”, an easement for fire access purposes including the right of ingress and egress over and across the hereinafter described real property.

GRANTOR agrees for itself, its successors and assigns, not to erect, place or maintain, nor to permit the erection, placement, or maintenance of any buildings, planter boxes, earthfill, large trees, large shrubs, block walls, concrete pavement, decking, structures and other similar improvements that would unreasonably interfere with the ability of GRANTEE to exercise the access rights granted herein.

The real property for the fire access easement is fully described in Exhibit “A” and further delineated on Exhibit B attached hereto and made a part hereof by reference.

IN WITNESS WHEREOF, this Fire Access Easement Deed is executed by the undersigned this _____ day of _____, 20__.

Signature(s) must be acknowledged by a Notary Public.

STATE OF CALIFORNIA)
COUNTY OF _____)

Signature: _____

On _____, before me, _____, a Notary Public in and for said County and State, personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Rancho Sonoma Partners, LLC

By: _____
Stephen B. Jaegers, Manager

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

WITNESS my hand and official seal.

Signature _____

Exhibit A

An easement over a portion of the Lands of Rancho Sonoma Partners, LLC, A California Limited Liability Company, as described in that certain Grant Deed recorded on December 27, 2007, filed under Document Number 2007-135659, Sonoma County Records, said easement being more particularly described as follows:

Beginning at the northeasterly corner of the Lands of Rancho Sonoma Partners, LLC, A California Limited Liability Company, as described in that certain Grant Deed recorded on December 27, 2007, filed under Document Number 2007-135659, Sonoma County Records, thence southerly along the easterly line of said Lands of Rancho Sonoma Partners, LLC, S 08°06'11" E, 129.78 feet to the True Point of Beginning; thence leaving the extension of the easterly line, S 81°47'50" W, 673.23 feet, to the beginning of a curve to the right, being tangent to the preceding course having a radius of 30.00 feet, with an arc length of 27.70 feet, through an included angle of 52°53'44"; thence N 45°18'26" W, 9.06 feet, to the beginning of a curve to the left, being tangent to the preceding course, having a radius of 100.00 feet, with an arc length of 92.32 feet, through an included angle of 52°53'44"; thence S 81°47'50" W, 511.10 feet; thence S 09°50'00" E, 194.82 feet; thence N 80°10'00" E, 31.00 feet; thence N 09°50'00" W, 17.00 feet; thence S 80°10'00" W, 5.50 feet; thence N 09°50'00" W, 125.36 feet, to the beginning of a curve to the right, being tangent to the preceding course having a radius of 25.00 feet, with an arc length of 39.98 feet, through an included angle of 91°37'50"; thence N 81°47'50" E, 223.90 feet, to the beginning of a curve to the right, being tangent to the preceding course having a radius of 25.00 feet, with an arc length of 39.27 feet, through an included angle 90°00'00"; thence S 08°12'10" E, 180.00 feet; thence S 81°47'50" W 12.00 feet; thence N 81°47'50" E, 34.50 feet; thence N 08°12'10" W, 193.50 feet, to the beginning of a curve to the right, being tangent to the preceding course having a radius of 25.00 feet, with an arc length of 35.81 feet, through an included angle of 82°04'19"; thence S 11°58'15" E, 6.78 feet; thence N 81°47'50" E, 10.00 feet; thence N 08°12'10" W, 7.00 feet; thence N 81°47'50" E, 168.00 feet, to the beginning of a curve to the right, being tangent to the preceding course having a radius of 50.00 feet, with an arc length of 57.01 feet, through an included angle of 65°19'44"; thence S 53°12'10" E, 41.96 feet; thence N 81°47'50" E, 196.99 feet; thence S 08°12'10" E, 8.00 feet; thence N 81°47'50" E, 10.00 feet; thence N 08°12'10" W, 8.00 feet; thence N 81°47'50" E, 470.00 feet; thence S 08°12'10" E, 10.00 feet; thence N 81°47'50" E, 17.93 feet, to the easterly line of said lands; thence northerly along the easterly property line and its extension, N 08°06'11" E, 37.50 feet, to the true point of beginning.

Affecting 1.05 Acres, more or less.

Affecting Assessor's Parcel Number 127-141-012

Basis of Bearings being N 84°36'15" E as shown on that recorded map titled "Record of Survey", filed in book 122 of Maps, page 33, and that map titled "Record of Survey", filed in book 380 of Maps at page 46, Sonoma County Records, between a found 1/2" iron pipe, PLS 2757 marking the northerly line of the Lands of Rancho Sonoma Partners, 88.18 feet easterly of the northwest corner and a found 3/4" iron pipe, no tag, marking said northerly line, 10.00 feet westerly of an angle point as shown on said maps.

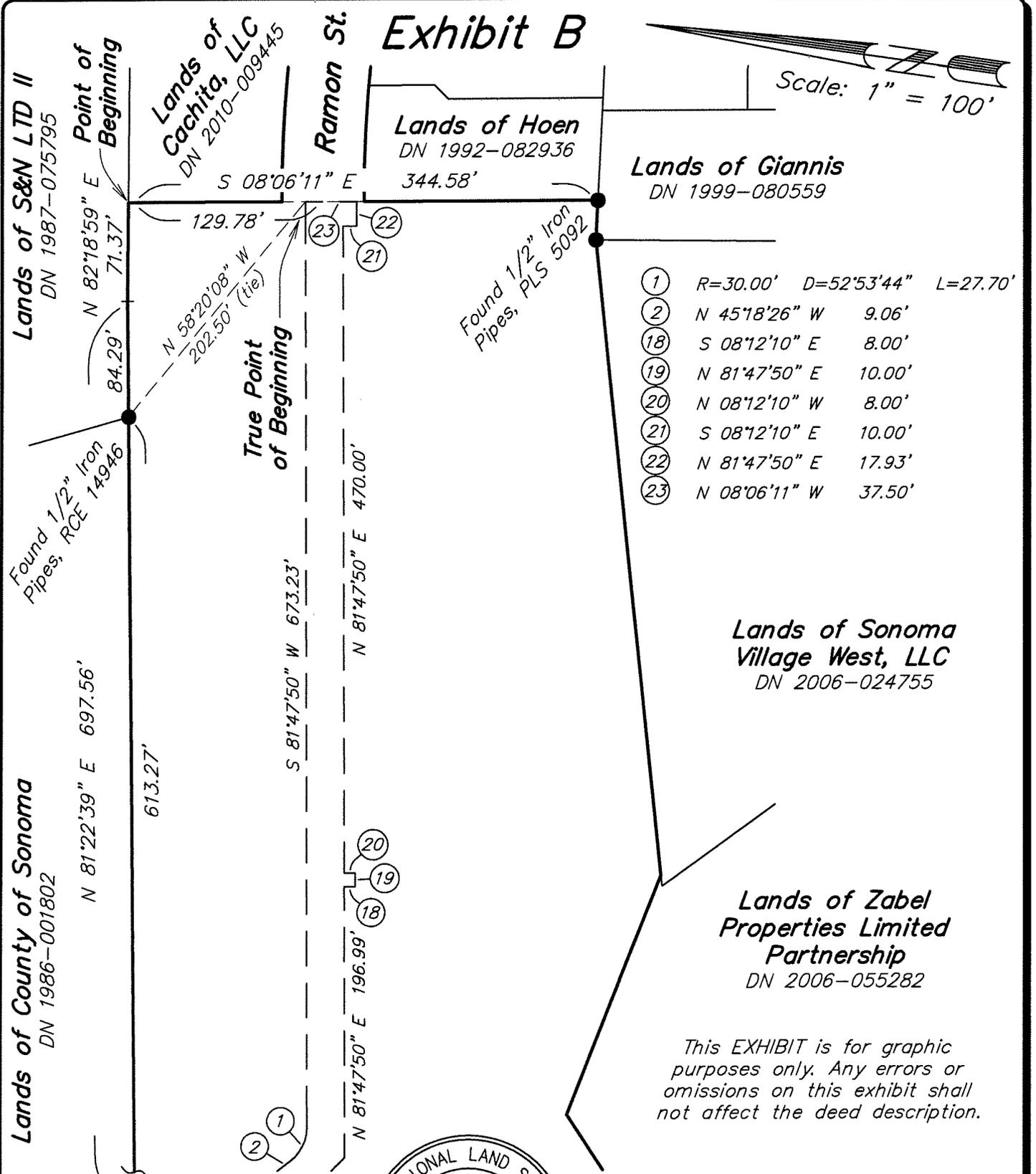
prepared by: *Aaron R. Smith*
Aaron R. Smith, PLS 7901
my license expires 12/31/13



Date: 6/6/2012

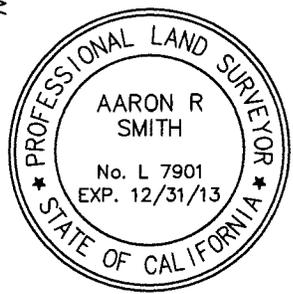
Exhibit B

Scale: 1" = 100'



This EXHIBIT is for graphic purposes only. Any errors or omissions on this exhibit shall not affect the deed description.

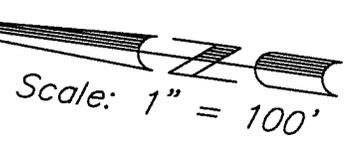
Access Easement
 adobe associates, inc.
 civil engineering | land surveying | wastewater
 1220 N. Dutton, Ave., Santa Rosa, Ca. 95401
 P (707) 541-2300; F (707) 541-2301



Aaron R. Smith
 Aaron R. Smith, PLS 7901
 my license expires 12/31/13

Exhibit B

This EXHIBIT is for graphic purposes only. Any errors or omissions on this exhibit shall not affect the deed description.



Lands of County of Sonoma
DN 1986-001802

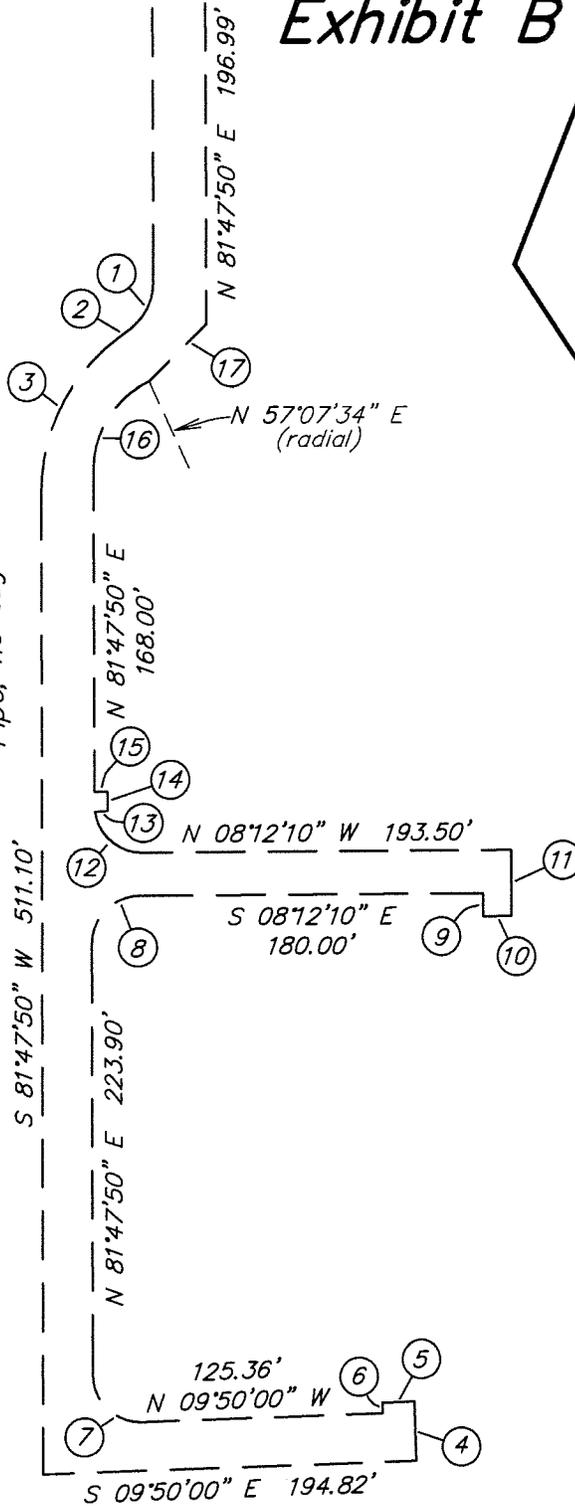
Basis of Bearings
N 84°36'15" E 743.96'

646.38'

Found 1/2" Iron Pipe, LS 2757

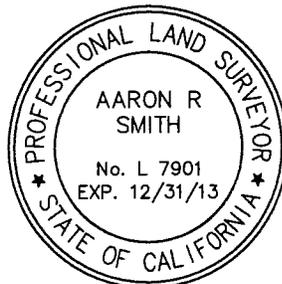
28.18'
Found 1/2" Iron Pipe, no tag

Found 3/4" Iron Pipe, no tag



- ① R=30.00' D=52°53'44" L=27.70'
- ② N 45°18'26" W 9.06'
- ③ R=100.00' D=52°53'44" L=92.32'
- ④ N 80°10'00" E 31.00'
- ⑤ N 09°50'00" W 17.00'
- ⑥ S 80°10'00" W 5.50'
- ⑦ R=25.00' D=91°37'50" L=39.98'
- ⑧ R=25.00' D=90°00'00" L=39.27'
- ⑨ S 81°47'50" W 12.00'
- ⑩ S 08°12'10" E 15.00'
- ⑪ N 81°47'50" E 34.50'
- ⑫ R=25.00' D=82°04'19" L=35.81'
- ⑬ S 11°58'15" E 6.78'
- ⑭ N 81°47'50" E 10.00'
- ⑮ N 08°12'10" W 7.00'
- ⑯ R=50.00' D=65°19'44" L=57.01'
- ⑰ S 53°12'10" E 41.96'

Aaron R. Smith, PLS 7901
my license expires 12/31/13



Access Easement

adobe associates, inc.
civil engineering | land surveying | wastewater
1220 N. Dutton, Ave., Santa Rosa, Ca. 95401
P (707) 541-2300; F (707) 541-2301

CITY OF SONOMA

RESOLUTION NO. __ - 2012

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA ACCEPTING PUBLIC IMPROVEMENTS, APPROVING AMENDMENT NO. 1 TO THE PRIVATE WATER SYSTEM MAINTENANCE AGREEMENT, AND ACCEPTING THE GRANT OF FIRE ACCESS EASEMENT FOR THE RANCHO DE SONOMA MOBILE HOME PARK AND THE WATER MAIN EXTENSION THEREOF

WHEREAS, City of Sonoma (City) approved the agreement between the City and Rancho Sonoma Partners LLC (Owner) for the Water Service Consolidation on September 19, 2011 for serving City water to the Rancho de Sonoma Mobil Home Park (MHP); and

WHEREAS, the City Engineer approved the plans and specifications for the installation of public improvements to connect the Rancho de Sonoma Mobile Home Park (Park) to City water; and

WHEREAS, the City Engineer has certified that said public improvements were completed on the 6th day of June 2012; all in accordance with the approved plans and specifications; and

WHEREAS, City entered into a Private Water System Maintenance Agreement dated September 19, 2011 and City desires an amendment to said agreement to provide for City inspection of the onsite private fire hydrants other future modifications to the Park's new water system; and

WHEREAS, City requested a fire access easement to allow the City's Fire Department access to the private fire hydrants on Park property for purposes of inspection, testing and operation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sonoma does hereby resolve the following:

1. Accept said public improvements as having been completed in accordance with the terms and conditions of the approved plans and specifications.
2. Approve Amendment No. 1 to the Private Water System Maintenance Agreement dated September 19, 2012 and authorize the City Manager to execute said agreement upon City Attorney's approval as to form.
3. Accept the Grant of Fire Access Easement and authorize the City Manager to execute the document.

BE IT FURTHER RESOLVED that the City Clerk is directed to submit Amendment No. 1 and the Grant of Fire Easement documents to the County Recorder's Office for recordation.

ADOPTED this 18th day of June, 2012 by the following vote:

AYES:
NOES:
ABSENT:

Joanne Sanders, Mayor

ATTEST:

Gay Johann, City Clerk



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5J

Meeting Date: 6/18/12

Department

Fire

Staff Contact

Chief Garcia

Agenda Item Title

Execution of purchase agreement for a new 2012 Ford E-450 Leader 168 Custom Type III Ambulance

Summary

The City has received a quote from Leader Emergency Vehicles for the purchase of a new 2012 Ford E-450 Custom Type III ambulance as a replacement for an older worn out ambulance currently in service. The current ambulance to be replaced was purchased in 1999 and has approximately 100,000 miles. The current vehicle has ongoing repair issues due to the increased use due to the high call volume for EMS. This purchase is considered a piggy back proposal on Russian River Fire Protection District's bid process and not subject to separate open bidding. The replacement of this unit is currently scheduled for replacement in 2012. As with past ambulances, funding for this unit has already been placed in the Vehicle Replacement Fund. This purchase will have no net effect on the overall budget total.

The purchase of this ambulance has been included in the draft 2012-13 operating budget. Staff was notified by the chassis manufacturer on Monday, June 11th that they were ending the production of the 2012 model chassis and to secure this model chassis approval for order must be received by June 20th. Should the City not reserve a 2012 chassis at this time, a 2013 model will be substituted at an additional cost of \$9,000. Due to the cutoff date of June 20th to add this purchase to the joint bid with Russian River at current cost, this item is considered urgent to gain the cost savings on the vehicle purchase. The manufacturer has agreed to deliver to Sonoma as point of sale. City will pay the sales tax directly to the State so that the City will receive the sales tax credit.

Recommended Council Action

Approve the purchase and authorize the City Manager to sign the purchase contract.

Alternative Actions

Defer purchase to new fiscal year. Forego savings opportunity.

Financial Impact

The total cost to the City is approximately \$160,000.00. \$150,864.87 for the ambulance and approximately \$10,000 for radios, MDC, mounting equipment, and installation of such. The amortized replacement cost [market cost] is \$182,000. The balance in the EMS Vehicle Replacement Fund is \$530,000.

Environmental Review

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

Status

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

Attachments:

Vendor quote

John Franceschi

From: Luke Loftus
Sent: Tuesday, June 12, 2012 4:22 PM
To: John Franceschi
Subject: FW: Approval to ad external AC condensor quote # 9922 Sonoma Fire

Steve sent me this, we got official approval for the AUX A/C at no cost

From: Steve De La Montanya [<mailto:stevedlm@sbcglobal.net>]
Sent: Tuesday, June 12, 2012 3:21 PM
To: Luke Loftus
Subject: Approval to ad external AC condensor quote # 9922 Sonoma Fire

1251. SPECIAL:NOTE: Add external auxiliary AC condenser, (multi fan), not Leader approved - manufacture warranty only.
Located: Front of module on aluminum extensions.

No additional charge. Include in current quoted amount.

Thanks, **Steve**

Steve De La Montanya



10941 Weaver Avenue
South El Monte, CA 91733
Cell Phone: (707) 529-7522
Office Phone: (626) 575-0880
Fax: (626) 575-0296



City of Sonoma
City Council/Successor Agency
Agenda Item Summary

City Council Agenda Item: 6A

Meeting Date: 06/18/2012

Department

Administration

Staff Contact

Gay Johann, City Clerk

Agenda Item Title

Approval of the portions of the Minutes of the June 4, 2012 City Council / Successor Agency Meetings pertaining to the Successor Agency.

Summary

The minutes have been prepared for Council review and approval.

Recommended Council Action

Approve the minutes.

Alternative Actions

Correct or amend the minutes prior to approval.

Financial Impact

N/A

Environmental Review

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

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

See Agenda Item 5B for the minutes



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 7A

Meeting Date: 6/18/12

Department

Administration

Staff Contact

Linda Kelly, City Manager

Agenda Item Title

Discussion, consideration and possible action to adopt resolution finding no majority protest to the levy of assessments, establishing the Sonoma Tourism Improvement District, and approving the Management District Plan and an agreement between the Sonoma Tourism Improvement District Corporation and the City of Sonoma

Summary

On April 2, 2012, the City Council adopted Resolution No. 18-2012, a Resolution of Intention to form the Sonoma Tourism Improvement District (STID). On May 7, 2012, the City Council held a public meeting regarding the proposed STID, in accordance with applicable law. The June 18th public hearing is for the purpose of receiving protest and public testimony, if any, regarding the levy of new assessments to be levied beginning July 1, 2012, pursuant to the formation of the STID. Before the Council are three documents:

1. Resolution declaring the results of the June 18 majority protest proceedings, establishing the STID, and approving both the Management District Plan and the Agreement with the STID Corporation.
2. Management District Plan of the Sonoma Tourism Improvement District, which specifies the authorized activities of the STID.
3. Agreement between the City of Sonoma and the Sonoma Tourism Improvement District Corporation (STIDC), which is currently in formation. The Property and Business Improvement District Law of 1994 (under the California Streets and Highways Code) requires that the City contract with the nonprofit corporation designated in the Management District Plan.

Staff has provided the attached terms of the Agreement, highlighting those areas of City Council decision and discretion. Staff will review the Agreement terms at the meeting.

Recommended Council Action

Conduct public hearing, take protests and public testimony on levying of new assessments and establishment of the Sonoma Tourism Improvement District; adopt resolution.

Alternative Actions

Continue hearing or re-notice hearing for a future date. Do not adopt resolution.

Financial Impact

The estimated first year collections under the new STID equal 2% of room revenue in City limits, or approximately \$440,000. Administrative costs of the City for implementing and administering the STID will be deducted from the remittances to the STID Corporation.

Environmental Review**Status**

- | | |
|--|---|
| <input type="checkbox"/> Environmental Impact Report | <input type="checkbox"/> Approved/Certified |
| <input type="checkbox"/> Negative Declaration | <input type="checkbox"/> No Action Required |
| <input type="checkbox"/> Exempt | <input type="checkbox"/> Action Requested |
| <input checked="" type="checkbox"/> Not Applicable | |
-

Attachments:

STID Agreement Terms Summary
Notice of Public Meeting and Public Hearing
Calendar of Events for Tourism Improvement District
Resolution

Agreement
Management District Plan

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

STID Agreement Terms Summary

The Sonoma Tourism Improvement District Corporation (STIDC) is the “Organization,” a party to the Agreement.

COUNCIL DISCRETION OR OPTIONS: These are elements under discretion of the Council and Council may wish to consider or discuss these elements.

SECTION	TERM	PROVISIONS IN AGREEMENT	COUNCIL DISCRETION OR OPTIONS
2.(b)	Annual Reports	Annual reports due by August 31, to cover activities of prior fiscal year and planned activities of current fiscal year.	Requirement for reports; timing of reports; content; delivery; frequency
2.(b)	Additional Reports	In addition to annual reports, the Organization shall provide reports upon request of the City Council or City Manager on any activities of the Organization at any time in order to document the progress of the Organization’s implementation of the Management District Plan and to assess considering taking actions to extend the STID beyond the date of its expiration on June 30, 2015.	Requirement for reports; who can request; how requested; timing of reports; content; delivery; frequency
2.(d)	Special Event Promotional Program	The Organization shall establish a process for accepting applications from event organizers for STID funding for the promotion of events that draw overnight visitors. The annual budgetary allocation for the Program shall be determined by the Organization during its annual budget process. The purpose of the Program is to support and promote events that encourage lodging stays in City limits.	Program requirement; input on process; budgetary requirement

SECTION	TERM	PROVISIONS IN AGREEMENT	COUNCIL DISCRETION OR OPTIONS
2.(e)	Delinquent Assessments	City is responsible for all collections and is to be reimbursed for expenses incurred in collections. At the City's discretion, the STIDC may be directed instead to undertake collections.	City as collection agent: mandated or optional
2.(f)	Subcontracts and Procurement	The Sonoma Valley Visitors' Bureau shall be the sole source provider for sales and marketing activities described by the Management District Plan that are offered by the Sonoma Valley Visitors' Bureau to the Organization. Notwithstanding the above, the Organization may award subcontracts to other third party providers if either: 1) the subcontract has a value of \$25,000 or less; or 2) prior approval is given in writing by the City Manager.	Naming of Sonoma Valley Visitors' Bureau; value of other contracts; approval of City Manager.
2.(g)	Compliance with Laws	Upon a request made by the City at any time during the term of this Agreement, the Organization shall provide within the time requested by the City written documentation establishing that the Organization's board members have completed Brown Act training.	Requirement for proof of training to the City.

SECTION	TERM	PROVISIONS IN AGREEMENT	COUNCIL DISCRETION OR OPTIONS
2.(i)	Board Representation	<p>The City Council may, in its sole and unfettered discretion, at any time during the term of this Agreement appoint one member to the Organization's board of directors as a voting or non-voting member of the board. The member may be a councilmember, city manager, or a designee appointed by the City Council to serve on the board. If the City Council is denied the right provided in this paragraph, the City may terminate this Agreement immediately.</p>	<p>Requirement for Board representation. If Council agrees to Board representation, a representative may be selected and appointed at a future Council meeting.</p>
2.(l)	Records/Audit	<p>The Organization shall obtain and provide to the City, at the Organization's sole cost, an independent financial audit of the Organization's use of STID funds for each fiscal year of its existence under this Agreement (including the third year). The audit shall be conducted and provided to the City no later than October 1 of 2013, 2014, and 2015. This subsection shall survive termination or expiration of this Agreement.</p>	<p>Requirement for copy of audit; timing.</p>

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

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

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

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

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

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

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

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

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

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

You may mail a written protest to:

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

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

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

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

Dated: _____

City Clerk

City of Sonoma

Tourism Improvement District

Formation Schedule

(Based on hoteliers' proposal)

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

RESOLUTION NO. 2012 - _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA
DECLARING RESULTS OF MAJORITY PROTEST PROCEEDINGS,
ESTABLISHING THE SONOMA TOURISM IMPROVEMENT
DISTRICT, AND APPROVING BOTH THE MANAGEMENT DISTRICT
PLAN AND AN AGREEMENT WITH THE SONOMA TOURISM
IMPROVEMENT DISTRICT CORPORATION**

WHEREAS, the Property and Business Improvement District Law of 1994 (Streets and Highways Code §36600 et. seq.) authorizes cities and counties to establish property and business improvement districts upon petition by a weighted majority of the lodging business owners located within the boundaries of the district; and

WHEREAS, lodging business owners who will pay more than fifty percent (50%) of the proposed assessment, as weighted according to the amount of the assessment to be paid by the petitioner, within the boundaries of the Sonoma Tourism Improvement District (“STID”) have petitioned the City Council to establish the STID; and

WHEREAS, included with the petitions was a Management District Plan summary that describes the proposed assessment to be levied on lodging businesses within the STID to pay for sales promotion and marketing activities, and other activities set forth in the Management District Plan; and

WHEREAS, the Management District Plan attached and incorporated herein by reference (hereafter said version shall be referred to as “Plan”) is being submitted by the petitioners of the STID to the City on this date for acceptance and approval of the Plan by the City Council as a replacement of the prior version that had been submitted with the petitions; and

WHEREAS, the assessed lodging businesses within the STID will be benefited by the activities set forth in the Plan; and

WHEREAS, on April 2, 2012, at 6:00 p.m. at 177 First Street West, Sonoma, CA 94576, the City Council adopted a Resolution of Intention, Resolution No. 18-2012; and

WHEREAS, the public meeting and public hearing to consider the establishment of the STID have been properly noticed in accordance with Streets and Highways Code §36623; and

WHEREAS on May 7, 2012, at 6:00 p.m. at 177 First Street West, Sonoma, CA 94576, the City Council held a public meeting regarding the establishment of the STID, and the City Council heard and received objections and protests, if any, to the establishment of the STID and the levy of the proposed assessment; and

WHEREAS, on June 18, 2012, at 6:00 p.m. at 177 First Street West, Sonoma, CA 94576, the City Council held a public hearing regarding the establishment of the STID, and the City Council

heard and received all objections and protests, if any, to the establishment of the STID and the levy of the proposed assessment; and

WHEREAS, the City Clerk has determined that there was no majority protest. A majority protest is defined as written protests received from owners of businesses in the proposed district which would pay fifty percent (50%) or more of the assessments proposed to be levied. Protests are weighted based on the assessment proposed to be levied on each lodging business; and

WHEREAS, upon establishment of the STID a non-profit corporation to act as the owners' association is to be created by the petitioners and is to enter into an agreement with the City to provide services under the terms of the agreement; and

WHEREAS, it is the intention of the Council and petitioners that upon establishment of the STID, the Sonoma Tourism Improvement District Corporation will be formed and validly organized by the petitioners of the STID to be that non-profit entity which will provide services as the owners' association under the terms of the attached Agreement Between the City of Sonoma and the Sonoma Tourism Improvement District Corporation For Implementation of the Management District Plan.

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

1. The recitals set forth herein are adopted by the City Council as findings and they are true and correct.
2. The Sonoma Tourism Improvement District is hereby established for a three-year term.
3. The Plan is hereby found to be satisfactory, accepted and approved by the City.
4. The assessments levied for the STID shall be applied towards sales, promotions and marketing programs to market Sonoma lodging businesses as tourist, meeting and event destinations, and other activities as set forth in the Plan.
5. The revenue from the levy of the assessments on lodging businesses within the STID may not be used to provide for activities or improvements outside the STID or for any purpose other than those specified herein, in the Plan, and in the Resolution of Intention.
6. Assessments levied on lodging businesses pursuant to this resolution shall be levied on the basis of benefit. Because the services provided are intended to increase room rentals, an assessment based on room rentals is the best measure of benefit.
7. The amount of assessment, if passed on to each transient, shall be disclosed in advance and separately stated from the amount of rent charged and any other applicable taxes, and each transient shall receive a receipt for payment from the business.
8. The assessments for the entire District will total approximately \$440,000 in year one.

9. The activities set forth will be funded by the levy of an assessment on lodging businesses within the STID as described in the Plan.

10. Bonds shall not be issued to fund the STID.

11. The boundaries of the STID shall be the boundaries of the City of Sonoma, delineated on the attached map, incorporated herein as Exhibit A.

12. The assessments shall be used for the purposes set forth above and any funds remaining at the end of any year may be used in subsequent years in which the STID assessment is levied as long as they are used consistent with the requirements set forth herein.

13. The assessments to fund the activities for the STID will be collected at the same time and in the same manner as are transient occupancy taxes, and in accordance with Streets and Highways Code §36631.

14. The Sonoma Tourism Improvement District Corporation shall be the Owners' Association pursuant to Streets and Highways Code §36614.5.

15. On or before August 31 of the second and third fiscal years, the Sonoma Tourism Improvement District Corporation, pursuant to Streets and Highways Code §36650, shall cause to be prepared a report for each fiscal year for which assessments are to be levied and collected to pay the costs of the activities described in the report. The first report shall be due after the first year of operation of the district. The City may approve, modify and approve as modified, or disapprove the annual report.

16. The STID established pursuant to this resolution will be subject to any amendments to the Property and Business Improvement District Law of 1994 (California Streets and Highways Code §36600 et. seq.).

17. The City Clerk, or his or her designee, is directed to take all necessary actions to complete the establishment of the STID and to levy the assessments. No assessments collected by the City may be forwarded until all of the following are satisfied: 1) the City has been provided with written documentation (Articles of Incorporation) establishing that the Sonoma Tourism Improvement District Corporation has been legally formed and registered with the State of California as a non-profit entity; and 2) a copy of the Agreement between the City of Sonoma and Sonoma Tourism Improvement District Corporation in the form attached hereto has been fully and validly executed and the original signature on behalf of the Sonoma Tourism Improvement District Corporation has been provided to the City.

18. The Agreement Between the City of Sonoma and the Sonoma Tourism Improvement District Corporation For Implementation of Management District Plan in the form attached hereto and incorporated by this reference herein is approved and the City Manager is authorized to execute the agreement on the City's behalf.

19. This Resolution shall take effect immediately upon its adoption by the City Council.

I HEREBY CERTIFY that the foregoing Resolution of Formation was introduced and adopted at a regular meeting of the City Council on the _____ day of _____, 2012 by the following vote:

**AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS
ABSTAIN: COUNCIL MEMBERS:**

Mayor

Attest

City Clerk

**Exhibit A
District Map**



AGREEMENT BETWEEN CITY OF SONOMA AND SONOMA TOURISM
IMPROVEMENT DISTRICT CORPORATION
FOR IMPLEMENTATION OF MANAGEMENT DISTRICT PLAN

(Sonoma Tourism Improvement District)

This Agreement is entered into on July _____, 2012 between the CITY OF SONOMA, a municipal corporation of the State of California ("City"), and the SONOMA TOURISM IMPROVEMENT DISTRICT CORPORATION, a nonprofit corporation ("Organization") organized under the laws of the State of California.

WHEREAS, the Property and Business Improvement District Law of 1994, (California Streets and Highway Code Section 36600 et seq.) (the "PBID Law") authorizes the City of Sonoma to form a property and business improvement district within the City of Sonoma; and

WHEREAS, on April 2, 2012, the City approved Resolution No. 18-2012 Declaring its intention to establish the Sonoma Tourism Improvement District ("STID"); and

WHEREAS, on June 18, 2012, the City Council held a public hearing regarding the establishment of the STID and the levy of the assessment, and at the conclusion of the hearing determined that a majority protest against the proposed STID assessment did not exist, whereupon the City Council adopted Resolution No. xx-2012, which is incorporated herein by reference, establishing the STID for a three year term expiring on June 30, 2015; and

WHEREAS, Resolution No. xx-2012 adopted the Sonoma Tourism Improvement District Management District Plan ("Management District Plan"), which is attached hereto as Exhibit A and incorporated by this reference, variously describes the businesses within the exterior boundaries of the STID to be assessed and benefitted, the method and amount of assessment, and the activities to be funded by the assessment; and

WHEREAS, the Management Plan indicates that the Organization will provide the activities described in the Management Plan and otherwise be charged with managing the STID's day-to-day operations including determining budgets and monitoring service delivery; and

WHEREAS, the PBID Law requires that the City contract with the nonprofit corporation designated in the Management Plan, whereupon the Organization, as the STID owner's association, will be subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part I of Division 2 of Title 5 of the Government Code), and the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title I of the Government Code), for all documents relating to activities of the STID; and

WHEREAS, the parties desire that the Organization act as "Owner's Association" for the STID, upon the terms and conditions herein.

NOW, THEREFORE, in consideration of the above recitals and for other good and

sufficient consideration, the City and Organization agree as follows:

AGREEMENT

1. Recitals. All the foregoing recitals are true and correct and incorporated herein by this reference as if fully set forth herein.

2. The Organization's Obligations.

(a) *Management District Plan*. The Organization shall provide all the activities described in the Management District Plan adopted by the Sonoma City Council on June 18, 2012 and otherwise administer and implement the Management District Plan.

(b) *Annual Reports*. The Organization shall submit annual reports to the City, under the noticing provision in Section 4.d. of this Agreement, as required of the "owners' association" pursuant to California Streets and Highway Code Section 36650, a copy of which is included in the Management District Plan. The annual reports shall be submitted to the City no later than two (2) calendar months following the close of the fiscal year (June 30 of each year) for each of the first two fiscal years covered by this Agreement (said annual report due dates are on or before August 31, 2013 and August 31, 2014). If action is taken prior to June 30, 2015 to extend the District for a term beyond its initial three-year term, an annual report shall be due on or before August 31, 2015. If action is not taken prior to June 30, 2015 to extend the District for a term beyond its initial three-year term, an annual report shall be due on or before June 30, 2015. The annual report shall describe the activities undertaken during the prior fiscal year to implement the adopted Management District Plan and those activities planned to implement the Management District Plan in the current fiscal year, except that a report prepared after June 30, 2015, need only describe activities during the prior fiscal year. The City Council may approve, disapprove, modify and approve as modified, or request additional information to, the annual report, as provided in the Management District Plan. In addition to annual reports, the Organization shall provide reports upon request of the City Council or City Manager on any activities of the Organization at any time in order to document the progress of the Organization's implementation of the Management District Plan and to assess considering taking actions to extend the STID beyond the date of its expiration on June 30, 2015.

(c) *Budget Compliance*. The Organization shall administer STID funds in compliance with the annual service plan budget contained in the Management District Plan ("Budget"), which is incorporated herein. The Organization shall allocate funds received pursuant to this Agreement according to the Budget in the proportions stated in the Budget, subject to the provisions of the Management District Plan. For example, although the Management District Plan allocates 1% of the Budget to the annual City Administration Fee, the actual costs incurred by the City shall be allocated to the City Administration Fee in accordance with paragraph "City Administration Fee" in Section V(F) of the Management District Plan.

(d) *Special Event Promotional Program*. The Organization shall establish a process for accepting applications from event organizers for STID funding for the promotion of events

that draw overnight visitors, in support of the goals of Section V.F. of the Management District Plan. The annual budgetary allocation for the Special Event Promotional Program shall be determined by the Organization during its annual budget process. The purpose of the Program is to support and promote events that encourage lodging stays in City limits.

(e) *Delinquent Assessments.* The City shall be responsible for collection of those delinquent STID assessments and related penalties and interest arising from lodging businesses in arrears ("Collection Efforts") as provided by Section V(D) of the Management District Plan. The Organization shall reimburse the City for costs and expenses incurred in Collection Efforts undertaken by the City in accordance with Section V(C) of the Management District Plan (including, but not limited to, attorneys' fees and litigation expenses). The Organization shall reimburse the City, pursuant to this paragraph, within thirty (30) days of written demand by the City, unless deducted from City payments to the Organization pursuant to Section 3(b)(ii) of this Agreement. Notwithstanding the above, the City may choose at any time to direct the STIDC to undertake all Collection Efforts at the STIDC's sole cost and expense. If the City selects this option, the City shall thereafter be discharged from its obligations under this subsection.

(f) *Subcontracts and Procurement.* The Organization shall award and administer all subcontracts necessary for providing the activities in accordance with the provisions of this paragraph. The Sonoma Valley Visitors' Bureau shall be the sole source provider for sales and marketing activities described by the Management District Plan that are offered by the Sonoma Valley Visitors' Bureau to the Organization. Notwithstanding the above, the Organization may award subcontracts to other third party providers if either: 1) the subcontract has a value of \$25,000 or less; or 2) prior approval is given in writing by the City Manager.

(g) *Compliance with Laws.* The Organization shall comply with all federal, state, and local laws, including The Ralph M. Brown Act (Government Code § 54950 et seq.) ("Brown Act") whenever matters within the subject matter of the STID are heard, discussed, or deliberated, and the California Public Records Act (Government Code § 6250 et seq.) for all documents relating to activities of the STID; the Organization shall ensure that its board members will undertake training on the Brown Act, which may consist of self-study materials, an online course, or in-person training at least once every two years. Upon a request made by the City at any time during the term of this Agreement, the Organization shall provide within the time requested by the City written documentation establishing that the Organization's board members have completed such training.

(h) *Confidentiality.* The Organization shall comply with all laws governing the confidentiality of STID assessment records, reports, and related information that may be provided to the Organization by the City ("Assessment Records"). The Organization shall only disclose Assessment Records as required by law, or as necessary to collect delinquent STID assessments, consistent with applicable confidentiality laws.

(i) *Board Representation.* The City Council may, in its sole and unfettered discretion, at any time during the term of this Agreement appoint one member to the Organization's board of directors as a voting or non-voting member of the board. The member may be a

councilmember, city manager, or a designee appointed by the City Council to serve on the board. If the City Council is denied the right provided in this paragraph, the City may terminate this Agreement immediately.

(j) *Indemnity.* The Organization shall indemnify, hold harmless and defend City and each of its officers, officials, employees, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by City, Organization or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fees and litigation expenses), arising or alleged to have arisen directly or indirectly out of any of the terms of this Agreement or performance of this Agreement. Organization's obligations under the preceding sentence shall apply regardless of whether City or any of its officers, officials, employees, agents or volunteers are negligent, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs or damages caused solely by the gross negligence, or caused by the willful misconduct, of City or any of its officers, officials, employees, agents or authorized volunteers.

If Organization should subcontract all or any portion of the services to be provided under this Agreement, Organization shall require each subcontractor to indemnify, hold harmless and defend City and each of its officers, officials, employees, agents and volunteers in accordance with the terms of the preceding paragraph.

This subsection shall survive termination or expiration of this Agreement.

(k) *Independent Contractor Status.* The Organization will perform under this Agreement as an independent contractor and will be responsible for any federal, state, or local taxes or fees that apply to payments it receives from the City under this Agreement. The Organization's employees and subcontractors will not be employees of the City and will not be eligible for any benefits provided through the City, including but not limited to social security, health, workers' compensation, unemployment compensation, and retirement benefits. Neither the Organization nor any of its officers, employees, agents, volunteers, or subcontractors are or will be considered to be agents of the City in connection with the Organization's performance under this Agreement.

(l) *Records/Audit.* During the term of this Agreement, and for four years after the term expires or terminates, the Organization agrees to maintain detailed records pertaining to STID administration sufficient to provide the basis for an unqualified opinion by an independent auditor, including but not limited to records concerning budgeting, expenditures, subcontracts, insurance, permits, administrative expenses, and overhead. The Organization agrees to make all such records available to the City upon request at all reasonable times. The Organization shall obtain and provide to the City, at the Organization's sole cost, an independent financial audit of the Organization's use of STID funds for each fiscal year of its existence under this Agreement (including the third year). The audit shall be conducted and provided to the City no later than October 1 of 2013, 2014, and 2015. This subsection shall survive termination or expiration of this Agreement.

(m) *Insurance.* The Organization shall comply with the insurance requirements provided in Exhibit B on forms supplied in Exhibits C-1 through C-4.

3. The City's Obligations.

(a) *Payments to the Organization.* The City shall pay to the Organization in trust:

(i) the STID assessment funds actually collected by the City, with any interest that actually accrues upon such funds while in the City's possession and control; and

(ii) interest and penalties actually received by the City with respect to delinquent STID assessment payments.

(b) *Deductions from Payment.* The City shall be entitled to retain the following amounts, which shall be deducted from the payment provided for in Section 3(a):

(i) that portion of STID assessment funds collected by the City from hotel operators located within the City, to cover the City's administrative costs, as provided in Section V(F) of the Management District Plan;

(ii) costs incurred by the City as a result of engaging in Collection Efforts consistent with Section 2(d) of this Agreement and pursuant to Section V.D. of the Management District Plan, including but not limited to collection agency fees.

(iii) costs incurred by the City, including but not limited to attorneys' fees, materials, and staff time at the fully burdened hourly rate, related to any proposal or plan to form the STID, STID formation, implementation and/or STID assessments, of whatever nature and incurred at any time on or after January 1, 2010 through the date of this Agreement.

(c) *Conditions Precedent.* The City shall not be obligated to make any payments described in Section 3(a) unless and until the City is furnished acceptable documentation establishing: 1) The Organization has been created as a valid non-profit corporation and otherwise meets all applicable requirements in the PBID Law; 2) The Organization has been registered with the Secretary of State of California; and 3) The Organization has duly approved and executed this Agreement under its applicable rules, regulations, and/or by-laws.

4. General Provisions.

(a) *STID Funds Held in Trust.* All STID assessments and funds in the possession/control of the Organization hereunder, excluding amounts deducted by the City pursuant to Section 3(b) of this Agreement or as otherwise permitted by the Management District Plan, are the property of the STID and shall be held in trust by the Organization solely for the benefit of the STID, subject to Section 4(c)(2)(iii) of this Agreement.

(b) *General Fund Not Liable.* Neither the taxing authority, nor the bonding capacity, nor the general fund, nor any other fund or monies of the City other than actual STID revenues received from hotel operators will be liable for payment of any obligations arising from this Agreement. Those obligations are not a debt of the City, nor are they a legal or equitable pledge, charge, lien, or encumbrance upon any of the City's property, income, receipts, or revenues. This Agreement embodies all of the Organization's reimbursement rights, and the City is not required to execute any additional note or document.

(c) *Effective Date, Term, and Early Termination.* This Agreement becomes effective on the date first-above written upon its complete execution by the parties. The term of this Agreement begins on the effective date and ends at 11:59 p.m. on June 30, 2015.

(1) In addition to any other right of termination provided in this Agreement, the City may terminate this Agreement early if it determines that the Organization:

(i) Has misappropriated funds, committed malfeasance, or violated any law in providing the activities described in the Management District Plan or in otherwise administering and implementing the Management District Plan; or

(ii) Has materially breached this Agreement and has failed to cure the breach within 30 days after receiving the City's written demand for cure.

(2) Immediately following the termination or expiration of this Agreement, the Organization will do all of the following:

(i) Terminate all of activities of the Organization on behalf of the STID;

(ii) Pay all obligations and administration costs it incurred on behalf of the STID; and

(iii) Return to the City all remaining STID funds and all assets acquired with STID funds, which the City will hold on behalf of the STID. In the event, however, that the STID no longer exists, City will utilize the remaining funds for tourism promotion activities or other tourist-serving special events within the City.

(d) *Notices.* To be effective, any notice concerning this Agreement must be served by placing it in the U.S. Mail, addressed as set forth below, with postage prepaid (registered or certified mail, return receipt requested):

(I) If to the City:
City of Sonoma
City Manager
No. 1 The Plaza
Sonoma, CA 95476

(2) If to the Organization:
Sonoma Tourism Improvement District Corporation

A notice will be considered delivered two business days after the date of deposit in the U.S. Mail. Any party may change its address for these purposes by giving written notice of the change to the other party in the manner provided in this subsection.

(e) *Attorneys' Fees.* The prevailing party in any litigation or arbitration brought to enforce this Agreement will be entitled to recover reasonable attorneys' fees and costs incurred in connection with the litigation or arbitration, through final resolution.

(f) *Interpretation and Venue.* This Agreement is to be interpreted in accordance with California law. Any litigation concerning this Agreement must be brought and prosecuted in the Sonoma County Superior Court.

(g) *Waiver.* A party's failure to insist on strict performance of this Agreement or to exercise any right or remedy upon the other party's breach of this Agreement will not constitute a waiver of the performance, right, or remedy. A party's waiver of the other party's breach of any term or provision in this Agreement will not constitute a continuing waiver or a waiver of any subsequent breach of the same or any other term or provision. A waiver is binding only if set forth in writing and signed by the waiving party.

(h) *Entire Agreement.* Each party acknowledges that they have read and fully understand the contents of this Agreement. This Agreement sets forth the parties' entire understanding regarding the subjects covered. It supersedes all prior or contemporaneous agreements, representations, and negotiations regarding those subjects (whether written, oral, express, or implied) and may be modified only by another written agreement signed by both parties.

(i) *Counterparts.* The parties may execute this Agreement in counterparts, each of which will be considered an original, but all of which will constitute the same agreement.

(j) *Precedence of Documents.* In the event of any conflict between the body of this Agreement and any exhibit or attachment hereto, the terms and conditions of the body of this Agreement shall control and take precedence over the terms and conditions expressed within the exhibit or attachment.

(k) *Amendment.* This Agreement may be modified only by written instrument duly authorized and executed by all the parties.

(l) *Successors and Assigns.* Subject to limitations on assignment provided herein, this Agreement shall be binding upon, and shall inure to the benefit of, all parties, and each parties'

respective heirs, successors, assigns, transferees, agents, servants, employees and representatives. The Organization may not assign its rights or obligations under this Agreement without the prior written consent of City, which consent may be withheld at City's sole and absolute discretion. Any attempted assignment by Organization, its successors or assigns, shall be null and void unless approved in writing by the City.

[Signatures on following page]

IN WITNESS WHEREOF, the parties have executed this Agreement at Sonoma, California, the day and year first-above written.

CITY OF SONOMA,
a municipal corporation

SONOMA TOURISM IMPROVEMENT
DISTRICT CORPORATION, a nonprofit
corporation

By: _____
Name:
Title:

By: _____
Name:
Title:

ATTEST:

Gay Johann, City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY

APPROVED AS TO FORM:
CIVITAS ADVISORS

By: _____

By: _____

Attachments:

- Exhibit A—Sonoma Tourism Improvement District Management District Plan submitted on June 18, 2012
- Exhibit B—Insurance requirements
- Exhibit C-1 through C-4—Insurance certificate and endorsement forms

EXHIBIT B

Insurance Requirements

Throughout the life of this Agreement, Organization shall pay for and maintain in full force and effect all policies of insurance required hereunder with an insurance company(ies) either (i) admitted by the California Insurance Commissioner to do business in the State of California and rated not less than "A-VII" in Best's Insurance Rating Guide, or (ii) authorized by City's Risk Manager. The following policies of insurance are required:

(i) COMMERCIAL GENERAL LIABILITY insurance which shall be at least as broad as the most current version of Insurance Services Office (ISO) Commercial General Liability Coverage Form CG 00 01 and include insurance for "bodily injury," "property damage" and "personal and advertising injury" with coverage for premises and operations (including the use of owned and non-owned equipment), products and completed operations, and contractual liability (including, without limitation, indemnity obligations under the Agreement) with limits of liability of not less than the following:

- \$1,000,000 per occurrence for bodily injury and property damage
- \$1,000,000 per occurrence for personal and advertising injury
- \$2,000,000 aggregate for products and completed operations
- \$2,000,000 general aggregate

(ii) COMMERCIAL AUTOMOBILE LIABILITY insurance which shall be at least as broad as the most current version of Insurance Service Office (ISO) Business Auto Coverage Form CA 00 01, and include coverage for all owned, hired, and non owned automobiles or other licensed vehicles (Code 1 Any Auto) with limits of liability of not less than \$1,000,000 per accident for bodily injury and property damage.

(iii) WORKERS' COMPENSATION insurance as required under the California Labor Code.

(iv) EMPLOYERS' LIABILITY insurance with limits of liability of not less than \$1,000,000 each accident, \$1,000,000 disease policy limit and \$1,000,000 disease each employee.

Defense costs shall be provided as an additional benefit and not included within the above limits of liability. In the event Organization purchases an Umbrella or Excess insurance policy(ies) to meet the minimum limits of insurance set forth above, this insurance policy(ies) shall "follow form" and afford no less coverage than the primary insurance policy(ies).

Organization shall be responsible for payment of any deductibles contained in any insurance policies required hereunder and Organization shall also be responsible for payment of any self-insured retentions. Any deductibles or self-insured retentions must be declared to, and approved by, the City's Risk Manager or his/her designee. At the option of the City's Risk Manager or his/her designee, either (i) the insurer shall reduce or eliminate such deductibles or

self-insured retentions as respects City, its officers, officials, employees, agents and volunteers; or (ii) Organization shall provide a financial guarantee, satisfactory to City's Risk Manager or his/her designee, guaranteeing payment of losses and related investigations, claim administration and defense expenses. At no time shall City be responsible for the payment of any deductibles or self-insured retentions.

All policies of insurance required hereunder shall be endorsed to provide that the coverage shall not be cancelled, non-renewed, reduced in coverage or in limits except after 30 calendar day written notice has been given to City. Upon issuance by the insurer, broker, or agent of a notice of cancellation, non-renewal, or reduction in coverage or in limits, Organization shall furnish City with a new certificate and applicable endorsements for such policy(ies). In the event any policy is due to expire during the work to be performed for City, Organization shall provide a new certificate, and applicable endorsements, evidencing renewal of such policy not less than 15 calendar days prior to the expiration date of the expiring policy.

The General Liability and Automobile Liability insurance policies shall be written on an occurrence form and shall name City, its officers, officials, agents, employees and volunteers as an additional insured. Such policy(ies) of insurance shall be endorsed so Organization's insurance shall be primary and no contribution shall be required of City. The coverage shall contain no special limitations on the scope of protection afforded to City, its officers, officials, employees, agents and volunteers. Any Workers' Compensation insurance policy shall contain a waiver of subrogation as to City, its officers, officials, agents, employees and volunteers.

Organization shall furnish City with all certificate(s) and applicable endorsements effecting coverage required hereunder. **All certificates and applicable endorsements are to be received and approved by the City's Risk Manager or his/her designee prior to City's execution of the Agreement and before work commences.** Upon request of City, Organization shall immediately furnish City with a complete copy of any insurance policy required under this Agreement, including all endorsements, with said copy certified by the underwriter to be a true and correct copy of the original policy. This requirement shall survive expiration or termination of this Agreement.

If at any time during the life of the Agreement or any extension, Organization or any of its contractors or subcontractors fail to maintain any required insurance in full force and effect, all work under this Agreement shall be discontinued immediately. Any failure to maintain the required insurance shall be sufficient cause for City to terminate this Agreement. No action taken by City hereunder shall in any way relieve Organization of its responsibilities under this Agreement.

The fact that insurance is obtained by Organization shall not be deemed to release or diminish the liability of Organization, including, without limitation, liability under the indemnity provisions of this Agreement. The duty to indemnify City shall apply to all claims and liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by Organization. Approval or purchase of any insurance Agreements or policies shall in no way relieve from liability nor limit the liability of Organization, its board, officers, employees, agents, volunteers, persons under the

supervision of Organization, vendors, suppliers, invitees, consultants, sub-consultants, contractors, subcontractors, or anyone employed directly or indirectly by any of them.

If Organization should contract or subcontract all or any portion of the services to be performed under this Agreement, Organization shall require each contractor or subcontractor to provide insurance protection in favor of City, its officers, officials, employees, agents and volunteers in accordance with the terms of each of the preceding paragraphs, except that the contractor's or subcontractor's certificates and endorsements shall be on file with Organization and City prior to the commencement of any work by the contractor or subcontractor.

CERTIFICATE OF INSURANCE

City of Sonoma (the "Entity")

ISSUE DATE (MM/DD/YY)

PRODUCER

THIS CERTIFICATE OF INSURANCE IS NOT AN INSURANCE POLICY AND DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED

		COMPANIES	BEST'S RATING
COMPANY LETTER	A	_____	_____
COMPANY LETTER	B	_____	_____
COMPANY LETTER	C	_____	_____
COMPANY LETTER	D	_____	_____
COMPANY LETTER	E	_____	_____

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL TERMS, EXCLUSIONS, AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION	ALL LIMITS IN THOUSANDS	
	GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR <input type="checkbox"/> OWNER'S & CONTRACTOR'S PROT <input type="checkbox"/> OTHER _____				GENERAL AGGREGATE	\$
					PRODUCTS-COMP/OPS AGGREGATE	\$
					PERSONAL & ADVERTISING INJURY	\$
					EACH OCCURRENCE	\$
					FIRE DAMAGE (Any one fire)	\$
					MEDICAL EXPENSE (Any one person)	\$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS <input type="checkbox"/> GARAGE LIABILITY				COMBINED	
					SINGLE LIMIT	\$
					BODILY INJURY (PER PERSON)	\$
					BODILY INJURY (PER ACCIDENT)	\$
					PROPERTY DAMAGE	\$
	EXCESS LIABILITY <input type="checkbox"/> UMBRELLA <input type="checkbox"/> OTHER THAN UMBRELLA FORM				EACH OCCURRENCE	\$
					AGGREGATE	\$
					STATUTORY	
	<input type="checkbox"/> WORKERS' COMPENSATION AND EMPLOYER'S LIABILITY				EACH ACCIDENT	\$
					DISEASE - POLICY LIMIT	\$
					DISEASE - EACH EMPLOYEE	\$
	PROPERTY INSURANCE <input type="checkbox"/> COURSE OF CONSTRUCTION				AMOUNT OF INSURANCE	\$

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/RESTRICTIONS/SPECIAL ITEMS

THE FOLLOWING PROVISIONS APPLY:

- None of the above-described policies will be cancelled until 30 days' written notice has been given to the Entity at the address indicated below.
- The Entity, its officials, officers, employees and volunteers are added as insureds on all liability insurance policies listed above.
- It is agreed that any insurance or self-insurance maintained by the Entity will apply in excess of and not contribute with, the insurance described above.
- The Entity is named as loss payee on the property insurance policies described above, if any.
- All rights of subrogation under the property insurance policy listed above have been waived against the Entity.
- The workers' compensation insurer named above, if any, agrees to waive all rights of subrogation against the Entity for injuries to employees of the insured resulting from work for the Entity or use of the Entity's premises or facilities.

CERTIFICATE HOLDER/ADDITIONAL INSURED

City of Sonoma, its officers, officials, employees and volunteers
 #1 The Plaza
 Sonoma, CA 95476

AUTHORIZED REPRESENTATIVE

SIGNATURE _____
 TITLE _____
 PHONE NO. _____

INSURER:
POLICY NUMBER:
ENDORSEMENT NUMBER:

EXHIBIT 1-A

THIS ENDORSEMENT CHANGES THE POLICY, PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED -- OWNERS, LESSEES OR CONTRACTORS (FORM B)

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART.

SCHEDULE

City of Sonoma, its officers, officials, employees, and volunteers

(If no entry appears above, the information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED (Section II) is amended to include as an insured the person or organization shown in the Schedule, but only with respect to liability arising out of "your work" for that insured by or for you.

Modifications to ISO form CG 20 10 11 85:

1. The insured scheduled above includes the Insured's officers, officials, employees and volunteers.
2. This insurance shall be primary as respects the insured shown in the schedule above, or if excess, shall stand in an unbroken chain of coverage excess of the Named Insured's scheduled underlying primary coverage. In either event, any other insurance maintained by the Insured scheduled above shall be in excess of this insurance and shall not be called upon to contribute to it.
3. The insurance afforded by this policy shall not be canceled except after thirty days prior written notice by certified mail, return receipt requested, has been given to the Entity.

Signature-Authorized Representative

Address

WORKERS' COMPENSATION AND EMPLOYER'S LIABILITY SPECIAL ENDORSEMENT

SUBMIT IN DUPLICATE

For City of Sonoma (the "Entity")

Endorsement No	Issue Date (MM/DD/YY)
----------------	-----------------------

PRODUCER Telephone _____	POLICY INFORMATION Insurance Company: Policy No.: Policy Period: (from) _____ (to) _____
	OTHER PROVISIONS
NAMED INSURED 	
CLAIMS: Underwriter's representative for claims pursuant to this insurance. Name _____ Address: _____ Telephone: (____) _____	EMPLOYERS LIABILITY LIMITS \$ _____ (Each Accident) \$ _____ (Disease - Policy Limit) \$ _____ (Disease - Each Employee)

In consideration of the premium charged and notwithstanding any inconsistent statement in the policy to which this endorsement is attached or any endorsement now or hereafter attached thereto, it is agreed as follows:

1. CANCELLATION NOTICE. With respect to the interests of the Entity, this insurance shall not be cancelled, except after thirty (30) days prior written notice by receipted delivery has been given to the Entity.
2. WAIVER OF SUBROGATION. This Insurance Company agrees to waive all rights of subrogation against the Entity, its officers, officials, employees and volunteers for losses paid under the terms of this policy which arise from the work performed by the Named Insured for the Entity.

Except as stated above nothing herein shall be held to waive, alter or extend any of the limits, conditions, agreements or exclusions of the policy to which this endorsement is attached.

ENDORSEMENT HOLDER ENTITY City of Sonoma, its officers, officials, employees and volunteers #1 The Plaza Sonoma, CA 95476	AUTHORIZED REPRESENTATIVE <input type="checkbox"/> Broker/Agent <input type="checkbox"/> Underwriter <input type="checkbox"/> _____ I, _____ (print/type name), warrant that I have the authority to bind the above-mentioned insurance company and by my signature hereon do so bind this company to this endorsement. Signature _____ (original signature required) Telephone: () Date Signed: _____
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**SONOMA TOURISM IMPROVEMENT DISTRICT
MANAGEMENT DISTRICT PLAN**

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

Approved by the

City of Sonoma City Council on

June 18, 2012 through the adoption of Resolution No. 2012-__

SONOMA TOURISM IMPROVEMENT DISTRICT MANAGEMENT DISTRICT PLAN

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I. INTRODUCTION AND OVERVIEW

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

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

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

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

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

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

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

II. WHY A TOURISM IMPROVEMENT DISTRICT FOR SONOMA?

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

1. *The Need to Increase Occupancy*

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

2. *An Opportunity for Increasing City Tax Revenues*

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

3. *Stable Funding for Tourism Promotion*

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

III. WHAT IS A TOURISM IMPROVEMENT DISTRICT?

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

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

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

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

There are many benefits to Tourism Improvement Districts:

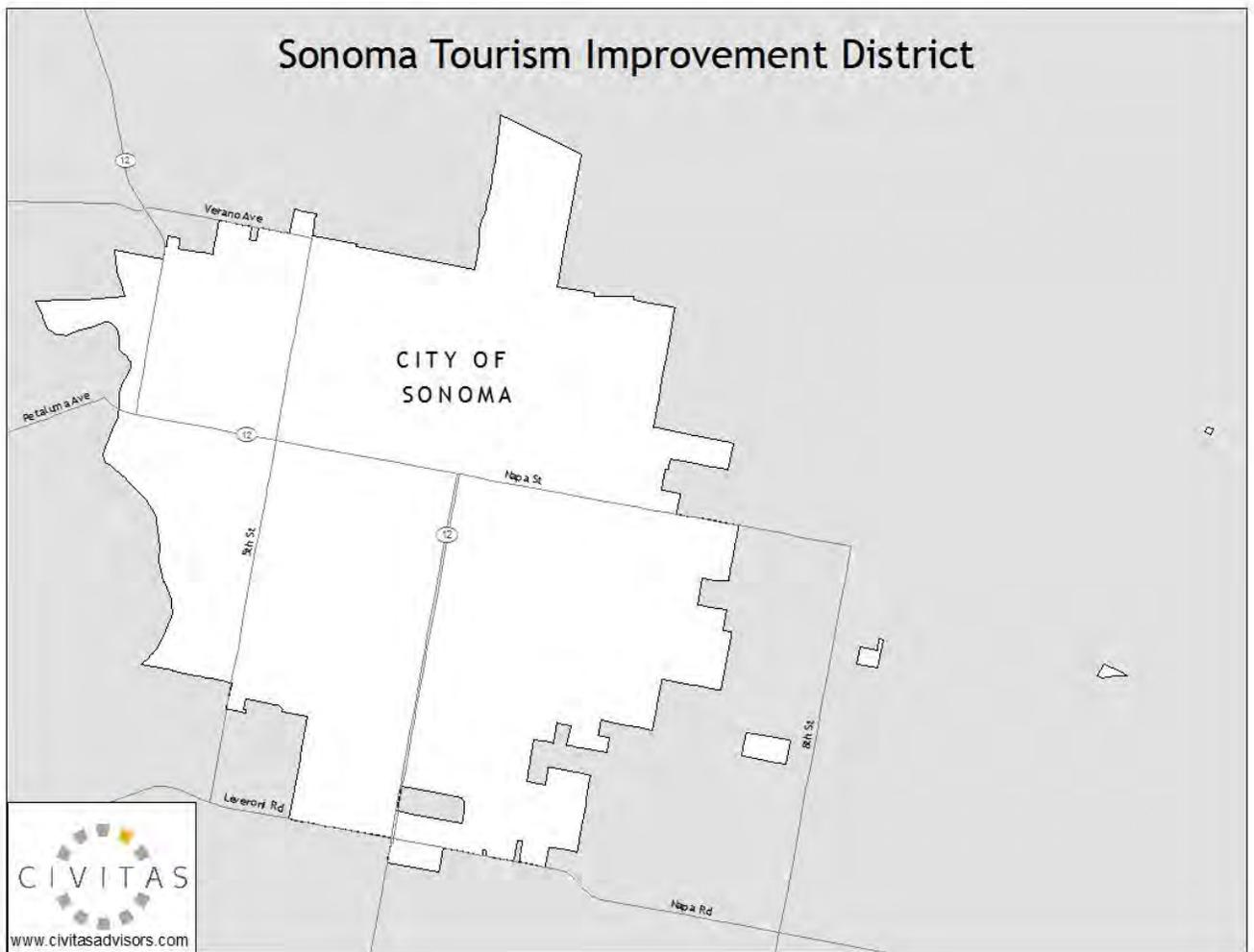
- Funds cannot be diverted for other government programs;
- Tourism Improvement Districts are customized to fit the needs of each tourism district;
- They allow for a wide range of services, including those listed above;
- Tourism Improvement Districts are ***designed, created and governed by those who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

The Property and Business Improvement District Law of 1994 is provided in Appendix 1 of this document. Nothing in this Management District Plan shall operate to impair, nullify, abridge, or supersede any of the City's rights under the most current version of the Property and Business Improvement District Law of 1994, as it may be amended from time to time.

IV. SONOMA TID BOUNDARY

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

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



V. SERVICE PLAN AND BUDGET

A. Assessment

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

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

Bonds shall not be issued.

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

B. Determination of Specific Benefit

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

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

C. Time and Manner for Collecting Assessments

The STID assessment will be implemented beginning July 1, 2012 and will continue for three years. The STID assessment will be reported in Section B of the City’s Transient Occupancy Tax form. Remittance of STID assessments must accompany the payment of TOT revenue. STID payment is due on or before the last day of the month following the reporting period. The exemptions which apply to the City’s Transient Occupancy Tax shall also apply to the

STID assessment. The City of Sonoma will be responsible for collecting the assessment on a monthly basis (including any delinquencies, penalties and interest) from each lodging business located in the boundaries of the STID. The City shall take all reasonable efforts to collect the assessments from each lodging business. However, at the City's option the City may at any time direct the STIDC to undertake all collections through a third party provider of collection services to the STIDC. Upon such direction being given, the City shall have no remaining responsibility to collect assessments. The City shall be reimbursed for that portion of any collection costs associated with delinquent assessments collected under section V.D. The City of Sonoma shall forward the assessments, on a quarterly basis, to the Sonoma Tourism Improvement District Corporation (STIDC) which will have the responsibility of managing TID programs as provided in this Management District Plan.

D. Penalties and Interest

1. Collection. The City shall be responsible for collection of delinquent assessments, penalties and interest from lodging businesses. The City shall be fully reimbursed for its costs (including, but not limited to, attorneys' fees and litigation expenses) of collecting delinquent assessments, penalties and interests under this Section. Notwithstanding the above, at the City's option the City may at any time direct the STIDC to undertake at the STIDC's sole cost and expense all delinquent collections through a third party provider of collection services to the STIDC. Upon the exercise of this option, the City will be discharged of delinquent collection responsibilities under this Section V.
2. Original Delinquency. Any business which fails to remit any assessment within the time required shall pay a penalty of 10 percent of the amount of the assessment in addition to the amount of the assessment.
3. Continued Delinquency. Any business which fails to remit any delinquent remittance on or before a period of 30 days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of 10 percent of the amount of the assessment in addition to the amount of the assessment and the 10 percent penalty first imposed.
4. Fraud. If the tax administrator determines that the nonpayment of any remittance is due to fraud, a penalty of 25 percent of the amount of the assessment shall be added thereto in addition to the penalties stated in subsections B and C of this section.
5. Interest. In addition to the penalties imposed, any business which fails to remit any assessment imposed by this chapter shall pay interest at the rate of one-half of one percent per month or fraction thereof on the amount of the assessment, exclusive of penalties, from the date on which the remittance first became delinquent until paid.
6. Penalties Merged with Assessment. Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the assessment required to be paid.

E. Service Plan Budget Summary

A summary of the annual service plan budget for the STID is provided on the following pages. The total three year service plan budget is projected at approximately \$440,000 annually, or \$1,320,000 through 2015.

F. Annual Service Plan:

A service plan budget has been developed to deliver services throughout the District. An annual service plan and budget will be developed and approved by the STIDC Board. Please see the budget exhibit on the next page. In the initial year of operation, the costs incurred by the City and Civitas’ fees for forming the district shall be repaid. Should the STIDC Board approve, funds may be appropriated for the renewal effort. If there are funds remaining at the end of the District term and lodging businesses choose to renew, these remaining funds could be transferred to the renewed District. If there are funds remaining at the end of the term of the District and the District is not renewed, any remaining funds will be distributed to the STDIC to be spent consistent with this Plan as provided by the contract between STIDC and the City, or in the event that the STDIC no longer exists such funding will be returned to the City for funding of tourism promotion activities or other tourist-serving special events within the City.

**Sonoma Tourism Improvement District
Annual Budget, Years One through Three**

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

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

Sales and Marketing

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

- Internet marketing efforts to increase awareness and optimize internet presence;
- Print ads in magazines and newspapers targeted at potential visitors;

- Promotion of events that draw overnight visitors;
- Television ads targeted at potential visitors;
- Radio ads targeted at potential visitors;
- Attendance of trade shows;
- Sales blitzes;
- Visitor services;
- Familiarization tours;
- Preparation and production of collateral promotional materials such as brochures, flyers and maps;
- Attendance of professional industry conferences and affiliation events;
- Lead generation activities designed to attract tourists and group events to Sonoma;
- Director of Sales and General Manager meetings to plan and coordinate tourism promotion efforts;
- Education of hospitality staff on service and safety (related to alcohol and food) designed to create a visitor experience that will bring repeat visits; and
- Education of lodging business management and the owners' association on marketing strategies best suited to meet Sonoma's needs.

Administration and Operations

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

City Administration Fee

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

Contingency/Renewal

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

G. Adjustments

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

Vi. STID Governance

A. Owners' Association

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

B. Brown Act and California Public Records Act Compliance

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

C. Annual Report

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

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

Property And Business Improvement District Law of 1994

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

§ 36600. Citation of part

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

§ 36601. Legislative findings and declarations

The Legislature finds and declares all of the following:

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

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

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

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

§ 36602. Purpose of part

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

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

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

§ 36603.5. Part prevails over conflicting provisions

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

§ 36604. Severability

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

§ 36605. [Section repealed 2001.]

§ 36606. "Assessment"

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

§ 36607. "Business"

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

§ 36608. "City"

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

§ 36609. "City council"

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

§ 36610. 'Improvement'

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

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

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

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

§ 36612. "Property"

"Property" means real property situated within a district.

§ 36613. "Activities"

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

- (a) Promotion of public events which benefit businesses or real property in the district.

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

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

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

§ 36614.5. "Owners' association"

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

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

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

§ 36616. "Tenant"

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

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

This part provides an alternative method of financing certain improvements and activities. The provisions of this part shall not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes. Every improvement area established pursuant to the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500) of this division) is valid and effective and is unaffected by this part.

§ 36620. Establishment of property and business improvement district

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

§ 36620.5. Requirement of consent of city council

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

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

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

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

(1) A map showing the boundaries of the district.

(2) Information specifying where the complete management district plan can be obtained.

(3) Information specifying that the complete management district plan shall be furnished upon request.

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

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

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

§ 36622. Contents of management district plan

The management district plan shall contain all of the following:

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

(b) The name of the proposed district.

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

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

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

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

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

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

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

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

(k) A list of the properties or businesses to be assessed, including the assessor's parcel numbers for properties to be assessed, and a statement of the method or methods by which the expenses of a district will be imposed upon benefited real property or businesses, in proportion to the benefit received by the property or business, to defray the cost thereof, including operation and maintenance. The plan may provide that all or any class or category of real property which is exempt by law from real property taxation may nevertheless be included within the boundaries of the district but shall not be subject to assessment on real property.

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

§ 36623. Procedure to levy assessment

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

(b) If a city council proposes to levy a new or increased business assessment, the notice and protest and hearing procedure shall comply with *Section 54954.6 of the Government Code*, except that notice shall be mailed to the owners of the businesses proposed to be assessed. A protest may be made orally or in writing by any interested person. Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. The city council may waive any irregularity in the form or content of any written protest. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the city as the

owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business or the authorized representative. A written protest that does not comply with this section shall not be counted in determining a majority protest. If written protests are received from the owners or authorized representatives of businesses in the proposed district that will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50 percent, no further proceedings to levy the proposed assessment against such businesses, as contained in the resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the city council.

§ 36624. Changes to proposed assessments

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

§ 36625. Resolution of formation

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

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

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

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

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

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

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

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

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

§ 36626. Resolution establishing district

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

§ 36626.5. [Section repealed 1999.]

§ 36626.6. [Section repealed 1999.]

§ 36626.7. [Section repealed 1999.]

§ 36627. Notice and assessment diagram

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

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

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

§ 36628.5. Assessments on businesses or property owners

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

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

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

§ 36630. Expiration of district; Creation of new district

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

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

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

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

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

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

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

§ 36633. Time for contesting validity of assessment

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

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

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

§ 36635. Request to modify management district plan

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

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

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

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

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

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

§ 36637. Reflection of modification in notices recorded and maps

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

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

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

(b) The resolution adopted pursuant to subdivision (a) shall generally describe the proposed improvements specified in the resolution of formation adopted pursuant to Section 36625, set forth the estimated cost of those improvements, specify the number of annual installments and the fiscal years during which they are to be collected. The amount of debt service to retire the bonds shall not exceed the amount of revenue estimated to be raised from assessments over 30 years.

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

§ 36641. [Section repealed 2001.]

§ 36642. [Section repealed 2001.]

§ 36643. [Section repealed 2001.]

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

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

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

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

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

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

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

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

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

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

The city council shall not approve a change in the basis and method of levying assessments that would impair an authorized or executed contract to be paid from the revenues derived from the levy of assessments, including any commitment to pay principal and interest on any bonds issued on behalf of the district.

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

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

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

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

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

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

§ 36670. Circumstances permitting disestablishment of district; Procedure

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

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

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

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

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

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

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

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

Business Name	Street Address	City, State, Zip
Alexandra's Plaza Suite	440 2nd East Street	Sonoma, CA 95476
An Inn 2 Remember	171 West Spain Street	Sonoma, CA 95476
Andrea's Hidden Cottage	138 East Spain Street	Sonoma, CA 95476
Auberge Sonoma	151 East Napa Street	Sonoma, CA 95476
Benziger-Solana Cottage	304 First Street	Sonoma, CA 95476
Beautiful Places	531 First Street East	Sonoma, CA 95476
Best Western Sonoma Valley Inn	550 Second Street West	Sonoma, CA 95476
Bungalows 313	313 First Street East	Sonoma, CA 95476
Casa De Carroll	965 W. Spain Street	Sonoma, CA 95476
Caroline's Cottage	171 Newcomb St.	Sonoma, CA 95475
Casa De Sonoma	247 Fourth Street East	Sonoma, CA 95476
Cecilia's Adobe	378 Second Street	Sonoma, CA 95476
Cinnamon Bear Creekside	19455 Sonoma Highway	Sonoma, CA 95476
Cooperage Inn	302 First Street West	Sonoma, CA 95476
Cottage Inn and Spa	310 First Street East	Sonoma, CA 95476
Cottage Sonoma	424 Second Street West	Sonoma, CA 95476
Cuneo's Stone Cottage	391 East Spain Street	Sonoma, CA 95476
Robert and Leslie Demler	143 Spain Street	Sonoma, CA 95476
Donner Cottage	270 France Street	Sonoma, CA 95476
El Dorado Hotel	405 First Street West	Sonoma, CA 95476
El Pueblo Inn	896 West Napa	Sonoma, CA 95476
Lynn Blankfort/Steven Martin	117 France Street	Sonoma, CA 95476
Hidden Oak Inn	214 East Napa Street	Sonoma, CA 95476
Inn at Sonoma	630 Broadway	Sonoma, CA 95476
Inn Wine Country	758 Broadway	Sonoma, CA 95476
Kate Murphy's Cottage	43 France Street	Sonoma, CA 95476
Ledson Hotel	480 First Street East	Sonoma, CA 95476
MacArthur Place Inn & Space	29 East MacArthur	Sonoma, CA 95476
Mary Jean's Place	20073 Broadway	Sonoma, CA 95476
Peter Mathis	287 First Street West	Sonoma, CA 95476
Stuart & Mary McPherson	289 First Street West	Sonoma, CA 95476
Mission Bed & Breakfast	302 First Street East	Sonoma, CA 95476
Ramekins	450 West Spain Street	Sonoma, CA 95476
Rawls Bed & Breakfast	166 France Street	Sonoma, CA 95476
Rose Garden Inn	681 Broadway	Sonoma, CA 95476
Schaefer House	2nd Street East	Sonoma, CA 95476
Sonoma Chalet	18935 Fifth Street West	Sonoma, CA 95476

Business Name	Street Address	City, State,Zip
Sonoma Culinary Inn	477 Spain Street West	Sonoma, CA 95476
Sonoma Farmhouse	446 Third Street West	Sonoma, CA 95476
Sonoma Hotel	110 Spain Street West	Sonoma, CA 95476
Swiss Hotel	18 West Spain Street	Sonoma, CA 95476
The Lodge at Sonoma	1325 Broadway	Sonoma, CA 95476
Victorian Garden Inn	316 East Napa Street	Sonoma, CA 95476
Woodfield Properties/Cynthia Wood	P O Box 612	Vineberg, CA 95476

Property listing is as of June 18, 2012



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 8A

Meeting Date: 06/18/2012

Department

Planning

Staff Contact

David Goodison, Planning Director

Agenda Item Title

Discussion, consideration and possible action on the preparation of an application to designate portions of the City as a "Priority Development Area", pursuant to the Bay Area regional FOCUS development and conservation strategy.

Summary

The Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), along with other regional agencies, are developing a voluntary, incentive-based strategy addressing development and conservation known as FOCUS. A basic purpose of this strategy is to identify, on a regional basis, locally designated areas that are suitable for infill development and areas that are priorities for conservation so that regional resources (e.g., transportation grants and open space grants) are allocated accordingly. With respect to the identification of infill opportunity areas, the FOCUS effort employs the term "Priority Development Area" (or PDA), which is defined as follows:

Priority Development Areas (PDAs) are locally-identified, infill development opportunity areas within existing communities. They are generally areas of at least 100 acres where there is local commitment to developing more housing along with amenities and services to meet the day-to-day needs of residents in a pedestrian-friendly environment served by transit. To be eligible to become a PDA, an area had to be within an existing community, near existing or planned fixed transit or served by comparable bus service, and planned for more housing.

As the FOCUS strategy moves forward, transportation funding grants made by MTC (which is the primary source of transportation grant funding in the Bay Area) will increasingly emphasize projects that are located in PDAs. In staff's view the designation of the downtown area and the Highway 12 corridor as a PDA should be investigated in order to keep Sonoma competitive in transportation funding opportunities, which include road improvements, transit and bicycle improvements.

In light of the cessation of redevelopment funding, staff is reviewing and reconsidering all opportunities for regional funding and grants. The PDA designation would not require any change in the City's General Plan, the Development Code, or the Growth Management Ordinance, as the PDA would simply recognize areas that are already zoned as Commercial, Mixed Use, and multi-family residential. The PDA designation may allow the City to apply for funding it otherwise would not qualify for. Staff believes that the City would benefit by submitting an application to be considered for a PDA designation.

Recommended Council Action

Authorize staff to prepare an application for the designation of the downtown and the Highway 12 corridor as a Priority Development Area in order to support the City's competitiveness in regional grant opportunities for infrastructure. Once the application is complete, staff would return to the City Council for authorization to file the application.

Alternative Actions

Council discretion.

Financial Impact

The preparation of the application would be encompassed in the normal work program of the Planning Department. If the application ultimately proves successful, the City would increase its competitiveness with respect to transportation grant funding for all types of projects, including road improvements, bicycle improvements and transit improvements. With the loss of redevelopment,

staff supports the strategy of ensuring the City's competitiveness in regional grant opportunities for infrastructure.

Environmental Review

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

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

1. Application Guidelines for Priority Development Area Designation

cc:

FOCUS

a development and conservation strategy
for the San Francisco Bay Area



Application Guidelines for Priority Development Area Designation

FOCUS is a regional, incentive-based development and conservation strategy for the San Francisco Bay Area. FOCUS is led by the Association of Bay Area Governments and the Metropolitan Transportation Commission in coordination with the Bay Area Air Quality Management District and the Bay Conservation and Development Commission. It is partially funded by a regional blueprint planning grant from the State of California Business, Transportation, and Housing Agency.

FOCUS is a partnership of four regional agencies.

www.bayareavision.org • FOCUS@abag.ca.gov • 510-464-7993



I. FOCUS Overview

FOCUS is a regional incentive-based development and conservation strategy for the San Francisco Bay Area. Regional agencies address climate change, transportation, housing, the economy, and other issues that transcend city boundaries but impact all members of the region. FOCUS unites the efforts of four regional agencies into a single program that encourages future population growth in areas near transit and within the communities that surround the San Francisco Bay. Concentrating housing in these areas offers housing and transportation choices for all residents, while helping to reduce traffic, protect the environment, and enhance existing neighborhoods. FOCUS also guides conservation efforts towards the region's most important natural resources.

FOCUS is led by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), with support from the Bay Area Air Quality Management District (BAAQMD) and the Bay Conservation and Development Commission (BCDC)—in partnership with congestion management agencies, transit providers and local governments throughout the Bay Area. It is partially funded by a Blueprint Grant from the State of California Business, Transportation, and Housing Agency.

Applications are accepted on a rolling basis for Priority Development Area designation. Priority Development Areas support focused growth by accommodating growth as mixed use, infill development near transit and job centers, with an emphasis on housing. Local governments who meet the application criteria are invited to submit an application for an area within their jurisdiction. Participation in this designation process is voluntary. Applications received are reviewed on a quarterly basis.

The designation of Priority Development Areas informs regional agencies where incentives and assistance are needed to support local efforts in creating complete communities. Regional agencies have developed programs for technical assistance, planning grants, and capital infrastructure funding for which these areas are eligible to apply. This designation helps connect those jurisdictions with funding opportunities, but many of the funding programs are still highly competitive. Those jurisdictions with Priority Development Area goals closely aligned with program criteria can be more successful than other areas. Over 100 Priority Development Areas have been adopted by the ABAG Executive Board. To learn more about the FOCUS Initiative and adopted Priority Development Areas, visit the Focused Growth website at www.bayareavision.org.

II. Eligibility for Applicants and Areas

Any town, city, or county government within the nine county San Francisco Bay Area can apply as the lead applicant for priority area designation. Multiple jurisdictions can submit a joint application for an area. As part of the application, the lead applicant will need to provide a copy of a resolution adopted by the town/city council or board of supervisors showing support for involvement in the FOCUS process. Private and other public entities cannot be lead applicants but can partner with or show support for the lead applicant. In the case of a multiple jurisdiction application for designation of an area, a transit agency or county congestion management agency may be the lead applicant. The lead transit agency or congestion management agency will need to contact regional agency staff for approval, and a resolution from each participating jurisdiction will still be required as part of the application.

Applicants must demonstrate that an area proposed for designation as a priority development area meets all of the following criteria:

- The area is within an existing community.
- The area is near existing or planned fixed transit (or served by comparable bus service).
- The area is planned or is planning for more housing.

In September 2011, place type criteria for PDAs were added for Rural Town Centers, Rural Mixed Use Corridors, and Employment Centers to make the place type menu available to PDAs more inclusive of opportunities in these areas to advance sustainability. The criteria for each of these Place Types follow:

Rural Town Center/Rural Corridor

The rural place types acknowledge the contribution that rural areas provide on a local and regional scale. Locally they serve as centers for residents, businesses, and commuters to access services needed in the area. Regionally, these centers and corridors may also serve as gateways to tourist destinations focused on the bounty of agricultural lands or recreational areas. Rural Town Centers have focused development around a central part of the town, whereas Rural Corridors have focused development along a main street through the area.

- The areas are existing town centers (not co-terminus with other urban communities) and/or are along a corridor through a rural area
- The areas encompass or are being planned to include a mix of services to reduce vehicle miles traveled and/or are being planned for more housing with a mix of supportive services
- The areas are being planned for more connectivity (multi-modal improvements, transit for employees and residents, etc.) and increased opportunities for walking and biking.
- Areas have an urban growth boundary or other zoning policy in place, such as an urban service area, to limit sprawling development

Employment Center

Acknowledging the importance of employment location in creating a robust, functional transit network and sustainable regional land use pattern, the Employment Center place type designation is intended for existing non-residential areas with transit service that are planning for more intensive development, including a greater mix of uses and more pedestrian-friendly, vibrant environments. These might include central business districts, redeveloping office parks, or retrofitting commercial corridors or shopping malls.

- The areas currently contain a density of 25 jobs per gross acre or greater than 0.5 FAR or have the plan capacity for this intensity of jobs
- The areas are currently served by transit or have planned transit service (existing or planned fixed rail, demonstrated high frequency bus with 20 min headways during peak weekday commute hours, or shuttle service to fixed rail) and support other modes of transportation (required Transportation Demand Management, improved walking and biking, and reduced parking requirements)
- The areas are planned for a mix of uses, services, and amenities for employees
- The jurisdiction is providing sufficient housing near the employment center to merit resources supporting an exclusively employment development area. The jurisdiction has lower existing jobs per household than the regional average of 1.25 or the jurisdiction has lower future jobs per household in its adopted General Plan than its existing ratio.

Jurisdictions submitting a PDA application will either select a place type from the Station Area Planning Manual¹ or select one of the above place types.

¹ Station Area Planning Manual:
http://www.mtc.ca.gov/planning/smart_growth/stations/Station_Area_Planning_Manual_Nov07.pdf

III. Designation Criteria Definitions

The following definitions are intended to clarify the designation criteria.

Area - means the planning area being proposed for designation as a priority development area under the FOCUS program. Since the program seeks to support area planning, the recommended area size is 100 acres, which is approximately a ¼ mile radius.

- A *planned area* is part of an existing plan that is more specific than a general plan, such as a specific plan or an area plan.
- A *potential area* may be envisioned as a potential planning area that is not currently identified in a plan or may be part of an existing plan that needs changes.

Existing Community – means that the area is within an existing urbanized area, lies within an urban growth boundary or limit line if one is established, and has existing or planned infrastructure to support development that will provide or connect to a range of services and amenities that meet the daily needs of residents making non motorized modes of transportation an option.

Housing – means the area has plans for a significant increase in housing units to a minimum density of the selected place type from the Station Area Planning Manual, including affordable units, which can also be a part of a mixed use development that provides other daily services, maximizes alternative modes of travel, and makes appropriate land use connections.

Near Transit – means (1) the area around an existing rail station or ferry terminal (typically a half-mile around the station), (2) the area served by a bus or bus rapid transit corridor with minimum headways of 20 minutes during peak weekday commute periods, or (3) the area defined as a planned transit station by MTC's Resolution 3434.

IV. Application Review Process

Applications received will be reviewed on a quarterly basis. The quarters for the year include: January to March, April to June, July to September, and October to December. Applications received within a quarter will be reviewed at the start of a new quarter. For instance, the review process for an application received in February will begin in April.

Applying to Become a PDA

For new PDAs, the application review process involves the following steps:

1. Upon receipt, applications will be checked for completeness and eligibility.
2. FOCUS staff will recommend designation of eligible areas as a Planned or Potential Priority Development Area based on the planning status for the area's development vision and submission of the supporting local government resolution. To qualify for Planned PDA Status, the plan for the area should:
 - a. Include a map designating the land uses for the plan area
 - b. Identify densities/development intensities for plan land uses
 - c. Include implementing actions/an implementation plan
3. If staff recommends designation as a Planned PDA, the applicant will be asked to complete a PDA Assessment Survey, to provide more detailed information about the priority area.
4. Staff recommendations will be presented to ABAG's Regional Planning Committee (RPC) for approval and then to ABAG's Executive Board for regional adoption.

Changing the Status of an Existing PDA

To change the status of a PDA from Potential to Planned, contact the FOCUS Staff person for your jurisdiction. He or she will review the adopted plan to ensure that it:

1. Includes a map designating the land uses for the plan area
2. Identifies densities/development intensities for plan land uses
3. Includes implementing actions/an implementation plan

Applicants for a status change will be asked to complete a PDA Assessment Survey. Upon review of the plan and the completed PDA Assessment Survey, FOCUS Staff will submit the revision request to the ABAG Planning Director for approval. This revision does not need to be approved by the RPC or Executive Board.

Revisions to an Existing PDA

To revise an existing PDA, contact the FOCUS Staff person for your jurisdiction. The applicant will be asked to submit an updated application (map, narrative, jobs and housing numbers, etc.) to provide accurate and up-to-date information about the revised area.

If the revision is to a Potential PDA, then the applicant should submit an updated infrastructure budget. If the revision is to a Planned PDA, then the applicant should submit an updated PDA Assessment Survey. A new resolution is not required.

Requests to revise an existing PDA will be reviewed by the FOCUS Staff for your jurisdiction, who will assess whether the revised PDA will:

1. Result in a recognizable “neighborhood,” as identified by the local jurisdiction or planning done to date
2. Remain consistent with the PDA eligibility criteria

After review by FOCUS Staff, the revision request will be submitted to the ABAG Planning Director for approval. This change does not need to be approved by the RPC or Executive Board.

V. Application Form and Submission Instructions

The following are the basic steps in accessing and submitting an application:

1. Download an electronic version of the application (Application for Priority Development Area Designation) from the FOCUS website: www.bayareavision.org
2. After reviewing the application requirements, contact the ABAG Regional Planner for your jurisdiction and discuss the goals for the proposed area. These contacts are listed on the FOCUS website at <http://www.bayareavision.org/initiatives/contacts.html>.
3. Fill out an application and compile the documents requested in the application form for **each** area. A sample local government resolution, Excel files for entering information about infrastructure needs and funding sources, and the Station Area Planning Manual are also available on the FOCUS website.
4. Submit an electronic version of the application form and associated documents requested in the application for each area to FOCUS@abag.ca.gov.
5. Mail one hard copy of the application and attachments for each area to the Association of Bay Area Governments, Attn: Jackie Reinhart, P.O. Box 2050, Oakland, CA 94604-2050.

VI. Contact Information

For questions regarding the application, please contact Jackie Reinhart, ABAG Regional Planner, at JackieR@abag.ca.gov or 510-464-7994.



City of Sonoma
City Council
Agenda Item Summary

Agenda Item: 10A
Meeting Date: 06/18/2012

Department Administration	Staff Contact Mayor and Council Members
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Agenda Item Title

Council Members Report on Committee Activities.

Summary

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

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

Recommended Council Action – Receive Reports

Attachments: None