

**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, October 1, 2012**  
**5:00 p.m. Closed Session (Special Meeting)**  
**6:00 p.m. Regular Session**

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**AGENDA**

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

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

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

**1. CALL TO ORDER**

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

**2. CLOSED SESSION**

**Item 2A: CONFERENCE WITH LABOR NEGOTIATORS**, pursuant to Government Code §54957.6. Agency designated representative: Karen Walker. Employee Organizations: City of Sonoma Employees' Association (SEIU 1020), and Non-represented Confidential, Executive, Management and Administrative personnel.

**6:00 P.M. – REGULAR MEETING AGENDA**

**RECONVENE, CALL TO ORDER & PLEDGE OF ALLEGIANCE**

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

**REPORT ON CLOSED SESSION**

**1. COMMENTS FROM THE PUBLIC**

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

**2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS**

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

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

#### 4. PRESENTATIONS

- Item 4A:** Proclamation declaring October 1, 2012 Rob Wilson Day
- Item 4B:** Recognition of Michael George's service on the Planning Commission
- Item 4C:** Proclamation declaring October 2012 Domestic Violence Awareness Month

#### 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 September 5 and September 17, 2012 Meetings.  
Staff Recommendation: Approve the minutes.
- Item 5C:** Request by Valley of the Moon Amateur Radio Club for City-subsidized use of the Sonoma Valley Veterans Memorial Building on April 27, 2013.  
Staff Recommendation: Approve the request subject to applicant's compliance with the City's standard insurance requirements.
- Item 5D:** Request by Sonoma Valley High School for temporary use of City streets on October 5, 2012 to conduct the annual Homecoming Parade.  
Staff Recommendation: Adopt resolution approving the use of city streets and recommending Caltrans approval subject to staff-recommended conditions.

#### 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 September 5 and September 17, 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 on an appeal of the Planning Commission's decision to approve the application of the First Congregational Church for a Use Permit to operate a school within Burlingame Hall, at 252 West Spain Street. (The school use would consist of regular classes provided by third parties renting Burlingame Hall.) (Associate Planner)  
Staff Recommendation: Uphold the decision of the Planning Commission.

**8. REGULAR CALENDAR – CITY COUNCIL**

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

**Item 8A:** Overview of Statewide Pension Reform Legislation, AB 340, requested by Councilmember Gallian. (City Manager)  
Staff Recommendation: Receive overview.

**Item 8B:** Discussion, consideration and possible adoption of a resolution expressing support for the California Right to Know Genetically Engineered Food Act of 2012, Proposition 37, which requires labeling of genetically engineered food, requested by Mayor Pro Tem Brown. (City Manager)  
Staff Recommendation: Council discretion.

**9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY**

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

**10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS**

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

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

**11. COMMENTS FROM THE PUBLIC**

**12. PUBLIC COMMENTS REGARDING CLOSED SESSION**

*Public testimony on closed session item(s) only.*

**13. CLOSED SESSION**

**Item 13A:** PUBLIC EMPLOYEE PERFORMANCE EVALUATION, pursuant to Government Code §54957. Title: City Manager.

**14. RECONVENE IN OPEN SESSION & REPORT ON CLOSED SESSION**

**15. ADJOURNMENT**

I do hereby certify that a copy of the foregoing agenda was posted on the City Hall bulletin board on September 25, 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: 4A**

**Meeting Date: 10/01/2012**

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**Department**

Administration

**Staff Contact**

Gay Johann, City Clerk

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**Agenda Item Title**

Proclamation declaring October 1, 2012 Rob Wilson Day.

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**Summary**

Mayor Sanders will present a proclamation declaring October 1, 2012 Rob Wilson Day in recognition of all that he has done and continues to do for the youth of our community.

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**Recommended Council Action**

Mayor Sanders to present the proclamation to Mr. Wilson.

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**Alternative Actions**

Council discretion

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**Financial Impact**

n/a

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**Environmental Review**

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

**Status**

- Approved/Certified
- No Action Required
- Action Requested

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**Attachments:**

1. Proclamation

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Copy to: Rob Wilson - via email

# City of Sonoma



## Proclamation

### ROB WILSON DAY

**Whereas**, Rob Wilson has devoted much time and energy toward the betterment of the people of his community – particularly the young people; and

**Whereas**, it was out of Rob's concern for the lack of activities geared toward non-team sports and his passion for board sports that the Sonoma Old School Skate & Surf (SOS) shop was born in 2006 and through which Rob has encouraged youth to improve their skate skills and sponsored local skaters in competitive events; and

**Whereas**, the Macdougald Skateboard Park became such a popular hangout for young people that by 2010 it had become a drain on City resources and personnel to keep up with its cleaning and maintenance. So much so that in 2010 the City had to shut down the Macdougald Skateboard Park a few times due to the lack of resources available to deal with the excessive vandalism and rider violations; and

**Whereas**, upon hearing that the City had been forced to close the Macdougald Skateboard Park; Rob Wilson stepped forward and volunteered to adopt the park. Rob has continued to monitor the use of the park and has assisted with the cleanup of debris and graffiti thereby freeing up Public Works personnel to tend to other City property and park needs resulting in an approximate annual savings of \$5,000; and

**Whereas**, Rob has also been instrumental in the formation of a citizens group whose desire it is to develop a dedicated bike park to serve Valley residents and its visitors; and

**Whereas**, Rob Wilson has been an excellent role model for the youth at the park encouraging them to wear their helmets and other safety gear. His energy is contagious and his ability to engage and bring together the youth and the adults of our community is to be commended.

**NOW, THEREFORE**, I, Joanne Sanders, Mayor of the City of Sonoma, do hereby proclaim October 1, 2012

### ROB WILSON DAY

in the City of Sonoma and express my sincere appreciation to him for all that he has done and continues to do for the youth of our community.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Sonoma to be affixed this 1<sup>st</sup> day of October 2012.

\_\_\_\_\_  
Joanne Sanders, Mayor





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

City Council Agenda Item: 4B

Meeting Date: 10/01/2012

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**Department**

Administration

**Staff Contact**

Gay Johann, City Clerk

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**Agenda Item Title**

Recognition of Michael George's service on the Planning Commission

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**Summary**

The City Council desires to publicly recognize the volunteers who so selflessly serve on the various City commissions.

Michael George has served on the Planning Commission since October 18, 2006.

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**Recommended Council Action**

Mayor Sanders to present a certificate of appreciation to Michael George

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**Alternative Actions**

N/A

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**Financial Impact**

N/A

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**Environmental Review**

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

**Status**

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

**Attachments:**

Certificate

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**cc:**

Michael George via email

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**City of Sonoma**  
**CERTIFICATE OF APPRECIATION**

**Is Hereby Presented To**

**MICHAEL GEORGE**

**For His Dedicated Service to the City**

**PLANNING COMMISSION**

**October 18, 2006 – October 18, 2012**

**Presented This 1<sup>st</sup> Day of October 2012**

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**Joanne Sanders, Mayor**





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

City Council Agenda Item: 4C

Meeting Date: 10/01/2012

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**Department**

Administration

**Staff Contact**

Gay Johann, City Clerk

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**Agenda Item Title**

Proclamation declaring October 2012 as Domestic Violence Awareness Month.

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**Summary**

Sherry Courter, Victims Advocate with the YWCA, requested a proclamation declaring the month of October 2012 as Domestic Violence Awareness Month. Representatives of the Sonoma County YWCA will be on hand to receive the proclamation.

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

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**Recommended Council Action**

Mayor to present the proclamation.

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**Alternative Actions**

N/A

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**Financial Impact**

N/A

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**Environmental Review**

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

**Status**

- Approved/Certified
- No Action Required
- Action Requested

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**Attachments:**

Proclamation

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**cc:**

Sherry Courter, YWCA (via email)

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# City of Sonoma



## Proclamation

### DOMESTIC VIOLENCE AWARENESS MONTH

**WHEREAS**, the City of Sonoma recognizes that the crime of domestic violence violates an individual's privacy, dignity, and security due to the systematic use of emotional, physical, sexual, psychological, and economic control of abuse; and

**WHEREAS**, the YWCA of Sonoma County is a women's membership organization affiliated with the 153 year old YWCA of the USA; and

**WHEREAS**, the YWCA of Sonoma County was founded in 1975 with a mission to empower, educate, and support domestic violence survivors and their children who are unsafe in their own homes; and

**WHEREAS**, domestic violence is a serious crime that affects people of all races, genders, ages, sexual orientation and income levels; and

**WHEREAS**, stopping the cycle of vicious criminal assault in the home requires a coordinated effort between the criminal justice system and the agencies that provide services to victims as well as the resolve and courage of abuse survivors; and

**WHEREAS**, only a collaborative community effort will put a stop to this heinous crime and all members of our community would benefit from participating in the YWCA's scheduled events and programs aimed at eliminating the use of personal and institutional violence.

**NOW, THEREFORE**, I, Joanne Sanders, Mayor of the City of Sonoma, do hereby proclaim October 2012 as

### DOMESTIC VIOLENCE AWARENESS MONTH in the City of Sonoma.

**IN WITNESS WHEREOF**, I have hereunto set my hand and cause the Seal of the City of Sonoma to be affixed this 1<sup>st</sup> day of October 2012.

\_\_\_\_\_  
Joanne Sanders, Mayor





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

**City Council Agenda Item: 5B**

**Meeting Date: 10/01/2012**

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**Department**

Administration

**Staff Contact**

Gay Johann, City Clerk

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**Agenda Item Title**

Approval of the Minutes of the September 5 and September 17, 2012 Meetings.

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**Summary**

The minutes have been prepared for Council review and approval.

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**Recommended Council Action**

Approve the minutes.

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**Alternative Actions**

Correct or amend the minutes prior to approval.

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**Financial Impact**

N/A

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**Environmental Review**

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

**Status**

- Approved/Certified
- No Action Required
- Action Requested

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**Attachments:**

Minutes

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# DRAFT 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*

**Wednesday, September 5, 2012**

**5:00 p.m. Closed Session (Special Meeting)**

**6:00 p.m. Regular Session**

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### MINUTES

City Council

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



#### 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 and Assistant City Attorney Nebb were also present. Planning Director Goodison was also present for Item 2B.

##### 2. CLOSED SESSION

- A: PUBLIC EMPLOYEE PERFORMANCE EVALUATION**, pursuant to Government Code §54957. Title: City Manager.
- B: CONFERENCE WITH REAL PROPERTY NEGOTIATORS**, pursuant to Government Code §54956.8. Property: Sebastiani Theater, 476 First Street East, Sonoma. Agency Negotiators: Councilmember Barbose, Assistant City Attorney Nebb and City Manager Kelly. Negotiating Parties: Sebastiani Building Investors, Inc. Under Negotiation: Price and terms of lease.
- C: CONFERENCE WITH LABOR NEGOTIATORS**. Agency representatives: City Manager and City Attorney. Employee Organization: City of Sonoma Employees' Association (SEIU 1020). Pursuant to Government Code §54957.6.

#### REGULAR MEETING

The City Council reconvened in open session and Mayor Sanders called the meeting to order at 6:10 p.m. David Cook led the Pledge of Allegiance.

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

ALSO PRESENT: City Manager Kelly, Assistant City Manager Giovanatto, Deputy City Clerk Evans, Assistant City Attorney Nebb.

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

**1. COMMENTS FROM THE PUBLIC**

Scott Cheeseman, representing the Construction Coalition, informed the Council regarding Coalition activities and stated their continued desire to collaborate with the City in formulating policy and regulations affecting their industry.

Irene Morgan announced details relating to an upcoming fundraising event at the Moose Lodge in support of Wounded Warriors.

David Cook, candidate for City Council, wished his fellow candidates good luck.

**2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS**

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

Cm. Brown requested an update from staff regarding Commission openings. He reported a weekend full of wonderful events including the reopening of the Buena Vista Winery and the Tokaj Hungary Sister City signing. He also reported a meeting with representatives from the Sonoma County Tourism Bureau.

Cm. Rouse stated that the theater group had presented spectacular series of performances at the Jack London State Park and reported greeting the delegation from Tokaj Hungary at City Hall.

Cm. Barbose also commented on the many events surrounding the arrival of the Hungarian delegation.

Cm. Gallian thanked all who were involved in arranging the various Hungarian visit events.

Mayor Sanders also commented on the interaction with the Tokaj delegation and expressed gratitude to the local flag store for providing an American Flag at the last minute. She announced that she had endorsed John Sawyer for First District Supervisor.

Cm. Barbose stated that no matter who wins the Supervisor election in November, it will be a person who has owned and operated a small business. He added that he was supporting Susan Gorin for the position.

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

City Manager Kelly reported that the September Oversight Board meeting had been canceled but they would conduct a special meeting on October 3 and would have their regular meeting on October 10.

**4. PRESENTATIONS – None Scheduled**

**Item 4A: Proclamation Declaring September 5, 2012, Gary and Marcia Nelson Day**

Mayor Sanders stated that she was very proud to present the proclamation and noted that it recognized actions that would have far-reaching impacts on the community. She read aloud the

proclamation recognizing Gary and Marcia Nelson for their recent donation of \$3 million to the Sonoma Valley Hospital Emergency room and for many other contributions to community organizations through the years and thanked them for their generosity. Mr. Nelson expressed his appreciation for the recognition and stated that there was nothing more important to the community than education and health care.

**5. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL**

- Item 5A:** Waive Further reading and Authorize Introduction and/or Adoption of Ordinances by Title Only.
- Item 5B:** Approval of the Minutes of the July 16, August 15 and August 20, 2012 Meetings. (8/20 Minutes removed for separate discussion, see below)
- Item 5C:** Request by Vintage Festival for City-subsidized use of the Sonoma Valley Veterans’ Memorial building on September 29, 2012. Approved subject to applicant’s compliance with the City’s standard insurance requirements.
- Item 5D:** Request by Sonoma/Petaluma State historic Parks Association for City-subsidized Use of the Sonoma Valley Veterans’ Memorial Building on October 14, 2012. Approved subject to applicant’s compliance with the City’s standard insurance requirements.
- Item 5E:** Adoption of a Resolution Establishing a Diversion Fee for Participation in the Sonoma Valley Youth and Family Services Diversion Program. (Res No. 35-2012)

Clm. Gallian removed the August 20, 2012 minutes from Item 5B. The public comment period was opened and closed with none received. It was moved by Clm. Rouse, seconded by Clm. Gallian, to approve the items remaining on the Consent Calendar. The motion carried unanimously.

Clm. Gallian requested a correction to her statement under Committee Reports in the August 20 minutes. It was moved by Clm. Gallian, seconded by Clm. Barbose to approve the minutes as corrected. The motion carried unanimously.

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

- Item 6A:** Approval of the portions of the Minutes of the July 16, August 15 and August 20, 2012 City Council / Successor Agency Meetings pertaining to the Successor Agency.

The public comment period was opened and closed with none received. It was moved by Clm. Rouse, seconded by Clm. Gallian, to approve the consent calendar. The motion carried unanimously.

**7. PUBLIC HEARING – None Scheduled.**

**8. REGULAR CALENDAR – CITY COUNCIL**

- Item 8A:** Discussion, consideration and possible adoption of a resolution authorizing the issuance of bonds to refund certain pension obligations, approving the form of and authorizing the execution and delivery of a trust

**agreement, and authorizing judicial validation proceedings relating to the issuance of such bonds.**

Assistant City Manager Giovanatto reported that on May 7, 2012 Council directed staff to initiate the process to solicit proposals from underwriting firms for the issuance of Pension Obligation Bonds to assist in reducing CalPERS costs. Staff issued a Request for Proposal to four financial advisors; three of which submitted responses and was requesting Council authorization to award the contract to Stinson Securities as Bond Underwriters and to begin the process of issuing Pension Obligation Bonds that would provide cost savings of approximately \$381,950 or 9.71% in reduced retirement payments over a nine year period. Assistant City Manager Giovanatto and Underwriter Lonnie Odem from Stinson Securities responded to questions posed by Councilmembers to further explain the refinancing procedure and its benefits. Mayor Sanders confirmed a correction would be made to the documents to eliminate a reference to the City as a Fire Protection District.

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

It was moved by Clm. Barbose, seconded by Clm. Gallian, to adopt the resolution entitled A Resolution of the City Council of the City of Sonoma Authorizing the Issuance of Pension Obligation Bonds to Refinance Outstanding Side Fund Obligations of the City to the California Public Employees' Retirement System, Approving the Forms of and Authorizing the Execution and Delivery of An Indenture, Directing the Filing of A Judicial Validation Action With Respect Thereto and Providing Other Matters Relating Thereto. (Res. No. 36-2012) The motion carried unanimously.

**Item 8B: Discussion, consideration and possible actions by the City Council and the Sonoma Public Financing Authority to adopt resolutions authorizing the installment sale refinancing of the 2001 Revenue Bonds, Series A, for water system improvements.**

Assistant City Manager Giovanatto reported that staff was requesting that the City Council, acting as the Board of the Sonoma Public Financing Authority, authorize the installment sale refinancing of the existing 2001 Revenue Bonds [COP], Series A, originally issued to finance certain water system improvements. She stated that the City was currently paying an annual payment of approximately \$140,000 at a 4-4.75% interest rate with the term of the current COP financing to mature in October 2031. Staff received estimates from two underwriting firms to refinance the 2001 Revenue Bonds, and based on the estimates, the Water Fund could benefit from an interest rate of 3.89% generating a savings of approximately \$340,000 through the remaining life of the financing [19 years]. The balance of this loan is approximately \$1.6 million. She explained that the consideration of refunding the existing bonds resulted from staff reviewing all existing debt service to determine if savings can be gained due to financial projections of declining interest rates. All savings generated by this refinancing will be realized by the Water Fund.

Clm. Rouse verified the interest rate and that the \$340,000 savings was a net number.

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

It was moved by Clm. Barbose, seconded by Clm. Rouse, to adopt the resolutions entitled Resolution of the City Council of the City of Sonoma Authorizing Installment Sale Refinancing of Water Improvements and Approving Related Documents and Actions (Res. No. 37-2012) and

Resolution of the Board of Directors of the Sonoma Public Financing Authority Authorizing Execution of 2001 Bonds Escrow Deposit and Trust Agreement, and Approving Related Documents and Actions (Res. No. 01-2012). The motion carried unanimously.

CIm. Rouse thanked staff for bringing forward the last two agenda items that would save the City \$730,000 and said they were to be commended. Mayor Sanders complimented the City Council for maintaining the credit worthiness that enabled it to take advantage of refinancing opportunities and the current lower interest rate market.

**Item 8C:      Review and overview of the City's Living Wage Ordinance, requested by Mayor Sanders.**

Mayor Sanders stated that she agendaized this item to present an opportunity to review the City's Living Wage Ordinance and to provide an update for everyone. City Manager Kelly reported that the current living wage was \$15.15 per hour and explained when the ordinance was applicable and how it was implemented and administered by staff.

CIm. Rouse inquired who monitored the program to ensure compliance. City Manager Kelly stated it was a self-monitoring program and that whenever there was a new contract covered by the ordinance staff routinely would provide the requirements to the contractor.

Mayor Sanders stated her surprise at the low number of contracts that were affected by the ordinance and wondered how contractors were informed of the requirements. City Manager Kelly stated that for any contract that was covered under the ordinance staff would include the Living Wage Ordinance information in the bid package. Mayor Sanders confirmed that if the City were to provide money towards a swimming pool it could affect the costs down the line.

Marty Bennett, Co-Chair of the Sonoma County Living Wage Coalition, provided insights relating to the initial development of the City's ordinance and information from post-implementation fiscal studies.

CIm. Gallian stated that the financial impact on the City had been negligible and that she wanted to see the program continued. CIm. Barbose thanked the Mayor for placing the matter on the agenda and for Mr. Bennett for providing an update. Mayor Sanders stated that she had a concern that the Living Wage had unintended consequences and cited the Sonoma Creamery building as an example. She added that it was important for the City to make sure its ordinances were enforced and that there were areas of the living wage ordinance that should be tightened up.

**Item 8D:      Receive, discuss and consider status report from Sonoma Valley Health and Recreation Association regarding community swimming pool project.**

Sam Coturri, Sonoma Valley Health and Recreation Association, reported that they had become an official 501C3 nonprofit organization and provided some of its history. He said they were looking forward to a feasibility study and were exploring the desires and needs of the community. He said they were exploring possible locations for a swimming pool but were moving away from the location on Broadway previously under consideration. He said they were moving ahead with a major capital campaign to bring in some big donors and were commencing a grass roots campaign to build up support within the community.

Mayor Sanders mentioned recent news articles that reported a possible joint venture between the hospital and Park Point and asked if anyone wanted to address that issue. Kelly Mather of Sonoma Valley Hospital clarified that the project, if there was one, would be funded by the developers. Bill Buchanan, Park Point, stated that the newspaper articles were very preliminary and that there was not a project yet. He added that he did not feel the site was large enough to include all the objectives of the community pool. Clm. Barbose asked if the City-owned property in that area was thrown in if it would make a difference. Mr. Buchanan responded it was possible but one of the main issues to be addressed was the amount of parking needed to serve all of the facilities being proposed. Ms. Mather responded that the hospital's focus was a pool for senior citizens and that the site was not large enough for an Olympic size pool.

Mayor Sanders invited comments from the public. Mike Smith stated that there was a need for a pool for ordinary folks. Mayor Sanders stated her continued support for a pool and that it should be at the High School.

**Item 8E: Discussion, consideration and possible action on a request for a resolution in support of Senate Joint Resolution 33 which proposes a constitutional amendment to repeal Citizens United vs. Federal Election Commission Supreme Court Decision and End Corporate Personhood, requested by Mayor Pro Tem Brown.**

City Manager Kelly reported that Clm. Brown was seeking Council support for a resolution supporting Senate Joint Resolution 33 to amend the U.S. Constitution and end corporate personhood. She explained that regarding Citizens United vs. Federal Elections Commission, in 2010, the Supreme Court had ruled that corporations could participate in elections specifically through spending money on behalf of political candidates. U.S. Senator Bernie Sanders of Vermont introduced Senate Joint Resolution 33, which proposed an amendment to the U.S. Constitution to expressly exclude for-profit corporations from the rights given to natural persons by the Constitution of the United States. The amendment would prohibit corporate spending in all elections, and affirm the authority of Congress and the States to regulate corporations and to regulate and set limits on all election contributions and expenditures. The move to amend the Constitution sought to abolish "corporate personhood" to eliminate certain rights that corporations have to fund election campaigns.

Mayor Sanders invited comments from the public. The following persons spoke in favor of the Council supporting the Joint Resolution: Mike Smith, Audrey Von Holly, Greg Montgomery, Bob Bayan, Martin Bennett, Carol Todd, Reva Metzger, Claudia Robbins, Alfred Hilcon, Ned Holke, Cameron Stuckey, and Will Shonbrun.

Fred Peterson spoke against the proposal and said it was not an appropriate action for the City Council to undertake.

Clm. Rouse stated that he believed unlimited spending by corporations for elections was wrong and he supported the resolution. Clm. Gallian reported having been contacted by four people regarding this subject. It was moved by Clm. Gallian, seconded by Clm. Rouse, to adopt a resolution in support of Senate Joint Resolution 33. The motion carried unanimously. Clm. Barbose thanked those who came and spoke. He said that he felt it was an appropriate subject for the City Council; that it was a grass roots issue and the future of our democracy was at stake.

**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.**

Cm. Gallian provided reports regarding the Water Advisory Committee, Cemetery Subcommittee and Cittaslow.

Cm. Brown provided a report regarding the Sonoma Valley Citizens Advisory Commission.

Cm. Barbose provided a report regarding an emergency meeting of the Waste Management Agency and stated that he and Cm. Rouse would be interviewing labor negotiator candidates.

Mayor Sanders provided a report regarding the August 21 Board of Supervisor's meeting.

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

Cm. Brown thanked Councilmembers for supporting Item 8E on the agenda.

Cm. Barbose stated that there was Federal funding coming through that would ultimately bring treated tertiary water up Arnold Drive to the golf course.

**11. COMMENTS FROM THE PUBLIC**

There were no comments from the public.

**12. ADJOURNMENT**

The meeting was adjourned at 8:40 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, City Clerk

**REGULAR MEETING 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, September 17, 2012**

**6:00 p.m.**

\*\*\*\*

**MINUTES**

City Council

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

**OPENING**

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

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

ALSO PRESENT: City Manager Kelly, Assistant City Manager Giovanatto, City Clerk Johann, City Attorney Walter, Public Works Director Bates, City Engineer Bertolero, and Planning Director Goodison.

**1. COMMENTS FROM THE PUBLIC**

Dan Parker, Veterans of Foreign Wars, thanked the City Council for the rent subsidy they received for their Bad Ass Car Show event held at the Veterans Memorial Building. He stated it had been a very successful event.

Ed Kenney commented on taxes and recent Sonoma Valley Hospital Board actions.

Herb Golenpaul commented on the upcoming November election and stated which candidates he preferred.

Madolyn Agrimonti commented on Mr. Kenney's statements.

**COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS**

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

Clm. Brown announced that he had attended the Kathmandu and Mexican Independence Day events.

Clm. Gallian announced her attendance at the Mexican Independence Day event and reported that the Respect Our Loved Ones (ROLO) group had performed volunteer maintenance work in the Plaza.

Clm. Rouse announced he had been in Maui for his daughter's wedding.

Mayor Sanders announced that because she would be attending a conference on pension reform she would not be holding her regularly scheduled open office hour Wednesday September 19. She reported learning that West MacArthur residents would like to see an analysis done on the bike lanes installed on their street to determine if they were being used and were worth the loss of parking spaces. Mayor Sanders announced that she would be filing an appeal of the Planning Commission's denial of a Use Permit for a Peets Coffee Shop on Broadway.

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

City Manager Kelly reported a safe medicine disposal round up at Vintage House on September 19; the Sonoma Tourism Improvement District would meet on October 11 and the Oversight Board would meeting October 3 and October 10.

**4. PRESENTATIONS**

**Item 4A: Rob Wilson Day Proclamation**

Mayor Sanders announced that this item had been carried over to the October 1, 2012 meeting.

**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 Sonoma Valley High School Music Program for City-subsidized use of the Sonoma Valley Veterans Memorial Building on February 3, 2013.** Approved subject to applicant's compliance with the City's standard insurance requirements.

**Item 5C: Award of Bid for the Bond House and Barn Demolition Project to Central Valley Environmental of Rohnert Park in the amount of \$36,000.** (Removed from Consent, see below)

**Item 5D: Renewal of Lease for Valley of the Moon Nursery School - 136 Mission Terrace.** (Removed from Consent, see below)

**Item 5E: Adopt resolution approving the Subdivision Improvement Agreement and Parcel Map No. 154 for the Artlee Subdivision Located at 20144 Fifth Street East.** (Removed from Consent and carried over)

**Item 5F: Approval of Plein Air Special Event Banner on Horseshoe Lawn promoting "Plein Air 10<sup>th</sup> Anniversary" event October 6, 2012.** (Removed from Consent, see below)

**Item 5G: Adoption of a resolution distributing growth management allocations for the 2012-13 development year.** (Res. No. 39-2012)

Clm. Gallian removed Consent Item 5F. Clm. Barbose removed Consent Item 5D. Herb Golenpaul removed Consent Item 5C. City Manager Kelly removed Consent Item 5E and said it would be carried over to the October 1 agenda.

It was moved by Clm. Rouse, seconded by Clm. Brown, to approve Consent Items 5B and 5G. The motion carried unanimously.

**Item 5C: Award of Bid for the Bond House and Barn Demolition Project to Central Valley Environmental of Rohnert Park in the amount of \$36,000.**

Herb Golenpaul questioned the recommendation on the staff report that said, “execute a contract for construction”. City Manager Kelly stated that was a misprint and should have read, “execute a contract for de-construction or demolition”. Mayor Sanders stated she did not support demolition of the structure; that the house should be preserved. It was moved by Clm. Rouse, seconded by Clm. Gallian, to accept and award the bid for the 2012 Bond House and Barn Demolition Project to the low bidder, Central Valley Environmental of Rohnert Park, for the bid in the amount of \$36,000 and authorize the City Manager to execute a contract for demolition. The motion carried four to one, Mayor Sanders dissented.

**Item 5D: Renewal of Lease for Valley of the Moon Nursery School - 136 Mission Terrace.**

Clm. Barbose stated that pursuant to the proposal, the City would be spending more money on upgrades to the building than it would recoup in rent. Development Services Director Wirick explained that under the expired lease, the City had been responsible for building maintenance. An inspection of the facility this year brought to light areas of deterioration, code deficiencies and ADA inadequacies that staff estimated would cost \$70,000. Wirick stated that staff felt it would be fair to start the new lease, which places responsibility for building upkeep and maintenance onto the tenants, with a clean slate having all the deferred maintenance issues taken care of. Clm. Barbose commented that the City continued to get beat up on City-owned properties.

Clm. Rouse inquired how the rent amount proposed in the lease had been determined. Wirick stated it was a carryover from the terms of the prior lease; he added that the Facilities Committee felt the rent was fair since the City was shifting all future maintenance to the tenants.

Clm. Gallian pointed out that the new lease required the tenants to obtain all applicable permits for maintenance work performed.

Clm. Barbose stated he would not support renewal of the lease because he could not justify renting an 1800 square foot building for \$622 which was not anywhere near market value. Mayor Sanders agreed. It was moved by Clm. Brown to approve the revised lease. The motion died for lack of a second.

It was moved by Clm. Barbose, seconded by Clm. Gallian, to direct staff to determine the fair market rent for the property and bring the matter back to the City Council. The motion carried four to one, Clm. Brown dissented.

**Item 5F: Approval of Plein Air Special Event Banner on Horseshoe Lawn promoting “Plein Air 10<sup>th</sup> Anniversary” event October 6, 2012.**

Clm. Gallian announced she would have to recuse from this item because the event provides funds to the school at which she is employed. She stepped down from the dais and left the room. It was moved by Clm. Rouse, seconded by Clm. Barbose, to approve exceptions to the event banner policy by 1) allowing a banner that exceeds the allowable size; and 2) allowing placement on the horseshoe lawn. The motion carried unanimously, Gallian absent.

Clm. Gallian returned to the dais.

**6. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL AS SUCCESSOR AGENCY – No items**

**7. PUBLIC HEARING**

**Item 7A: Discussion, consideration and possible action on acceptance of 2012 Water Rate Study update and adoption of a 5-year plan for water rate increases.**

Public Works Director Bates reported that in September and November of 2011 staff presented Council with the 2010 Water Supply and Water Rate and Connection Charge Study prepared by Jon Olaf Nelson. The report identified various scenarios for water rates and recommended an annual increase of 5% over the next five-year period effective February 1, 2013. Bates stated that, pursuant to State regulations, Proposition 218 notices had been sent to property owners and tenants within the City's water service area notifying them of the pending water rate increases and that protest letters could be submitted up to the date of the hearing. Bates stated that staff supported the study recommendation and recommended Council authorization to implement water rate increases of 5% per year for five years effective February 1 of each year.

Public Works Director Bates provided additional backup information and analysis relating to the need for the rate increases and reported that approximately 130 protest letters had been received.

Clm. Barbose inquired what projects were included in the five-year Capital Improvement Plan (CIP). Bates responded the CIP included the Sonoma Developmental Center conjunctive use project, well replacement, new well installation and water service replacement throughout the City at a cost of approximately \$6.3 million.

Clm. Barbose asked what would happen if the rate increases were not approved. Bates responded that maintenance would be deferred and repairs would be made on an as needed basis. She stated that wells could not be used if they were not maintained and if the City did not maintain a reliable standby water source the State would step in.

Mayor Sanders inquired what efficiencies had staff pursued and confirmed with Bates that Sonoma County Water Agency (SCWA) passed along its costs to its contractors. She asked if staff had explored consolidating with Valley of the Moon Water (VOMWD).

City Manager Kelly responded that City staff had been cross-staffing which had brought efficiencies. Regarding VOMWD, she stated that staff had not formally approached them but noted that the City and VOMWD shared a water conservation program and had an operational MOU.

Clm. Barbose asked about other jurisdiction's water rates and why Petaluma's was quite a bit lower. Bates responded that rates varied depending on the fixed charges being assessed. She noted that Sonoma had installed new meters, the cost of which was included in the fixed charge. City Engineer Bertolero noted that Petaluma had undergone a series of rate rollbacks.

Clm. Rouse stated it would behoove the City to explore a consolidation with VOMWD. In response to being asked by Clm. Rouse, Bertolero explained how water bonds could be utilized to finance improvements. Clm. Barbose confirmed with Bertolero that the recommended rate increase included the possibility of a possible water bond sale.

Mayor Sanders opened the public hearing. The following spoke in opposition to the proposed water rate increase: Gerry Simmel, Mike Barbary, Kevin Austin, Hal Nichol, Rob Sherwood, David Cook, Bill Botief, and Herb Golenpaul.

Carol Campbell was okay with the rate increase but questioned the impact new wells would have on the water table.

Ed Kenney spoke regarding VOMWD supply and consumer rates.

Harry Miller encouraged the Council to do their due diligence in consideration of the matter.

When there were no additional persons wanting to speak, Mayor Sanders closed the public hearing.

Clm. Gallian asked if the projects included in the CIP were mandated. Bertolero responded they were not mandated but represented a long-term plan for system maintenance.

Mayor Sanders inquired if Special Project Funds could be utilized for the CIP projects. Assistant City Manager Giovanatto responded they could be used but would be considered a loan from the General Fund.

It was moved by Clm. Rouse, seconded by Clm. Barbose, to not approve the rate increases at this time and to initiate a conversation with VOMWD or SCWA to determine if greater efficiencies could be achieved by consolidation of effort.

Clm. Brown stated that if the City did not provide excellent safe drinking water there was not a building large enough to contain the crowd that would come out with their flames and pitchforks. Clm. Barbose stated that approval of a 27.5% rate increase was out of the question and the Council owed it to the citizens to move a little slower. He stated he would like to see how the City was allocating the fixed costs and wanted to know why Petaluma and Windsor had much lower rates. Clm. Gallian suggested inviting SCWA to the discussion. Clm. Brown stated that Mr. Nelson should be present to add to the dialog.

Mayor Sanders thanked all those who submitted letters and came to speak. She stated that the proposed rate increases were an assault on families and she did not want to get to the point where Sonoma was not affordable for families. She supported exploration of a consolidation with VOMWD but was not in favor of drilling additional wells; she wanted to see better use of the water that falls from the sky.

The motion (above) carried unanimously.

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

<b>8. REGULAR CALENDAR – CITY COUNCIL</b>
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**Item 8A: Approve Cemetery Subcommittee recommendation to move forward with the construction of 16 pre-lined graves and 32 cremains at the Veterans Memorial Park Cemetery and authorize \$40,000 from the General Fund Special Projects Reserve. Additionally approve to fund an analysis on future build out of remaining Veterans Cemetery areas including engineering and hydrology.**

Public Works Director Bates reported that on August 27, 2012, the Cemetery Subcommittee discussed the need for additional inventory at the Veterans Park Memorial Cemetery. She stated that presently there was one full gravesite available for purchase. Staff had presented four options: Option A would provide for 16 unlined graves and 32 cremains on the North side of the Star of Honor. Option B would also provide for 16 graves and 32 cremains on the North side of the Star, though the graves would be pre-lined making it efficient to provide burial services during the winter and reduce staff time at time of burial. Options C and D would be to install graves and cremains on the South side of the Star of Honor but due to the high water table and the problems associated with winter burials staff nor the subcommittee was recommending at this time. Bates stated that staff also reviewed with the subcommittee the need for the installation of drainage on the South side of the Star in order to reduce the groundwater issues during the rainy season. The subcommittee's recommendation was that Council direct staff to explore the issue and provide additional funds for an engineering and hydrology study for future build out.

Clm. Rouse questioned if investment of additional funds into the cemetery made business sense. Clm. Barbose stated that with the cemeteries, money was invested upfront and then the City had a lifetime maintenance obligation. He questioned how much of an impact on maintenance responsibilities the proposed expansion would have. Bates responded the impact would not be significant because the area was already being mowed and maintained.

Mayor Sanders invited comments from the public. David Cook stated his support for the proposed expansion and added that the Council needed to remain aware of the long-term responsibilities.

Leighton Parks, Chair of the Veterans Memorial Park Association, stated that when originally planned the Veterans Cemetery was to have approximately 650 sites, which were to be constructed in phases. He stated his preference for Option C and D and cited concern that construction on the North side of the Star would interfere with seating for the annual Memorial Day ceremony.

Herb Golenpaul suggested installation of the liners on an as-needed basis.

Clm. Rouse said he recognized the need to add on to the cemetery but stated he did not want to leave piles of debt for future generations. Mayor Sanders stated she did not have a problem approving the expansion because it was a beautiful amenity to the City. It was moved by Clm. Gallian, seconded by Clm. Brown, to direct staff to move forward with Option B and begin immediate construction on 16 graves and 32 cremains and to authorize expenditure of \$40,000 from the General Fund Special Projects Reserve. The motion carried four to one, Clm. Rouse dissented.

**Item 8B: Discussion, consideration and possible action on a request by Veterans of Foreign Wars for permission to operate a helicopter from the Field of**

**Dreams in conjunction with the “Cost of Freedom Tribute” (November 7-11, 2012).**

Planning Director Goodison reported that as part of the Cost of Freedom Tribute, the Veterans of Foreign Wars were requesting permission to utilize the Field of Dreams for helicopter landings and take-offs. He stated that the Field of Dreams organization (lessees of the property) had granted permission but because it is a City-owned property, the request was subject to City Council approval. Goodison stated that if the Council authorized the use, VFW would be required to provide the appropriate liability insurance coverage to the City. He added that this proposed use was exempt from CEQA.

Dan Parker assured the Council they were working closely with Police Chief Sackett and Sonoma County REACH on the public safety aspects and stated they would have security to prevent unauthorized persons from accessing the field. He confirmed that there would be three take offs and three landings during the event.

It was moved by Clm. Brown, seconded by Clm. Gallian, to approve the request with a limit of three take offs and three landings and to require submittal of liability insurance pursuant to the City’s risk management policy. The motion carried unanimously.

**9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY – No items**

**10. COUNCILMEMBERS’ REPORTS AND FINAL REMARKS**

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

Clm. Brown announced the Facilities Committee would meet the next day and that the September SVCAC meeting had been canceled.

Clm. Barbose reported that he and the City Manager attended the Solid Waste Advisory Committee meeting and heard an update on the status of a permit to allow the central landfill to reopen. He added that at some point, the City should schedule a study session with Mr. Demery.

Clm. Gallian reported on the Sonoma County Transportation Authority and the Cittaslow meetings.

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

Clm. Rouse congratulated Sam and Carol Morphy upon The Red Grape being named Business of the Year by the Chamber of Commerce.

Clm. Gallian stated she would be attending the New Business Reception and the Envolve Winery Ribbon Cutting.

City Manager Kelly reported that the Economic Development Manager would be holding regular open office hours at City Hall on Wednesday afternoons between one and three.

Mayor Sanders complimented staff for their hard work and announced that the City Manager was undergoing an annual performance evaluation.

**11. COMMENTS FROM THE PUBLIC**

Leighton Parks thanked the Council for approving the Veteran's Cemetery project and stated his appreciation for City staff.

David Cook announced a City Council Candidate debate would be held on September 24 at the Community Center.

Herb Golenpaul pointed out that as part of the Veteran's Cemetery agenda item, staff had requested \$20,000 for additional analysis and that the City Council did not vote on it. Councilmembers discussed the merits of considering the item and decided to continue it to another meeting.

Pat Pulvirenti suggested Council consider requiring new burials at Mountain Cemetery be completed utilizing green practices.

**12. ADJOURNMENT**

The meeting was adjourned at 9:02 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.

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Gay Johann, MMC  
City Clerk



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

**City Council Agenda Item: 5C**

**Meeting Date: 10/01/2012**

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**Department**

Administration

**Staff Contact**

Gay Johann, City Clerk

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**Agenda Item Title**

Request by Valley of the Moon Amateur Radio Club for City-subsidized use of the Sonoma Valley Veterans Memorial Building on April 27, 2013.

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**Summary**

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

The Valley of the Moon Amateur Radio Club requested City-subsidized use of the Veteran's Building on April 27, 2013 for their annual Hamfest.

If this request is approved, the City will have two rent-subsidized days remaining for the fiscal year ending June 30, 2013.

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**Recommended Council Action**

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

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**Alternative Actions**

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

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**Environmental Review**

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

**Status**

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

**Attachments:**

Request from David Dammuller

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cc: Mr. Dammuller, via email

**Valley of the Moon Amateur Radio Club**  
**1496 Nut Tree Lane, Sonoma CA 95476**

September 15, 2011

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

RE: Request for use of "Free Day" at the Sonoma Veterans' Memorial Building

Dear City Clerk Johann

As you know, the Valley of the Moon Amateur Radio Club assists the City of Sonoma and Sonoma Valley with communications for civic events and major emergencies. Each year, the City has been kind enough to assist us with our fundraising efforts by generously allowing the use of a "free day" at the Veterans Memorial Building for our annual fundraiser event.

Next year, the event – know as a "hamfest" to amateur radio operators – is planned for Saturday, April 27, 2013. The amateur radio operators of Sonoma Valley respectfully request the allocation of a free day for this planned event.

Please let me know if you have any questions of need any additional information.

Thank you for your continued cooperation with our efforts to serve the community.

Sincerely



David Dammuller, KD6FIL

Secretary for the Valley of the Moon Amateur Radio Club.

Email: [davidda@sonic.net](mailto:davidda@sonic.net)

Phone: 707-545-5822



City of Sonoma  
City Council  
Agenda Item Summary

City Council Agenda Item: 5D

Meeting Date: 10/01/2012

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**Department**

Public Works

**Staff Contact**

Milenka Bates, Public Works Director

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**Agenda Item Title**

Request by Sonoma Valley High School for temporary use of City streets on October 5, 2012 to conduct the annual Homecoming Parade.

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**Summary**

Special event permit applications that include requests for the closure of City streets in conjunction with the event must obtain City Council approval of the related street closure prior to the special event application being considered by the Community Services and Environment Commission. Because the event involves use of SR 12, the applicant must also obtain permission and an encroachment permit from Caltrans. The Sonoma Valley High School has scheduled their annual homecoming parade for October 5, 2012 between the hours of 12:45 p.m. and 2:00 p.m. The parade route will begin on Broadway (State Route 12) at the High School and end in the horseshoe of the Plaza. Details of the requested street closures are specified in the application and in the attached supplemental report. This is a recurring Plaza event, prior year street use applications have been approved by Council, and the event has occurred in the Plaza without issue or controversy.

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**Recommended Council Action**

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

1. Sonoma Valley High School must obtain an appropriate Permit from the State of California Divisions of Highways;
  2. Sonoma Valley High School must submit, to the City, an insurance certificate in compliance with the City of Sonoma Facility Use Insurance Requirements prior to the event;
  3. Sonoma Valley High School must meet with the Police Chief and Public Works Parks Supervisor and Street Supervisor at least two weeks prior to the event to finalize traffic plans and submit a written request for special barricading;
  4. Sonoma Valley High School must provide adequate supervision of the event to ensure that the Plaza is left in its pre-event condition and that all Plaza Use conditions and restrictions are adhered to.
- 

**Alternative Actions**

1. Delay action pending receipt of additional information
  2. Council discretion
  3. Deny the request
- 

**Financial Impact**

N/A

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**Environmental Review**

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

**Status**

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

**Attachments:**

1. Plaza and Street Use Application
  2. Resolution
- 

cc: Sonoma Valley High School  
Attn: Tammy Rivara, Event Coordinator, 20000 Broadway Sonoma, CA 95476

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RECEIVED

SEP 10

CITY OF SONOMA



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



9/18/12

PLAZA PERMIT APPLICATION

Name of Event: SVHS Homecoming Parade & Rally Today's Date: 9/18/12

Sponsoring Organization: Sonoma Valley High School

Event Contact Person: Tammy Rivara Title: Activities Director

Mailing Address: 20000 Broadway Sonoma CA 95476

Daytime phone: (707) 225-2508 Evening phone: (707) 225-2508

Cell Phone: (707) 225-2508 E-mail: trivara@sonomavalley.k12-ca.us FAX: (707) 935-4205

Plaza Area(s) Requested: SE Section, NW Section, NE Section, SW Section, Amphitheater, Rear Parking Lot, Horseshoe Pavement, Lawn

Table with columns: EVENT DATES, Start Time - Set-Up, Event Start Time, Event End Time, End Time - Tear Down & Clean-up, Estimated Attendance. Includes handwritten dates and times.

THIS SECTION TO BE COMPLETED BY STAFF:

Table for staff completion with columns: Rental Fees Per Day, Maintenance Fees, Refundable Deposits. Includes sub-tables for fees and deposits.

Summary table with columns: Fee Type, Amount, Location, Insurance/Notes. Includes Application Fee, Rental Fees, Maintenance Fees, etc.

Date Fees Received: N/A By: \_\_\_\_\_ \$: \_\_\_\_\_ Receipt #: \_\_\_\_\_

Date Fees Received: \_\_\_\_\_ By: \_\_\_\_\_ \$: \_\_\_\_\_ Receipt #: \_\_\_\_\_

Approved as a small scale event, no further review necessary: **Date:** \_\_\_\_\_ **Approved by:** \_\_\_\_\_

Port-O-Potties required: \_\_\_\_\_

Schedule for review by the Special Event Committee and CSEC

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

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

Annual SVHS Homecoming and rally. Parade from the High School North onto Broadway to plaza where the student hold (Not part of parade to Arnold field that all student will use the amphitheater during the rally.)

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

- Use of City Streets \*
- Publicity Banners or Signs
- Alcohol Served \*\*
- Canopies or Tents (stakes) \*\*\*
- Barricades Needed
- Booths or Other Temporary Structures
- Food Vendors
- Admission Charge
- Electricity Needed
- Amplified Sound or Music
- Food cooked on site
- Staff review: Mandatory\*\*\*\*

\* Use of City Streets – Requires approval by the City Council. Submit a completed Permit Application for Use of City Streets along with your Use Application. Requests to close some portion of Highway 12 Broadway, W. Napa Street, and/or Sonoma Highway- must also be approved by Caltrans: 707-762-5540 Call SCTA for any change to bus stops (closure of Plaza Horseshoe): 707-576-7433.

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

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

\*\*\*\* Applicant – Must arrange & attend a pre-event site inspection with Parks Supervisor Terry Melberg, Call 707-933-2239, two weeks prior to the event.

**PROPOSED BUDGET:** Please attach your proposed budget (income and expenses). \_\_\_\_\_

**SECURITY PLAN:** Please describe your Security Plan. Attach additional sheets as needed.  
School staff members will be present at all time.

**ACCESSIBILITY PLAN:** Please describe your Accessibility Plan. Attach additional sheets as needed.  
All sidewalks are handicapped accessible.

**RECYCLING PLAN:** Special Events Waste Minimization Planning Form. Please attach for all events.

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

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

Approved: \_\_\_\_\_ City of Sonoma \_\_\_\_\_ Date

### Event Summary

**ADDITIONAL PERMITS REQUIRED:**

- City Alcohol Permit (Approved by City Manager)
- City Street Use Permit (Approved by City Council)
- City Encroachment Permit
- Other \_\_\_\_\_
- ABC Alcohol License
- Caltrans Encroachment Permit
- City Business License

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

**STAFF COMMENTS OR CONDITIONS:**

- Applicant must arrange and attend a **pre-event** site inspection with Parks Supervisor (707)-933-2239
- Applicant must arrange and attend a **post-event** site inspection with Parks Supervisor (707)-933-2239
- Applicant must provide a copy of the organization's **tax exempt status letter**
- Applicant must provide a current budget and previous year **financial statement**

Public Works Comments: MEET W/ PARK STAFF TWO WEEK PRIOR TO EVENT. NO HANGING, BANNERS, ITEMS FROM TREES, BUSHES NO NAILING IN AMPHITHEATER

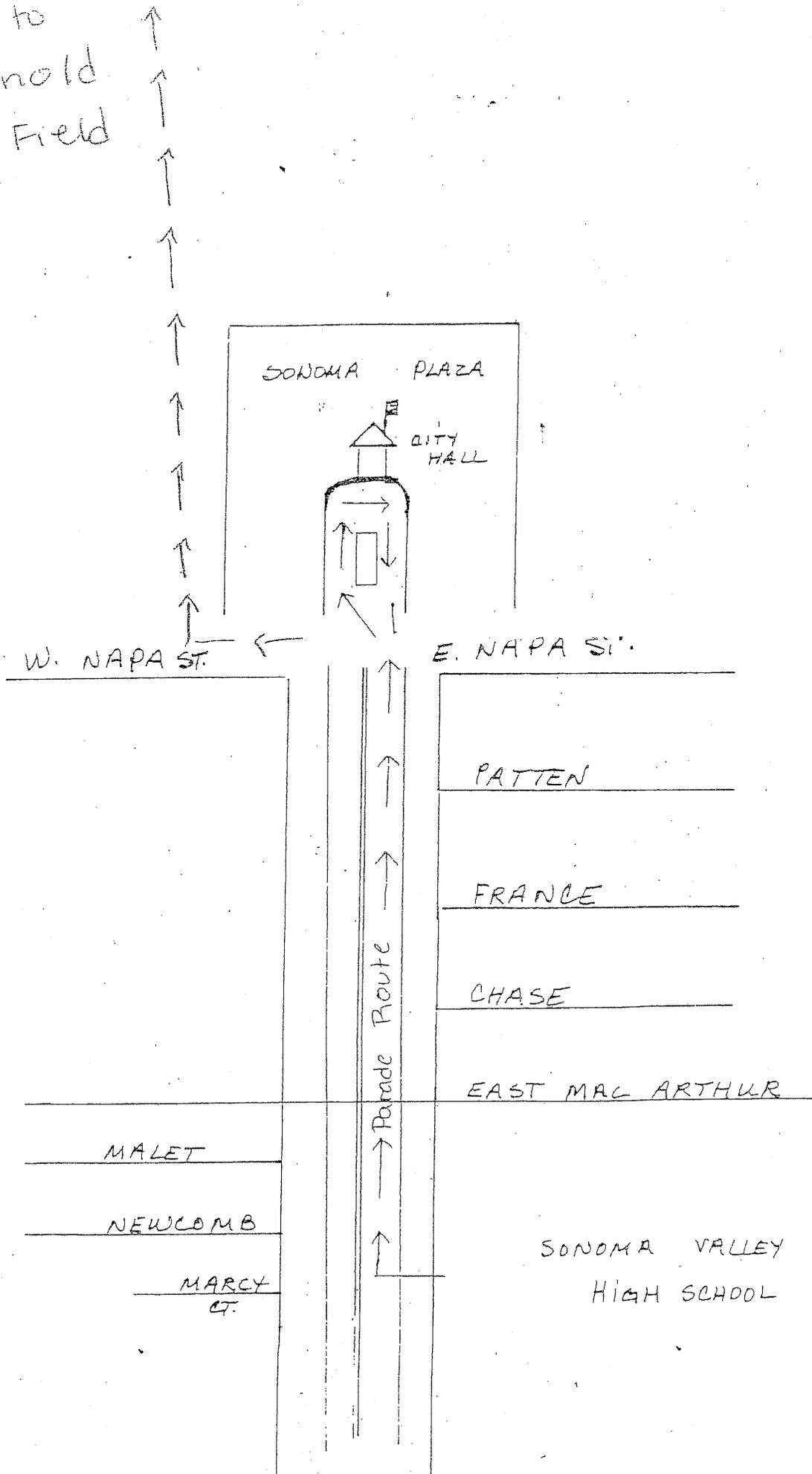
Police Department: CONTACT PD 996 3602 TO DISCUSS

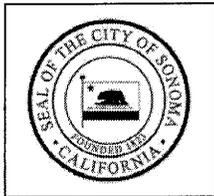
Fire Department: CONTACT FIRE DEPT 996 2102

Date CSEC Approved: \_\_\_\_\_

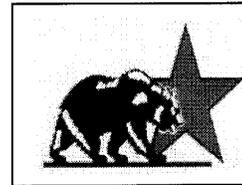
CSEC Post Event Meeting Comments:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

up to  
Arnold  
Field





**City of Sonoma  
No. 1 The Plaza  
Sonoma CA 95476**



**PERMIT APPLICATION  
FOR USE OF CITY STREETS**

Application Fee: \$373.00  
(Encro 100 30203)

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

Name of Applicant: Sonoma Valley High School

Name of Sponsoring Organization: Sonoma Valley High School

Address: 20000 Broadway Sonoma CA 95476

Telephone Numbers: Day: 933-4026 Night: \_\_\_\_\_ Fax: 935-4205 Email: trivara@sonomavhly.k12.ca.us

Name of Event: Homecoming Parade + Rally

Type of Event – Mark Appropriate Box

Run or Walk

Rally or Assembly

Parade

Other Parade + Rally

Date(s) of Event: 10/17 10/5/12

Street Closure(s) Requested:

Broadway between Newcomb and E. Napa St. from 12 pm am/pm to 2 pm am/pm

\_\_\_\_\_ between \_\_\_\_\_ and \_\_\_\_\_ from \_\_\_\_\_ am/pm to \_\_\_\_\_ am/pm

\_\_\_\_\_ between \_\_\_\_\_ and \_\_\_\_\_ from \_\_\_\_\_ am/pm to \_\_\_\_\_ am/pm

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

Annual Sonoma Valley High School Homecoming Parade + Rally. Parade from Highschool North to the Plaza horseshoe where rally is held. The floats will then proceed to Arnold Field.

Estimated Daily Attendance: \_\_\_\_\_

If a Sound Amplification is be used, describe the type, location, purpose and hours of use: \_\_\_\_\_

There will be speakers on floats and on stage during rally. 12:30 - 2 w/ music and microphones.

General Conditions of Approval:

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

\*\*\*\*\*

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

*Sammy Ruwe*  
Applicant's Signature

9/18/2012  
Date

For City Use Only	
POLICE DEPARTMENT RECOMMENDATION:	<input type="checkbox"/> Approve <input type="checkbox"/> Deny
Amount of Deposit Required _____	
COMMENTS:	
_____	_____
Authorized Signature	Date
PUBLIC WORKS DEPARTMENT RECOMMENDATION:	<input checked="" type="checkbox"/> Approve <input type="checkbox"/> Deny
Amount of Deposit Required _____	
COMMENTS:	
_____	_____
Authorized Signature <i>[Signature]</i>	Date 9/19/12
Date Approved by CSEC _____	
Date Approved by City Council _____	

Matthew Charleston

Cell: (707) 321-6712

email - charleston-matt@gmail.com

Homecoming

**CITY OF SONOMA**

RESOLUTION NO. \_\_\_\_ - 2012

**RESOLUTION APPROVING AND CONSENTING  
TO THE USE OF CITY STREETS  
Sonoma Valley High School Homecoming Parade**

WHEREAS, Sonoma Valley High School has applied to the State of California to conduct the Sonoma Valley High School Homecoming Parade, on State property; and

WHEREAS, the Sonoma Valley High School Homecoming Parade will temporarily impede and restrict the free passage of State Route 12 on October 5, 2012 between Sonoma Valley High School, 20000 Broadway and the Downtown Sonoma Plaza between the hours of 12:45 p.m. and 2:00 p.m.

NOW THEREFORE be it resolved that the City Council of the City of Sonoma approves and consents to the proposed Sonoma Valley High School Homecoming Parade and recommends approval of and consents to the proposed restriction of State Highway Route 12 upon terms and conditions deemed appropriate and necessary by the State of California, Department of Transportation, subject to the following conditions:

1. Sonoma Valley High School must obtain an appropriate Permit from the State of California Divisions of Highways;
2. Sonoma Valley High School must submit, to the City, an insurance certificate in compliance with the City of Sonoma Facility Use Insurance Requirements prior to the event;
3. Sonoma Valley High School must meet with the Police Chief and Public Works Director at least two weeks prior to the event to finalize traffic plans and submit a written request for special barricading;
4. Sonoma Valley High School must provide adequate supervision of the event to ensure that the Plaza is left in its pre-event condition and that all Plaza Use conditions and restrictions are adhered to.

The foregoing Resolution was duly adopted this day 1<sup>st</sup> day of October 2012, by the following vote:

Ayes:  
Noes:  
Absent:

\_\_\_\_\_  
Joanne Sanders, Mayor

ATTEST:

\_\_\_\_\_  
Gay Johann, City Clerk



**City of Sonoma**  
**City Council/Successor Agency**  
Agenda Item Summary

**City Council Agenda Item: 6A**

**Meeting Date: 10/01/2012**

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**Department**

Administration

**Staff Contact**

Gay Johann, City Clerk

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**Agenda Item Title**

Approval of the portions of the Minutes of the September 5 and September 17, 2012 City Council / Successor Agency Meetings pertaining to the Successor Agency.

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**Summary**

The minutes have been prepared for Council review and approval.

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**Recommended Council Action**

Approve the minutes.

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**Alternative Actions**

Correct or amend the minutes prior to approval.

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**Financial Impact**

N/A

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**Environmental Review**

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

**Status**

- Approved/Certified
- No Action Required
- Action Requested

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**Attachments:**

See Agenda Item 5B for the minutes

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

**City Council Agenda Item: 7A**

**Meeting Date: 10/01/12**

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**Department**

Planning

**Staff Contact**

Associate Planner Atkins

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**Agenda Item Title**

Discussion, consideration and possible action on an appeal of the Planning Commission's decision to approve the application of the First Congregational Church for a Use Permit to operate a school within Burlingame Hall, at 252 West Spain Street. (The school use would consist of regular classes provided by third parties renting Burlingame Hall.)

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**Summary**

The First Congregational Church's application was reviewed by the Planning Commission at its meeting on August 9, 2012. In its review, the Planning Commission considered the application submittal, staff report, correspondence and public testimony on the item. In the course of the public hearing, issues were raised by members of the public related to traffic, noise, parking, and the public notice lacking project specifics. The Planning Commission expressed concerns with the economic benefits and traffic. Based on correspondence received prior to the meeting, staff prepared revised draft conditions of approval in an attempt to address issues related to noise. The conditions of approval were revised to reflect the following: required doors and windows to remain closed if amplification occurred in Burlingame Hall; required posting a notice requesting patrons and students be mindful of the residents in regards to noise and parking; and, that the use be operated in compliance with the noise limits and standards of the City's Noise Ordinance. After holding a public hearing on the matter, the Planning Commission voted 5-2 to approve the use permit, subject to the revised conditions of approval and further revisions limiting the number of on-going classes to no more than three (Comm. Tippell and George dissenting).

On August 24, 2012, Mayor Sanders filed an appeal of the Planning Commission's decision citing the following concerns: 1) noticing; 2) conditions of approval; 3) definition of a school. Pursuant to Municipal Code Section 1.24.070 (Appeals by Council Members), any member of the city council may appeal any final decision of any city commission, board or official to the city council. If an appeal is made by a councilmember, there shall be a presumption applied that the reason for the appeal is because the appealed decision or interpretation has significant and material effects on the quality of life within the City of Sonoma. No inference of bias shall be made because of the appeal and no other reason need be stated by the councilperson in his/her notice of appeal.

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**Recommended Council Action**

Uphold the decision of the Planning Commission.

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**Alternative Actions**

The City Council has the following options when considering an appeal: 1) Uphold the decision of the Planning Commission (with or without revisions to the conditions of approval); 2) Deny the decision of the Planning Commission; 3) Refer the application back to the Planning Commission with direction.

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**Financial Impact**

N.A.

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**Environmental Review**

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

**Status**

- Approved/Certified
- No Action Required
- Action Requested

**Attachments:**

1. Supplemental Report
2. Appeal Application Form
3. Notice of Public Hearing (Planning Commission meeting August 9, 2012)
4. Notice of Public Hearing (City Council meeting October 1, 2012)
5. Frist Congregation Church of Sonoma Letter to neighbors
6. First Congregation Church of Sonoma Response to Appeal Project narrative
7. Planning Commission staff report of August 9, 2012, with attachments (including late correspondence)
8. Minutes of August 9, 2012, Planning Commission meeting
9. Amended Final conditions of approval dated September 11, 2011

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**cc:**

First Congregational Church Use Permit mailing list

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## **SUPPLEMENTAL REPORT**

Discussion, consideration, and possible action on an appeal of the Planning Commission's decision to approve the application of the First Congregational Church for a Use Permit to operate a school within Burlingame Hall, at 252 West Spain Street. The school use would consist of regular classes provided by third parties renting Burlingame Hall.

*For the City Council meeting of October 1, 2012*

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### **Property Description**

The subject property is a 3-acre, rectangular parcel located on the north side of West Spain Street between Second Street West and Third Street West. The property has been developed with a complex of church buildings. The property is located in a Low Density Residential (R-L) zoning district. Surrounding land uses include single-family homes, and the Vallejo Home State Park (see attached location map attached to Planning Commission staff report).

### **Project Description**

On July 13, 2012, the First Congregational Church filed an application for a Use Permit to operate a school within Burlingame Hall, located at 252 West Spain Street. As set forth in the project narrative (attached), the school use is intended to complement the mission of the Church by promoting the physical and spiritual wellness of individuals and the community. The narrative proposes a maximum school size of 75 students, with hours of operation of Monday through Friday from 9 a.m. to 9 p.m., and from 9 a.m. to 1 p.m. on Saturdays. Parking for the school would be provided in the existing 78-space parking lot. The classes would not be provided directly by the Church, but rather through the rental of Burlingame Hall by third-party instructors.

### **Planning Commission Review**

The First Congregational Church's application was reviewed by the Planning Commission at its meeting on August 9, 2012. In its review, the Planning Commission considered the application submittal, staff report, correspondence and public testimony on the item.

In the course of the public hearing, issues were raised by members of the public related to traffic, noise, parking, and lack of specificity in the public notice (see attached minutes). With regard to traffic and traffic safety, neighboring residents were concerned with parked vehicles blocking the entrance and exit of the church property, thereby creating a sight-line issue with vehicles exiting, and with the increased volume of traffic that might be associated with new use. A related concern for residents living across the street from the exit was increased vehicle headlights shining into their home. One member of the public was concerned with parking enforcement and questioned the ability of the church to encourage students to use on-site parking, rather than parking on West Spain Street. Another concern addressed was that if a use permit was approved it would be difficult to scale the classes back after the fact. Finally, a member of the public suggested that the use permit be consolidated with previously approved pre-school use permit for the Old Adobe

School (which operates in a different building on the subject property) and expressed concern about noise from outdoor activities, in particular a special event that had been held by the Old Adobe Preschool, as well as potential noise from exercise classes if doors and windows were left open.

Based on correspondence received prior to the meeting, staff had prepared revised draft conditions of approval in an attempt to address issues related to noise. The revised conditions included the following: 1) a requirement that doors and windows remain closed if amplification occurred in Burlingame Hall; 2) a requirement to post notices requesting patrons and students be mindful of the residents in regards to noise and parking; and, 3) a requirement that the use be operated in compliance with the noise limits and standards of the City's Noise Ordinance. In its discussion, the Planning Commission agreed with suggestions from neighbors that the number of classes should be limited. The Planning Commission also discussed the noticing of the project and the question of whether the use qualified as a "school" under the definition set forth in the Development Code. Ultimately, the Planning Commission voted 5-2 (Comm. Tippell and George dissenting) to approve the Use permit subject to the revised conditions of approval, with the further revision to limit the number of on-going classes to no more than three. The staff report and minutes of the August 9, 2012, Planning Commission meeting are attached for consideration.

### **Issues Raised in the Appeal**

On August 24, 2012, Mayor Sanders filed an appeal of the Planning Commission's decision citing the following concerns:

1. The wording of the public notice.
2. Conditions of approval.
3. Definition of a school.

Pursuant to Municipal Code Section 1.24.070 (Appeals by Council Members), any member of the city council may appeal any final decision of any city commission, board or official to the city council. If an appeal is made by a councilmember, there shall be a presumption applied that the reason for the appeal is because the appealed decision or interpretation has significant and material effects on the quality of life within the city of Sonoma. No inference of bias shall be made because of the appeal and no other reason need be stated by the council person in his/her notice of appeal.

*Public Notice:* As required by State law and local ordinance, the public hearing for the Use Permit application was noticed in three forms 20 days prior to the hearing: posters were put on light poles near the project site and in the surrounding neighborhood, notice was published twice in the Sonoma Index-Tribune, and mailcard notices were sent to residents and property owners within a 500-foot radius of the project site. The notices (attached) included a brief description of the project; identified the date, time, and location of the public hearing; noted that the application submittal was available for review at City Hall; and indicated how to submit comments on the proposal. Through this standard process, it is staff's view that adequate legal notice of the application was provided. (Note: the notice identified "Joan Howarth" as the applicant, rather than the First Congregational Church, as that is how the application form for the Use Permit was filled out. Ms. Howarth is a member of the Church's board of directors.) In addition, the applicant hand-delivered a letter (attached) to 30 neighbors indicating that a use permit

application was submitted that proposed operating Burlingame Hall as a school that would promote the physical and spiritual wellness of individuals and the community. The letter also requested feedback from neighbors and provided contact information.

*Conditions of Approval.* The Amended Final 09/11/12 Conditions of approval have been attached for review. As discussed above, the conditions of approval were revised in response to neighbor concerns about noise and the number of classes that might be offered (which also relates to traffic generation).

*Definition of "School."* Pursuant to Municipal Code Section 19.92 (Definitions) "Schools" are defined as follows:

*Schools. Public and private educational institutions, including:*

- *boarding schools*
- *business, secretarial, and vocational schools*
- *community colleges, colleges and universities*
- *elementary, middle, and junior high schools*
- *establishments providing courses by mail*
- *high schools*
- *military academies*
- *professional schools (law, medicine, etc.)*
- *seminaries/religious ministry training facilities*

*Also includes specialized schools offering instruction in the following:*

- *art*
- *ballet and other dance*
- *computers and electronics*
- *cooking*
- *drama*
- *driver education*
- *language*
- *music*

*Also includes facilities, institutions and conference centers that offer specialized programs in personal growth and development, such as fitness, environmental awareness, arts, communications, and management. Does not include pre-schools and child day care facilities (see "Child day care facilities"). See also the definition of "Studios for art, dance, music, photography, etc." for smaller-scale facilities offering specialized instruction.*

This definition does not appear to preclude a facility owner from providing classes through third-party instructors renting space in the facility.

### **Requested Actions in the Appeal**

Mayor Sanders is suggesting that the City Council consider taking the following actions: 1) re-notice the public hearing; 2) conduct a public hearing and consider revising the conditions of approval.

## **Recommendation**

In accordance with standard practice staff recommends that the City Council uphold the decision of the Planning Commission. Based on Council direction (whether to deny the appeal, uphold the appeal, or refer the application back to the Planning Commission with direction), a resolution will be prepared implementing the City Council's decision, for adoption as a consent calendar item at the meeting of October 15, 2012.



# City of Sonoma Appeal Application Form

For City Use

Date Received \_\_\_\_\_

By \_\_\_\_\_

• A copy of the rights of appeal and the City's appeal procedures may be found on the reverse of this form

• The fee to file an appeal is \$100.00 and must accompany this form

• Appeals must be filed with the City Clerk within fifteen (15) calendar days of the action

• Appeals must address issues raised or decisions made at previous hearings. Appeal hearings cannot be used as a forum to introduce new issues

• In order for your appeal to be valid this form must be filled out completely.

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

### APPELLANT INFORMATION: (Please Print)

Name: Maur Sanders Name: \_\_\_\_\_

Address: 375E. Napa St., Sonoma Address: \_\_\_\_\_

Phone: 707-938-4422 Phone: \_\_\_\_\_

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

- Planning Commission
- Design Review Commission
- City Planner or Department Staff
- Other: \_\_\_\_\_

Regarding: Use permit to operate a school within Burlingame Hall  
(Title of project or application)

Located at: 252 W. Spain St., Sonoma  
(Address)

Made on: August 9, 2012  
(Date decision was made)

I/We hereby declare that I/We are eligible to file an appeal because:  
(Refer to Section 19.94.30-A, Eligibility, on the reverse)

City Council member code section 1.24.070 of the Municipal Code.

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

Planning Commission approved on-going classes at Burlingame Hall and I am concerned about noticing, COAs and definition of a school.

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

Re-notice the public hearing; conduct a public hearing and consider revising conditions of approval.

Signed: *Maur Sanders* August 24, 2012

\_\_\_\_\_  
Signature Date

## NOTICE OF PUBLIC HEARING

*The Project described below is located on property that lies within 500 feet of your property:*  
**Notice is hereby given** that the **Planning Commission** of the City of Sonoma, at a meeting on **August 9, 2012** to be held in the **Community Meeting Room at 177 First Street West**, will conduct a public hearing on the project described below at 6:30 p.m., or as soon thereafter as the matter may be reached:

**Project Description:** Application of Joan Howarth for a Use Permit to operate a school within Burlingame Hall at 252 West Spain Street.

**Public Response Requested:** The public is hereby invited to comment by sending written comments to the Planning Commission, c/o Sonoma City Hall, No. 1 The Plaza, Sonoma, CA 95476 no later than **August 9, 2012**. Interested persons are also invited to attend the public hearing and address any comments directly to the Planning Commission. The project application and related materials are available for review at the Sonoma City Hall, No. 1, The Plaza, Sonoma, CA 95476. **A Planning Department staff report on the item will normally be available at City Hall on the Friday prior to the meeting.**

The City of Sonoma has, by resolution, adopted the time limits set forth in California Civil Procedure Section 1094.6. Pursuant to these time limits, should any member of the public seek judicial review of a decision on the project, such action must be filed no later than the ninetieth day following the date that the administrative decision becomes final.

**Date of Notice: Friday, July 20, 2012**

## NOTICE OF PUBLIC HEARING

*The Project described below is located on property that lies within 500 feet of your property:*  
**Notice is hereby given** that the **Planning Commission** of the City of Sonoma, at a meeting on **August 9, 2012** to be held in the **Community Meeting Room at 177 First Street West**, will conduct a public hearing on the project described below at 6:30 p.m., or as soon thereafter as the matter may be reached:

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The City of Sonoma has, by resolution, adopted the time limits set forth in California Civil Procedure Section 1094.6. Pursuant to these time limits, should any member of the public seek judicial review of a decision on the project, such action must be filed no later than the ninetieth day following the date that the administrative decision becomes final.

**Date of Notice: Friday, July 20, 2012**

Publish two times: Tuesday September 11, 2012 and Friday, September 14, 2012

### NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Sonoma, at a meeting on **October 1, 2012**, to be held in the **Community Meeting Room at 177 First Street West**, will conduct a public hearing on the project described below at 6:00 p.m., or as soon thereafter as the matter may be reached.

**Project Description** *Appeal of the Planning Commission's decision to approve the application of the First Congregational Church for a Use Permit to operate a school within Burlingame Hall, at 252 West Spain Street. The school use would consist of regular classes provided by third parties renting Burlingame Hall.*

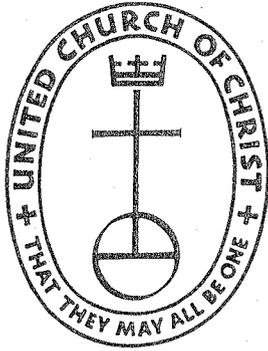
**Public response requested:** The public is hereby invited to comment on this matter by sending written comments to the City Council, c/o Sonoma City Hall, No.1 The Plaza, Sonoma, CA 95476, to be received no later than **October 1, 2012**. Interested persons are also invited to attend the public hearing and address any comments directly to the City Council. The project file, including reports and other material, is available for review at the Sonoma City Hall. A staff report for the project will normally be available on the Tuesday prior to the meeting date.

The City of Sonoma has, by resolution, adopted the time limits set forth in California Civil Procedure Section 1094.6. Pursuant to these time limits, should any member of the public seek judicial review of a decision on the project, such action must be filed no later than the ninetieth day following the date that the administrative decision becomes final.

Date of Posting: Tuesday, September 11, 2012 and Friday, September 14, 2012

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Gay Johann, City Clerk



**FIRST CONGREGATIONAL CHURCH of SONOMA**  
**SONOMA VALLEY UNITED CHURCH OF CHRIST**

252 West Spain St., Sonoma, California 95476

(707) 996-1328

[www.sonomacongregational.org](http://www.sonomacongregational.org)

[contact@sonomacongregational.org](mailto:contact@sonomacongregational.org)

Rev. Nancy Taylor, Minister

Dear Neighbor,

The First Congregational Church of Sonoma has requested a use permit to operate a school in Burlingame Hall that will promote the physical and spiritual wellness of individuals and the community. The church anticipates movement classes, book studies, movies and lectures, lasting one or two hours.

Burlingame Hall has a long history of service to Sonoma. Vintage House got started in the hall before moving to their current location. More recently, the library used Burlingame Hall during their remodel. Many community organizations use the hall for various activities, including meetings, forums, lectures and musical events. The Church has requested a use permit so that the hall can continue to be used for the good of the entire Sonoma community.

The Sonoma Planning Commission will review our request at their meeting on August 9. In preparation for this meeting, we would like to discuss our plans with you, give you a copy of our full application, and hear your ideas about how to provide the greatest benefit to the neighborhood and the community.

We stopped at your home today but you were out. If you would like to arrange a conversation with one of our committee members, please leave a message with the church secretary, Denise Wilbanks, 996-1328. Please indicate a day and time that would be convenient for someone to drop by for a few minutes.

Thank you,

Mary Evelyn Arnold  
Moderator

AUG 07 2012

Use Permit Appeal  
Project Narrative for 252 West Spain

Burlingame Hall is one of the largest gathering spaces in the city of Sonoma (3400 square feet). The hall was built in the 1960's and it has served the church, the synagogue and the community at large. It was used by Vintage house before they moved to their current home. There were large public forums in regards to the hospital bond. The Transition group held their first meetings here. Most recently, we were able to accommodate the library while they remodeled their space. We have a history of responding to the needs of the community.

The Library returned Burlingame Hall to the church at the end of June. This was the about the time that the Community Center had asked Jazzercise to find a new location after many years in Andrews Hall. It was only a matter of time before we heard of their search for a new space. We soon realized that ongoing classes would require a use permit. Since a use permit stays with the property, it made sense to call it a school of wellness so that the tenants could change over time and we could continue to serve the ever- changing needs of the community. We imagine the school will provide movement classes like yoga or Tai Chi as well as lecture classes that promote personal growth or strengthen our sense of community.

Our application for a use permit was filed and we immediately began our outreach to the neighbors. We hand delivered letters to our 30 closest neighbors. Only one neighbor followed up with a call to the church and we met with her and listened to her concerns around amplified music. Our original request to the commission was quite broad and we fully expected the commission to limit the number of classes. After hearing the testimony of several neighbors, the planning commission restricted us to 3 classes a day. The commission also protected the neighbors by requiring the doors to remain closed when amplified music is used and they excluded exterior outside music altogether. This seems to be a fair decision and a responsive one to the neighborhood.

After the appeal was filed we again reached out to the neighbors. The neighbor directly across from the exit driveway has seen many near misses as people leave the church. They would like to see a painted red curb so that visibility is maintained. In response to that suggestion, we have started a traffic hazard petition for the neighborhood. Another suggestion is to require 30 minutes between classes so that the parking lot turnover is more controlled.

In conclusion, it is our intention to continue to work with the neighbors to reduce the impact of campus activities. We hope that the City Council will support the decision of the planning commission and allow this small number of daily classes.

SEP 14 2012

**City of Sonoma Planning Commission**  
**STAFF REPORT**

**Agenda Item #5**  
**Meeting Date: 08/09/12**

**Agenda Item Title:** Application for a Use Permit to operate a school within Burlingame Hall.  
**Applicant/Owner:** First Congregational Church  
**Site Address/Location:** 252 West Spain Street  
**Staff Contact:** Wendy Atkins, Associate Planner  
Staff Report Prepared: 08/01/12

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**PROJECT SUMMARY**

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**Description:** Application of the First Congregational Church to operate a school within Burlingame Hall, at 252 West Spain Street.

**General Plan Designation:** Low Density Residential (LR)

**Zoning:** **Base:** Low Density Residential (R-L) **Overlay:** Historic (/H)

**Site Characteristics:** The site is a rectangular parcel, 3 acres in area, located on the north side of West Spain Street between Second Street West and Third Street West. The property has been developed with a complex of church buildings.

**Surrounding Land Use/Zoning:**  
**North:** The Vallejo Home State Park/Park  
**South:** (Across West Spain Street) single-family residences/Low Density Residential  
**East:** A single-family residence and a duplex/Low Density Residential, and the Vallejo Home State Park/Park  
**West:** The Vallejo Home State Park/Park

**Environmental Review:**

<input checked="" type="checkbox"/> Categorical Exemption	<input type="checkbox"/> Approved/Certified
<input type="checkbox"/> Negative Declaration	<input checked="" type="checkbox"/> No Action Required
<input type="checkbox"/> Environmental Impact Report	<input type="checkbox"/> Action Required
<input type="checkbox"/> Not Applicable	

**Staff Recommendation:** Approve with conditions.

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## **PROJECT ANALYSIS**

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### **BACKGROUND**

On February 9, 1989, the Planning Commission approved a Use Permit to allow the Adobe Pre-school to allow a day care center, preschool, and kindergarten for up to 45 children.

### **DETAILED PROJECT DESCRIPTION**

At this time the applicant is proposing to use Burlingame Hall for a school that promotes the physical and spiritual wellness of individuals and the community consisting of movement classes, book studies, movies, and lectures. As stated in the project narrative (attached) the maximum class size would consist of 75 students. The applicant is proposing to operate the school Monday through Friday from 9 a.m. to 9 p.m. and on Saturday from 9 a.m. to 1 p.m. Parking for the school would be provided in the existing 78 space parking lot.

### **GENERAL PLAN CONSISTENCY** ( **Not Applicable to this Project**)

The property is designated Low Density Residential (R-L) by the General Plan. The R-L land use designation is primarily for single-family housing and duplexes, with attached or clustered development allowed by use permit, in association with related public improvements such as streets. Other uses compatible with the primary use may be allowed subject to use permit review, including transitional housing, schools, day care facilities, churches, fire stations, post offices, nursing homes, convalescent hospitals, and parking areas. The proposal does not raise any issues in terms of consistency with the General Plan.

### **DEVELOPMENT CODE CONSISTENCY** ( **Not Applicable to this Project**)

*Use:* The property is zoned Low Density Residential (R-L). Schools are allowed in the R-L land use designation with a use permit.

*Building Height/Setbacks/Other Development Standards.* The school is proposed to be located in the existing Burlingame Hall building; no new construction is proposed.

*Parking:* The City's Parking and Loading Regulations for private school uses require two spaces for each classroom. Because one classroom is proposed with this application, two spaces are required. This parking ratio is not especially relevant to the type of school that is proposed, in that classes for adult education have a greater need for parking than that ratio would suggest. However, there are 78 parking spaces that exist on the site and the proposed school use would occur during hours when the Church and Synagogue are not in session. In staff's view, the amount of parking available on site is sufficient for the proposed school use and the other uses on the site.

### **CONSISTENCY WITH OTHER**

### **CITY ORDINANCES/POLICIES** ( **Not Applicable to this Project**)

### **ENVIRONMENTAL REVIEW** ( **Not Applicable to this Project**)

Pursuant to Section of 15301 of the State CEQA Guidelines, the minor alteration of existing public or private structures, involving negligible or no expansion of use beyond that existing is Categorical Exempt from the provisions of CEQA (Class 1 – Existing Facilities).

**DISCUSSION OF PROJECT ISSUES**

*Compatibility With Onsite Uses:* The property is primarily used as a church and synagogue, primarily on the weekends. In addition, the Old Adobe Pre-school operates Monday through Friday from 7:30 a.m. to 6 p.m. The West Spain Street Thrift store also operates on the property on Thursday and Saturday from 10 a.m. to 3 p.m. It is staff's opinion that the proposed school use would be compatible with the existing uses on the property because the existing parking on the property is sufficient for the variety of uses.

*Compatibility With Neighboring Uses:* Because the project site is located in a residential neighborhood, staff had some concern that the school use could negatively impact the neighbors in terms of increased traffic and noise. However, the applicant has indicated that letters explaining the project were delivered to neighbors on West Spain Street between Second Street West and Third Street West. It should be noted that as of the date the staff report was prepared three pieces of correspondence had been received: two in favor of the project; and, one in opposition of the project.

**RECOMMENDATION**

Staff recommends approval of the Use Permit, subject to the attached conditions.

Attachments

1. *Findings of Project Approval*
2. *Draft Conditions of Approval*
3. *Location map*
4. *Project Narrative*
5. *Site Plan*
6. *Correspondence*

cc: Joan Howarth  
850 Donner Avenue  
Sonoma, CA 95476

First Congregational church  
252 West Spain Street  
Sonoma, CA 95476

Trish Hunter  
154 West Spain Street # N  
Sonoma, CA 95476

Old Adobe School  
Attn: Meg McNichol  
252 West Spain Street  
Sonoma, CA 95476

Chelsea Clair and Peter Livingston  
226 West Spain Street, #2  
Sonoma, CA 95476

City of Sonoma Planning Commission  
**FINDINGS OF PROJECT APPROVAL**  
First Congregational Church School Use Permit – 252 West Spain Street

August 9, 2012

Based on substantial evidence in the record and upon consideration of all testimony received in the course of the public review, including the public review, the City of Sonoma Planning Commission finds and declares as follows:

**Use Permit Findings**

1. The proposed use is consistent with the General Plan;
2. The proposed use is allowed with a conditional Use Permit within the applicable zoning district and complies with all applicable standards and regulations of this Development Code;
3. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity; and
4. The proposed use will not impair the architectural integrity and character of the zoning district in which it is to be located.

City of Sonoma Planning Commission  
**CONDITIONS OF PROJECT APPROVAL**  
First Congregational Church School Use Permit – 252 West Spain Street

August 9, 2012

1. The school shall be operated in substantial conformance with the application, project narrative, the staff report, with a maximum class size of 75 students, and hours of operation of 9 a.m. to 9 p.m., Monday through Friday, and 9 a.m. to 1 p.m. on Saturdays.

*Enforcement Responsibility:*      *Planning Division; Building Division*  
*Timing:*                              *Ongoing*

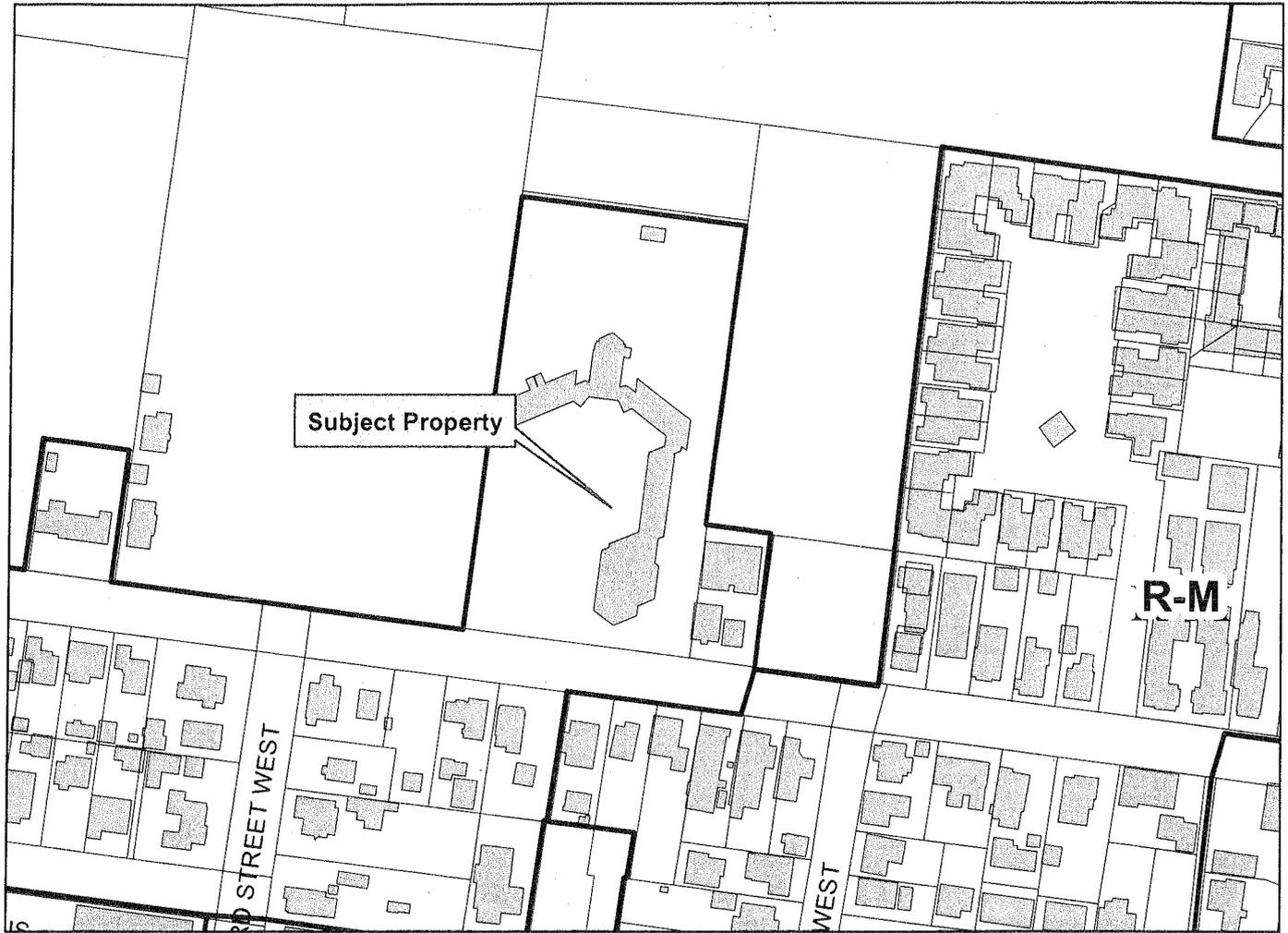
2. All applicable Fire Department requirements shall be met prior to occupancy.

*Enforcement Responsibility:*      *Fire Department*  
*Timing:*                              *Ongoing*

3. All signs shall be subject to the City of Sonoma Sign Ordinance.

*Enforcement Responsibility:*      *Planning Division; DRC*  
*Timing:*                              *Prior to operation*

# Vicinity Map



## Project Summary

*Project Name:* First Congregational Church  
School Use Permit

*Property Address:* 252 West Spain Street

*Applicant:* First Congregational Church

*Property Owner:* First Congregational Church

*General Plan Land Use:* Low Density Residential

*Zoning - Base:* Low Density Residential

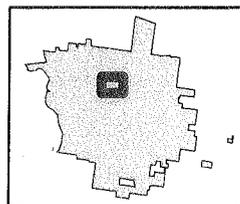
*Zoning - Overlay:* Historic

### Summary:

Consideration of a Use Permit to operate a school within Burlingame Hall.

## Zoning Designations

- R-HS Hillside Residential (1 D.U./10 acres, maximum)
- R-R Rural Residential (2 D.U./acre, maximum)
- R-L Low Density Residential (2-5 D.U./acre)
- R-S Sonoma Residential (3-8 D.U./acre)
- R-M Medium Density Residential (6-10 D.U./acre)
- R-H High Density (9-12 D.U./acre)
- R-O Housing Opportunity (15-20 D.U./acre)
- R-P Mobile Home Park (7 D.U./acre, maximum)
- MX Mixed Use (12 D.U./acre, maximum)
- C Commercial (15 D.U./acre, maximum)
- C-G Commercial-Gateway (15 D.U./acre, maximum)
- W Wine Production
- P Public Facility
- Pk Park
- A Agriculture



0 100 200 400 Feet

1 inch = 200 feet

RECEIVED

JUL 13 2012

CITY OF SONOMA

July 13, 2012

City of Sonoma Planning Department

Dear Ms. Atkins,

The First Congregational Church of Sonoma would like a use permit to operate a school in Burlingame Hall that promotes the physical and spiritual wellness of individuals and the community. We anticipate movement classes, book studies, movies and lectures that would be one to two hours long.

Hours of Operation: 9AM to 9PM Monday through Friday  
9AM to 1PM on Saturdays

Maximum class size: 75

Burlingame Hall is 3400 square feet with a maximum occupancy of 288 people. The bathrooms and signage are ADA compliant. There are 78 parking spaces.

The proposed use is compatible with the following campus activities:

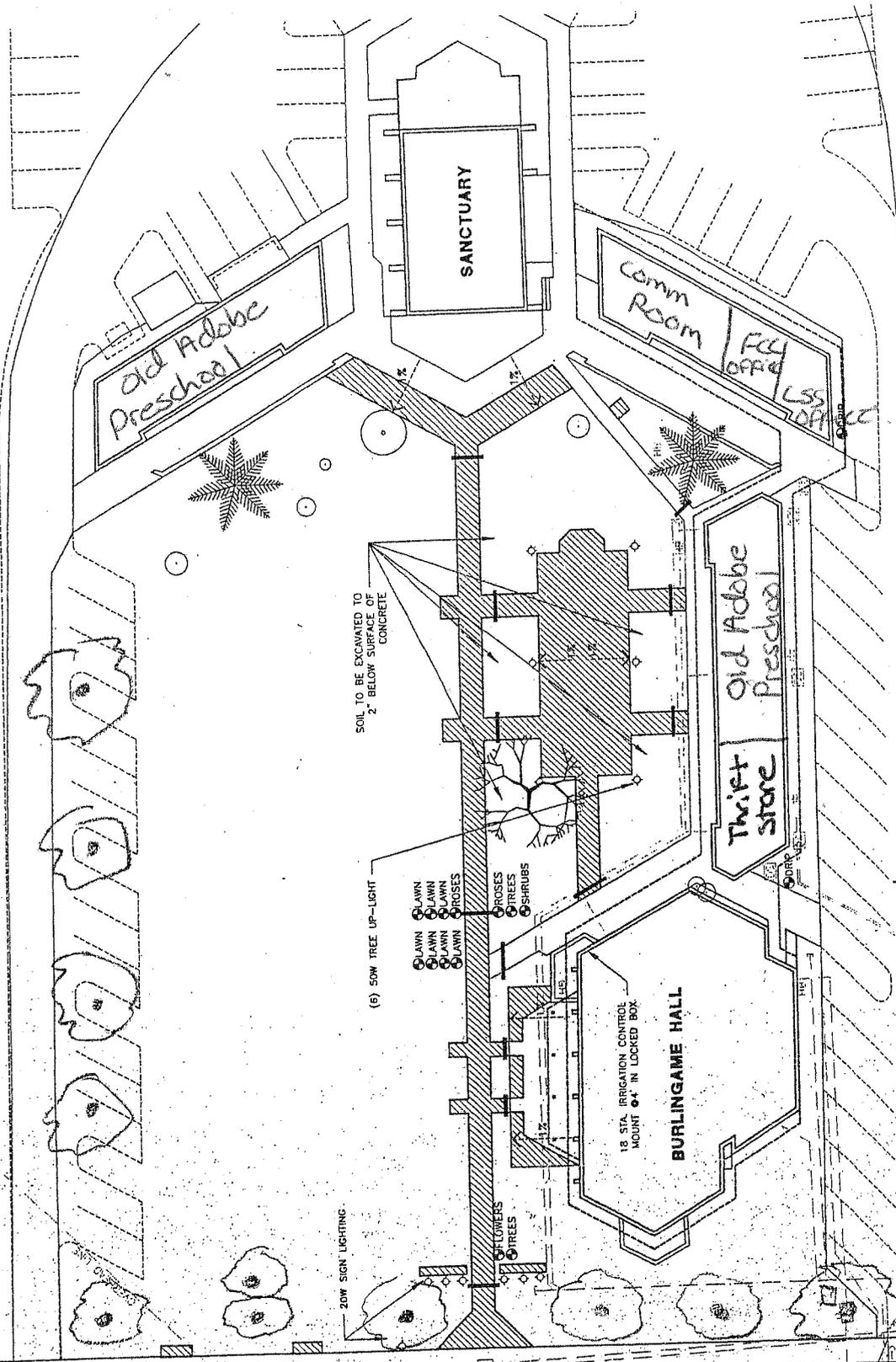
- 1) The Old Adobe Pre-school operates Monday through Friday from 7:30 AM to 6PM. The morning drop off is over by 9AM and the afternoon pickup times are staggered.
- 2) The West Spain Street Thrift store is open on Thursday and Saturday from 10AM until 3PM. We reserve 4 parking spaces for their use.
- 3) The church and synagogue will continue using the hall, primarily on the weekends, for regular functions.

Burlingame Hall has had a long history of being used for the benefit of the larger community. Vintage House operated in the hall before they moved to their current location. Most recently, the library used the space as a temporary campus during their remodel. Many public forums, lectures and musical events have been held here. In order to keep the building properly maintained, we would like to keep it utilized for the greater good.



Open field

pen field



WEST SPAIN STREET



RECEIVED  
JUL 26 2012  
CITY OF SONOMA

13 July 2012

Dear Sonoma Planning Commission,

I am writing to let you know that Old Adobe School supports the Use Permit for a School of Wellness located on the First Congregational Church campus at 252 West Spain Street.

Please feel free to call or email if you have any questions.

Sincerely,

  
Meg McNichol, Director  
Old Adobe School  
252 West Spain Street  
Sonoma, CA 95476  
707-938-4510

Email-staffoldadobeschool@gmail.com

RECEIVED  
JUL 25 2012  
CITY OF SONOMA

154 W. Sprain #N  
Sonoma

Planning Commission  
Sonoma City Hall

I oppose the application of  
Jon Howarth for a Use Permit to operate  
a school within Burlington Hall at  
252 W. Sprain St.

It is already too noisy with too  
many children at that church location.  
I do not have any peace and quiet  
on my own deck which is a short  
distance from the church/school playground.

Sincerely  
Trish Hunter

Chelsea Clair & Peter Livingston  
226 W. Spain St. #2  
Sonoma, CA 95476  
707-280-8547

Attn: City of Sonoma Planning Commissioner

We live next door to Burlingame Hall and the First Congregational Church and we support for their request for a permit to offer fitness classes in the hall. We feel that more venues for such activities benefit the community and will not disrupt the neighborhood. We would both enjoy the opportunity to attend a yoga or fitness class next door to our home.

Sincerely,



Chelsea Clair



Peter Livingston

AUG 01 2012

Donna Lewis  
304 East Napa Street  
Property owner for 30 years of 259 W. Spain Street

RECEIVED  
AUG 09 2012  
CITY OF SONOMA

LATE MAIL

August 9, 2012

Item # 5

City of Sonoma  
Planning Commission

To whom it may concern:

I received a notice that there was a "school" being proposed to be located in the building owned by the Congregational Church across from my building on Spain Street. Having no further description, I assumed that it would be an extension of the preschool that is already existing at this location.

Therefore I took no action at the time of receiving the notice.

Since then I have found out that there are no details about this "school" except it wants to have hours from 9 am to 9 pm.

What is this? Just something that is being proposed without letting the community have an exact description! No media notice, nothing.

What about traffic, parking etc. on Spain St?

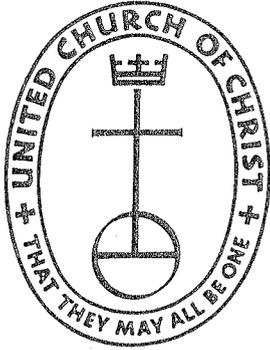
Therefore, I am saying: **Do not agree to this at this time. Please publish an exact description of the proposal, including traffic, etc, preferable in the local newspapers.**

Thank you

Sincerely,

  
Donna Lewis  
(707) 996-2446

ITEM  
LATE MAIL



FIRST CONGREGATIONAL CHURCH of SONOMA  
SONOMA VALLEY UNITED CHURCH OF CHRIST

252 West Spain St., Sonoma, California 95476  
(707) 996-1328

[www.sonomacongregational.org](http://www.sonomacongregational.org)  
[contact@sonomacongregational.org](mailto:contact@sonomacongregational.org)  
Rev. Nancy Taylor, Minister

Dear Neighbor,

The First Congregational Church of Sonoma has requested a use permit to operate a school in Burlingame Hall that will promote the physical and spiritual wellness of individuals and the community. The church anticipates movement classes, book studies, movies and lectures, lasting one or two hours.

Burlingame Hall has a long history of service to Sonoma. Vintage House got started in the hall before moving to their current location. More recently, the library used Burlingame Hall during their remodel. Many community organizations use the hall for various activities, including meetings, forums, lectures and musical events. The Church has requested a use permit so that the hall can continue to be used for the good of the entire Sonoma community.

The Sonoma Planning Commission will review our request at their meeting on August 9. In preparation for this meeting, we would like to discuss our plans with you, give you a copy of our full application, and hear your ideas about how to provide the greatest benefit to the neighborhood and the community.

We stopped at your home today but you were out. If you would like to arrange a conversation with one of our committee members, please leave a message with the church secretary, Denise Wilbanks, 996-1328. Please indicate a day and time that would be convenient for someone to drop by for a few minutes.

Thank you,

Mary Evelyn Arnold  
Moderator

AUG 07 2012

LATE MAIL

RECEIVED

Item # 5

AUG 09 2012

CITY OF SONOMA

**From:** Ron Burt <[dr.ronburt@gmail.com](mailto:dr.ronburt@gmail.com)>  
**Date:** Thursday, August 9, 2012 3:45 PM  
**To:** David Goodison <[davidg@sonomacity.org](mailto:davidg@sonomacity.org)>  
**Subject:** Neighbor's concern about new school on Spain

Hello Sir,

I live at 245 W. Spain Street. Across the street from me is a multi-use property consisting of a church, synagogue, meeting hall, day care center, and thrift shop. Now the parties that be have applied to turn Burlingame Hall into an spiritual education center. I support the community, but I'd like some support in return, or at least some basic courtesy.

In the past, little consideration has been given to we the neighbors regarding noise and parking factors. Outdoor events have occurred with and without amplified music and speeches, and street parking can be quite difficult to find during these episodes.

I support my community. The support I want in return is:

1. No amplified voices or music either inside or outside (on the lawn) Burlingame Hall.
2. That the Hall keep its doors closed during noisy functions.
3. That notices be posted on their bulletin boards and in the respective rooms requesting their patrons or students to be mindful of the residents in regards to noise and in regards to parking.

Participants should be strongly encouraged to use the facility's designated parking, and if there is not enough parking, then perhaps they need to expand their parking lot.

Has an impact study been done regarding the considered spiritual center. Both on the neighborhood, and upon the environment itself.

Thanks,

Ron Burt  
245 West Spain Street  
Sonoma  
(707) 933-9663

LATE MAIL

Item # 5

RECEIVED

AUG 09 2012

August 7, 2012

CITY OF SONOMA

TO: City of Sonoma Planning Commission

RE: Proposed Use Permit for a new School at the Congregational Church, submitted by Joan Howarth

Dear Commissioners,

We are writing this letter because we have concerns regarding the proposed new school planned for the Congregational Church property, which is located directly across the street from our home. Our concerns are primarily based on the scope of the proposed venture and the potential for negative impact due to autos entering and exiting the church property. We sought more information about these issues by searching the church website but there was no mention of the project, raising the question of whether this is a church project or a separate private, commercial venture. We have had two conversations with church members who approached us soliciting a statement of support for the project, and, although extremely affable, they were not able to answer our questions and concerns:

1. **TRAFFIC CONCERNS:** Our short lived experience with the Hall being used for a temporary Library gave us first hand observations regarding vehicular traffic and street parking. With greatly increased usage ( a proposed schedule of 12 hours a day M-F and additional hours on Saturday) we know the traffic and street parking concerns will increase and our experience has already been that:
  - An already crowded Spain St was impacted during usage of the Hall as a library as many vehicles were parked on Spain Street instead of in the provided spaces on the church property;
  - Daily near-misses happened as drivers made hasty left hand turns onto that busy street;
  - Ongoing, both right and left hand turns are often made without drivers coming to a stop, resulting in near-misses, as there is no stop sign at that exit.

IF THIS PROJECT IS APPROVED WE SUGGEST THE FOLLOWING CONDITIONS RE TRAFFIC: (1) Install both a 'stop sign' and a 'right turn only' sign at the end of the exit-driveway; (2) Enforce the 25 MPH speed limit on Spain Street (*while we realize that speeding traffic is not the church's responsibility, increased exiting and entering of cars is a potential negative impact*).

2. **USAGE CONCERNS:** We are not opposing the project, only the scope of the project. The wording of the proposed venture is vague, giving wide latitude to days and times of programming. Giving the church permission to hold 12 classes per day with 75 participants per class means a possible 900 vehicles could be exiting each day from that driveway (from the new program alone, not counting church staff, the adobe School activity, thrift store staff and customers, etc.) onto busy Spain Street. As a personal aside, headlights from each car exiting after dusk already light up our living room, den, and upstairs bedroom. Headlights from a possible 75 cars each hour (with classes lasting until 9 p.m.) will impact negatively on us as neighbors of the school.

IF THIS PROJECT IS APPROVED WE SUGGEST THE FOLLOWING CONDITIONS RE USAGE : (1) Fewer days of operation and (2) shorter hours of operation, especially in the evenings. One of the stated reasons for requesting the Use Permit is to keep the existing building properly maintained. Sixty-four hours of possible operation per week appears excessive to achieve that goal.

Respectfully and Sincerely Submitted,

Armando and Sandra Zimmermann

275 West Spain St, Sonoma, CA 95476 Phone: (707) 996-0361

**Wendy Atkins**

---

**From:** David Goodison  
**Sent:** Wednesday, August 08, 2012 12:17 PM  
**To:** Wendy Atkins  
**Subject:** FW: Use Permit for Burlingame Hall at 252 West Spain Street

RECEIVED

AUG 09 2012

CITY OF SONOMA

On 8/8/12 11:55 AM, "Jennifer Hainstock" <[jenniferhainstock@comcast.net](mailto:jenniferhainstock@comcast.net)> wrote:

>Hi David,  
>  
>Thank you for taking the time to speak to me about the above project.  
>  
>I understand the proposed school will be primarily inside Burlingame  
>Hall. I am opposed to amplified music outside, and if there is  
>amplified music inside I'd appreciate if there is a requirement that  
>the doors and windows remain shut.  
>  
>Thank you,  
>  
>Jennifer Hainstock  
>243 West Spain Street  
>  
>Sent from my iPad

Item #5  
**LATE MAIL**

**Cristina Morris**

---

**From:** David Goodison  
**Sent:** Thursday, August 09, 2012 1:41 PM  
**To:** Wendy Atkins; Cristina Morris  
**Subject:** FW: Use Permit for Burlingame Hall at 252 West Spain St.

RECEIVED

AUG 09 2012

CITY OF SONOMA

Item # 5

**LATE MAIL**

On 8/9/12 1:39 PM, "Katherine Llodra" <[familiallodra@gmail.com](mailto:familiallodra@gmail.com)> wrote:

>Hello Mr. Goodison,

>

>My name is Katherine Llodra. I live at 249 West Spain Street, directly  
>across from 252 West Spain St., with my husband and three small children.

>

>I cannot attend the meeting which will be held today regarding the Use  
>Permit for Burlingame Hall in order for a school to reside on the  
>premises from 9am to 9pm five days a week and Saturdays too, however, I  
>do want to voice my concerns.

>

>We already contend with the traffic, parking of cars and noise created  
>due to St. Francis Solano Church and School at the corner of West Napa  
>and 3rd St. West. Aside from the normal uses of the church and school;  
>when weddings, funerals, and school functions occur, the quality of our  
>neighborhood is affected.

>

>I hope you will review the entirety of the proposed school and what it  
>encompasses and then, if approved, set specific limitations to the  
>kinds of activities that take place on the premises and the number of  
>attendees accepted, in order to manage the noise and traffic/parking issues.  
>Because our driveway is on West Spain, which many drivers consider a  
>speedway to the plaza, there are dangers each day as we enter and exit  
>our driveway to make our way onto West Spain Street. Having the Sonoma  
>Library temporarily taking space in Burlingame Hall up until Spring  
>2012 was an interruption to the neighborhood because we did find that  
>although there was "plenty" of parking in the Church parking lot, the  
>cars continued to park along the streets and the level of traffic was  
>visibly higher. It has eased considerably since the Library has  
>returned to its home.

>

>Finally, with regard to the proposed school, I am opposed to any  
>outside amplified music, and if amplified music is allowed inside, that  
>the windows and doors remain shut.

>

>I thank you for your time.

>

>Sincerely,

>

>Katherine and David Llodra

>249 West Spain St.

>

>935-6564

**CITY OF SONOMA  
PLANNING COMMISSION  
REGULAR MEETING OF  
Community Meeting Room, 177 First Street West  
August 9, 2012  
MINUTES**

I hereby declare under penalty of perjury that the agenda for this meeting was posted on Friday, August 3, 2012, on the bulletin board outside the front of Sonoma City Hall, No. 1 The Plaza, and Sonoma, California. Chair Felder called the meeting to order at 6:30 p.m. in the Community Meeting Room, 177 First Street West.

**Roll Call:**

Present:	Chair Felder, Comms. Willers, George, Roberson, Tippell, Howarth, Edwards
Absent: Chair	Comm. Henevald
Others	Planning Director Goodison, Associate Planner Atkins, Administrative
Present:	Assistant Morris

Chair Felder stated that no new items would be heard after 10:30 p.m. unless the Planning Commission so decides. Any decisions made tonight can be appealed within 15 days to the City Council. He reminded everyone to turn off cell phones and pagers. Comm. George led the Pledge of Allegiance.

**COMMENTS FROM THE PUBLIC:** Barbara Page, resident, previously requested an exemption for having an additional dog and sadly reported that she has since lost all four dogs. She believes that the rules concerning dog ownership should allow some exceptions to be made.

**APPROVAL OF MINUTES:** Comm. Roberson made a motion to approve the minutes of July 12, 2012. Comm. Edwards seconded. **The motion passed 5-0.** Comm. Tippell and Chair Felder abstained.

**CORRESPONDENCE:** Late mail was received for Items #1(received at meeting) #2, #3, and #5, as well as an updated set of conditions of approval from Planner Wendy Atkins concerning item #6

**Item #1 – Public Hearing –** Continued review for an Exception from the fence/wall height standards to construct at 6-foot tall stucco wall within required front yard and street-side setbacks at 410 Fifth Street West.

**Applicant/Property Owner:** Mary Jo Hart

Associate Planner Atkins presented staff's report.

**Chair Felder opened the public hearing.**

Mary Jo Hart, applicant, responded to the issues raised in the staff report through a letter submitted at the meeting. She is requesting that accommodations be made to the existing policies for enhanced security and privacy.

Barbara Page, neighbor, is of the opinion since the applicant purchased the home with the knowledge of its condition and location, does not support the request for a fence height exception.

Nicki Naylor, resident, is familiar with the property and supports the proposal on the basis of the need for privacy.

**Chair Felder closed the public hearing.**

Comm. Edwards agreed that more privacy is needed and supports a higher wall.

Comm. Tippell is encouraged with the progress made in the revisions. He would like a mirrored curvature of the wall on the north to maintain design continuity and improve visibility at the driveway.

Comm. George prefers openness of the site but feels that having privacy is equally important. He wants the design and materials of the proposed wall to match what exists on the site.

Comm. Willers feels the property is unique and supports the wall height as proposed by the applicant. He agrees with Comm. Tippell that it is important for car and pedestrians to see each other for safety in and out of the driveway.

Comm. Roberson concurs with his fellow Commissioners comments, but would prefer the greater setback suggested by staff.

Comm. Howarth likes the efforts made by the applicant and supports staff's recommendations of moving the fence back to 4.5 feet.

Chair Felder is sympathetic to the need for a higher wall.

Comm. Edwards made a motion to approve the application with a two-foot setback, but with a curved element at the driveway mirroring the setback on the north. Comm. Tippell seconded. **The motion was approved 5-2.** Comms. Howarth and Roberson dissenting.

---

**Item #2 – Public Hearing** – Consideration of a Use Permit to convert a residence to a wine tasting facility through the adaptive re-use provisions for historic structures, including use of the rear yard area to 7 p.m. daily, in conjunction with a request to develop a parking lot on the adjacent property at 138 Church Street.

**Applicant/Property Owner:** Steve Martin Associates/Leslie and Robert Demler

Planning Director Goodison presented staff's report.

Comm. Tippell commended Planning Director Goodison for his great explanation of the proposal, which includes two parcels under the same ownership. He has done a site visit and questions the existing barriers on Church Street and the public alley. He confirmed that the future building footprint indicated on the site plan is a placeholder, not a specific proposal.

Comm. George confirms with staff that the applicant could not apply for another adaptive re-use on the vacant lot in the future.

**Chair Felder opened the public hearing.**

Bill Price, applicant, stated that he values preserving the historic quality of the Vallejo-Castenada adobe and has no plans to change the structure. He held two open house events to discuss the parking lot with gating as a possible option. The business will be closed on the weekends.

Ian Trueblood, owners' son, read a letter on behalf of his parents who have owned the property since 1997. He emphasizes their pride of ownership and assures the Commission that the caretaker role will continue with the proposal. In 1948 there was a restoration project and the most recent renovations were made in 1978.

Steve Hill, employee and original Vineyard Manager, vouches for the integrity of Three Sticks Winery and Bill Price, the current owner and founder of Three Sticks Wines and the Price Family Vineyards.

Pamela Garrant, friend of the Demler's, supports the sale of the property.

Kenneth Juhasz, winery owner and business associate of Three Sticks Winery supports the plan.

Kathleen Parks Perry, neighbor, is concerned with parking and the proposed parking lot on the vacant parcel.

Deanna Castagnasso, longtime neighbor, expressed concern with the parking lot because the alley is very narrow. Her home is nearby and she envisions safety issues and does not want garbage dumpsters. Her concern is with the future implications/use if adaptive re-use is allowed.

Nicki Naylor, adjacent property owner, expressed support for the proposed office use but is unsure about the parking proposal.

Judy Lehner, neighbor, implored the Planning Commission to disallow a parking lot because of childrens' safety.

Anita Grasso wants consideration given to the delivery trucks use of the alley.

Lea Rubin, neighbor, expressed support for the proposal and appreciates the vibrancy in the neighborhood. In her opinion, a parking lot would be beneficial.

Bill Price, applicant, responding to trash questions, says there are three recycling bins.

Leslie Demler, owner, addressed current deliveries in the area.

**Chair Felder closed the public hearing.**

Comms. Roberson and Howarth generally support the use but are concerned with parking.

Comm. Howarth appreciated hearing about employee parking.

Comm. Tippell agreed with the adaptive re-use concept but wants reduced parking and improved aesthetics. He suggested a non-commercial fence.

Comm. Willers is concerned that the Use permit runs with the land not the owner and wants to be sure that the design of any parking is in context with the historic building. Since parking impacts the neighborhood and Historic properties adjacent to commercial uses it should be carefully evaluated. He does not support a parking variance. As cited in the Secretary of Interiors Parks guidelines this significant City historic property is being used as a residence. He notes the importance of drafting the Conditions of Approval and does not favor an approval of the standard use permit.

Comm. George noted that the application involves two separate parcels. He agreed with staff's view that a parking lot could be intrusive. He is also concerned that the adaptive re-use process provides a way for businesses to gain access to a residential zone and the Planning Commission needs to be very careful in evaluating the consequences of such a change. Real estate values or the integrity of the business owner should not affect decision-making.

Comm. Edwards confirmed with Planning Director Goodison that a duplex could be developed on the vacant parcel. He is familiar with the alleyway and feels this proposal will be an improvement.

Comm. George has some fundamental issues with the proposal. He is of the opinion that additional parking spaces and a use permit would detract from the historic nature of the lot. He feels that the area is already restricted for parking and does not want any potential for a commercial venture. He noted that the ingress/egress onto West Spain Street from the alley is problematic.

Comm. Tippell made a motion to continue the item for re-evaluation of the parking lot. Comm. George seconded. Comm. George reiterated that adaptive re-use may not be necessary to support the continued preservation and maintenance of the historic residence and could introduce incompatible commercial activity into a residential zone. **Roll call vote. The motion was approved 5-2.** Comm. Edwards and Chair Felder dissenting.

---

**Item #3 – Public Hearing** – Consideration of a Music License allowing live music to be performed and recorded music played at the El Dorado Hotel and Kitchen in association with special events at 405 First Street West

**Applicant/Property Owner:** Treg Finney/EDI Associates LP

Associate Planner Atkins presented staff's report.

**Chair Felder opened the public hearing.**

Treg Finney, Manager, stated that the hotel strictly caters to special events such as wedding rehearsals, cocktail receptions outside with light music, and partnerships with local businesses. The hotel business revenue benefits the City. He noted that the latest noise complaint was in 2011. The hotel has a vested interest in managing the space and will work with the neighbors, in particular Sunflower Café.

Comm. Howarth confirms with the applicant that the musical instruments will be limited to harp, piano, guitar, and violins.

**Chair Felder closed the public hearing.**

Kathleen Parks Perry, immediate neighbor, lives and works nearby and appreciates that the Sunflower Cafe retracted their application. She questions how to monitor the amplified music outside, but feels that the EDK's proposal is reasonable.

Comm. Edwards thinks limiting music to 8 p.m. would be too early for the nature of these outdoor special events.

Comm. Roberson believes 9 p.m. would work, while allowing only light instruments; no brass or drums.

Comm. George thinks this is a great example of the value of the licensing concept initiated by Comm. Howarth. Licenses are annually regulated with a mid-year review. He noted that under this process, the license could begin with an 8 p.m. limit and if it seemed to work, a 9 p.m. limit could be considered in a subsequent review.

Comm. Roberson made a motion to approve with an amendment to allow outdoor music until 8 p.m. Comm. Tippell seconded. **The motion was unanimously approved 7-0.**

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**Item #4 – Public Hearing** – Consideration of a Music Venue License allowing live music to be performed at the Community Café and Annex Wine Bar at 865 and 875 West Napa Street.

**Applicant/Property Owner:** Margi Brooke/Margaret and Dale Haskin

Comm. Edwards recused due to business interests and left the room.

Planning Director Goodison presented staff's report.

**Chair Felder opened the public hearing.**

Margi Brooke, applicant, described her proposal.

Anthony Haus, a neighboring commercial/residential property owner, expressed concerned with the music permit allowing music five days week. He would like additional limitations on the number of events and time limits included. He is not concerned with the indoor music.

Planning Director Goodison explained that the noise ordinance would limit the volume of music outside.

Comm. Howarth confirms with Mr. Haus that he was not concerned with indoor music, with the caveat that the doors be kept closed.

Planning Director Goodison clarified that the proposal was intended to give the applicant flexibility for the days that music can be offered. The Planning Commission could tighten up the conditions.

Margi Brooke, applicant, says her intent is not to have music five days a week but rather would like the flexibility to choose the days and times for special events.

**Chair Felder closed the public hearing.**

Comm. Tippell made a motion to approve subject to the conditions of approval. Comm. George seconded. **The motion was approved 6-0.**

**Comm. Edwards returned to the dais.**

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**Item #5 – Public Hearing** – Consideration of a Use Permit to operate a school within Burlingame Hall at 252 West Spain Street

**Applicant/Property Owner:** First Congregational Church of Sonoma

Comm. Howarth noted that he is not a member of the First Congregational Church of Sonoma and that he does not have a conflict of interest with respect to this application.

Associate Planner Atkins presented staff's report, including the revised conditions of approval.

**Chair Felder opened the public hearing.**

Roger Wright, church member, stated that they would comply with staff recommendations for the use of Burlingame Hall and would disallow outdoor music. The library recently used the space temporarily. The intention for the request is for formal approval to permit adult classes to be offered.

Comm. Tippell confirmed with the applicant that special events are scheduled on an as needed basis and that the venue would still be available for that purpose.

Comm. George confirmed that there is a financial benefit to the First Congregational Church.

Rev. Carol Barriger, Minister at First Congregational Church, spoke in favor of the application, stating that the allowance for classes was in alignment with the goals and philosophy of the church to promote physical and spiritual wellness.

Armando Zimmerman, neighbor, notes that driveway cutouts are not red-marked and cars encroach on the driveways. The potential is for many additional cars to use the lot in conjunction with the proposed classes. He stated that he had spoken to four neighbors who were under the impression that the proposal would not be such an intense use. According to the postcard notices, one might assume that it was supposed to enhance the existing Adobe pre-school, which is misleading. He feels that parking enforcement will be an issue since the Burlingame lot is private property. Mr. Zimmerman stated that approving on-going classes would be a big change that would be very hard to scale back. The project has the potential for an increase in traffic and noise that is negative. He respectfully requests that more consideration and evaluation be given to the proposal before a decision is made.

Jennifer Hainstock, neighbor, is concerned that there are not enough limitations on the conditions of approval. She suggested that this proposal be consolidated with the pre-school use permit. She expressed concerns that amplified music may still be allowed outside, along with noise issues when windows are open at Burlingame Hall. She recommended that future Public Noticing mailings state that email is an accepted means of providing written comments.

Sandra Zimmerman, neighbor, is concerned with safety issues as much as the use of the venue for classes. She recommends limiting the number of classes to reduce traffic problems. In her opinion cars make dangerous left turns onto West Spain Street and more cars in the area will be problematic.

Roger Wright, church member, mentions that he attempted to contact all 30 neighbors on the street by distributing letters at their residences. He wants to be a good neighbor and integrate into the community.

**Chair Felder closed the public hearing.**

Planning Director Goodison explained that Old Adobe Pre-school was granted a Temporary Use Permit for an outdoor music fundraiser that received several noise complaints from the neighbors. The Conditions of Approval for this request could be expanded to require that a traffic safety form be submitted to the Traffic Safety Committee requesting additional red-curbings at the driveway cuts. He suggested that limiting the number of allowed classes could address several of the concerns raised by neighboring residents.

Comm. George confirmed with staff that the Old Adobe Pre-school already has a separate use permit and that a school is an allowable use in a residential zone. He noted that the Church renting space at Burlingame Hall has a financial benefit, which is not in and of itself a Development Code issue. However, he is concerned that this proposal essentially introduces a business activity into a residential zone, creating adverse consequences for neighboring residents.

Comm. Howarth confirmed that a stop sign on private property cannot be enforced by the Police Department. He agreed that improved markings to delineate the exit driveway cut would be desirable.

Comm. Roberson agrees with Mr. Zimmerman's view that introducing classes is a big step and he felt that reducing hours and the number of classes per day is necessary in order to address neighbor concerns. He is disappointed that there are no bike lanes on West Spain as it would alleviate some of the parking and visibility issues.

As a starting point for discussion, Planning Director Goodison suggested limiting classes to three per day.

Comm. Edwards stated that past events have been community-based and that Burlingame Hall has been underutilized. He views the applicant's proposal as wanting to open up the venue to accommodate regular classes and activities that are desired by the community. In light of the restrictions of the Urban Growth Boundary, making greater use of existing venues is necessary and desirable. He does not believe that overly-restricting hours in public venues is a good idea.

Chair Felder agreed that limiting the number of classes is necessary.

Comms. Roberson noted that the proposed use permit is limited to a request to offer regularly scheduled classes.

Comm. Howarth expressed the view that providing a connection to the Fifth Street exit was important.

Comm. George expressed the view that even with the limits on the number of classes proposed by other Commissioners, he would like to see more information as to the nature of the proposed activities. He is not convinced that the proposal represents a "school" in the way that he understands the concept.

Comm. Roberson made a motion to approve the use permit subject to the amended conditions of approval presented by staff and an additional condition limiting the use to no more than three on-going classes per day. Comm. Edwards seconded. **The motion was approved 5-2.** (Comms. Tippell and George dissenting).

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**Item #6 – Public Hearing – Study session on a proposal to redevelop the property with a parking lot for the Sonoma Valley Center at 405 Fifth Street West**

**Applicant/Property Owner: Sonoma Valley Center, LLC/Rose and Demetrios Giannis**

Planning Director Goodison presented staff's report.

**Chair Felder opened the public hearing.**

Suzanne Houston, shopping center manager, stated that the additional parking would serve employees and with this designation some of the ingress/egress concerns should be alleviated, as well as parking encroachment on side streets.

Comm. Tippell is concerned with the prospect of bright lights bothering residential neighbors. He recommended considering the use of interlocking pavers to help with storm water drainage.

Comm. Roberson confirmed that the applicant has received Design Review Commission approval for a new monument sign at the corner and suggested that signage should not be proposed in conjunction with the new parking area if it is implemented. More landscaping and shielded lighting would be an improvement.

Comm. Roberson confirmed with the applicant that there is an estimated 60-100 employees daily and that the net gain in parking is 38 spaces after the parking lot expansion.

Comm. Willers is of the opinion that there is a way to accommodate the shopping center's needs while improving the visual presence, especially along Fifth Street West. He recommends a U-shape circulation design with a landscape zone as described by Comm. Edwards and provided a sketch illustrating how this could be implemented.

**Chair Felder closed the public hearing.**

Comms. Tippell and Roberson suggested installing bike racks and encouraged the applicant to contact the Bicycle Coalition with regard to design approaches.

Chair Felder concluded the study session by asking the applicant to consider the issues that had been raised or may apply to the project.

**Issues Update:**

1. The Chateau Sonoma Hotel proposal Study Session will be held on August 23<sup>rd</sup> at 6:30 p.m.

2. The Mission Square EIR is being updated with a proposal expected to be submitted for review shortly.

**Comments from the Audience: None**

Motion to adjourn: Comm. Edwards made a motion to adjourn the meeting and Comm. Tippell seconded.

**Adjournment:** The meeting adjourned at 10:45 p.m. to the next regular meeting scheduled for 6:30 p.m. on Thursday, September 13, 2012.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Planning Commission on the 13th day of September 2012.

Approved:

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Cristina Morris, Administrative Assistant

AMMENDED FINAL 09/11/12

City of Sonoma Planning Commission  
**CONDITIONS OF PROJECT APPROVAL**  
First Congregational Church School Use Permit – 252 West Spain Street

August 9, 2012

1. The school shall be operated in substantial conformance with the application, project narrative, the staff report, with a maximum class size of 75 students, and hours of operation of 9 a.m. to 9 p.m., Monday through Friday, and 9 a.m. to 1 p.m. on Saturdays.

*Enforcement Responsibility:* Planning Division; Building Division  
*Timing:* Ongoing

2. All applicable Fire Department requirements shall be met prior to occupancy.

*Enforcement Responsibility:* Fire Department  
*Timing:* Ongoing

3. All signs shall be subject to the City of Sonoma Sign Ordinance.

*Enforcement Responsibility:* Planning Division; DRC  
*Timing:* Prior to operation

4. No amplified voices or music shall be allowed outside Burlingame Hall (including the lawn area).

*Enforcement Responsibility:* Planning Division  
*Timing:* Ongoing

5. If amplified voices or amplified music occur inside Burlingame Hall, the doors and windows shall remain closed.

*Enforcement Responsibility:* Planning Division  
*Timing:* Ongoing

6. Notices shall be posted on existing bulletin boards and in Burlingame Hall requesting patrons or students be mindful of the residents in regards to noise and in regards to parking.

*Enforcement Responsibility:* Planning Division  
*Timing:* Ongoing

7. The use shall operate in compliance with the noise limits and standards of the City's Noise Ordinance.

*Enforcement Responsibility:* Planning Division  
*Timing:* Ongoing

8. The school shall be limited to no more than three on-going classes per day.

*Enforcement Responsibility:* Planning Division  
*Timing:* Ongoing



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

City Council Agenda Item: 8A

Meeting Date: 10/1/12

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**Department**

Administration

**Staff Contact**

Linda Kelly, City Manager

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**Agenda Item Title**

Overview of Statewide Pension Reform Legislation, AB 340, requested by Councilmember Gallian

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**Summary**

Councilmember Gallian has requested an overview of the pension reform bill. Nancy Hall Bennett of the League of California Cities is scheduled to provide a 10-minute overview of recently signed State legislation AB 340, which mandates pension reform effective January 1, 2013. This item was scheduled under regular business instead of presentations to allow more time for questions and answers.

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**Recommended Council Action**

Receive overview.

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**Alternative Actions**

Council discretion.

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**Financial Impact**

The precise immediate financial impact to the City of Sonoma as a result of the Statewide Pension Reform Legislation is unknown at this time, as most provisions do not apply to existing employees. As new employees who have not been prior members of CalPERS are hired, savings would take place as they are hired at the new tier mandated by this legislation. Further information will be provided to the City Council regarding financial impacts as the legislation is analyzed. Staff understands that CalPERS will be issuing emergency regulations in November 2012 pertaining to agencies implementing AB 340. Thus, more information regarding the application of the bill will be forthcoming.

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**Environmental Review**

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

**Status**

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

**Attachments:**

League of California Cities announcement regarding signing of legislation  
League of California Cities comparison of League policy and AB 340

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cc: Nancy Hall Bennett, League of California Cities, via email

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League of California Cities

# Governor Signs Historic Pension Reform Legislation Today

*September 12, 2012*

This morning, Gov. Jerry Brown signed AB 340 (Furutani), the League-supported pension reform legislation passed by the Legislature with large margins on the last night of session.

The signing ceremony took place in Los Angeles and included Speaker John Pérez (D-Los Angeles), Senate President Pro Tem Darrell Steinberg (D-Sacramento) and Assembly Member Cameron Smyth (R-Santa Clarita).

CalPERS estimates that the reforms, which apply to all public employers and pension plans with the exception of University of California as well as charter cities and charter counties that do not participate in CalPERS or the 37 Act System, will save \$42 – 55 billion over the next 30 years.

Moody's Investment Service issued a report on Monday, Sept. 10, stating that the reforms would be positive for both the state and local governments that are in CalPERS.

AB 340, which goes into effect on Jan. 1, makes changes to public employee pensions including establishing a cap on the amount of salary that can be used to calculate retirement benefit, raising the retirement age for both public safety and miscellaneous employees, implementing cost-sharing, using the average of the final three years to calculate final compensation, implementing a 180 day sit-out period for retired persons to return to work in the retirement system in which they receive a pension, defines "pension compensation," a pension forfeiture requirement for public employees convicted of committing a felony in connection with their job, the elimination of airtime, pension holidays and pension spiking.

The League has prepared a [side-by-side analysis](#) of the plan and the pension reform plan adopted by the League board of directors in July 2011.

Moody's report is available [online](#).

## **Comparing League Policy and the Conference Committee Report on Public Employee Pensions (Conference Report)**

AB 340 (Furutani) was amended Aug. 28, 2012 and is intended to implement comprehensive pension reform through the enactment of the California Employees' Pension Reform Act of 2013 (PEPRA) as well as other statutory changes.

This proposal applies to all public employers and pension plans on or after Jan. 1, 2013 with the exception of the University of California, as well as charter cities and charter counties that do not participate in the California Public Employees' Retirement System (CalPERS) or the 37' Act System including the cities of Los Angeles, San Francisco, Fresno, San Diego, and San Jose. The proposal also excludes any retirement plan approved by the voters of any entity before Jan. 1, 2013.

Questions have been raised about whether the pension reform proposal applies to current or new employees. The short answer is that most of the provisions in the package apply to new employees while some of the provisions apply to current employees. Please see the attached Addendum A for that information.

The following is a comparison of League policy that was adopted by the League board of directors in July 2011. The Conference Report addresses the issues listed in the chart below.

<b>Pension Proposal</b>	<b>Does League Policy and Conference Report Align?</b>
Cap pensionable income	X No
Increased retirement ages	✓ Yes
New cost sharing authority	✓ Yes
Prohibit pension spiking/ 3-yr. avg.	✓ Yes
Eliminate double dipping	✓ Yes
Base retirement on regular, recurring pay	✓ Yes
Forfeit pension benefits upon felony conviction	X No
Eliminate airtime	✓ Yes
Eliminate retroactive benefit increases	✓ Yes
Eliminate pension holidays	✓ Yes

## 1. PENSIONABLE COMPENSATION CAP & HYBRID

	Proposal	Align?
<b>Pension Reform Package</b>	<p>Establishes a cap on the amount of compensation that can be used to calculate a retirement benefit for all new members of a public retirement system equal to the Social Security wage index limit (\$110,100) for employees who participate in Social Security or 120% of that limit (\$132,120) if they do not participate in Social Security. [GC. Sect. 7522.10 (c)]</p> <p>Adjustments to the cap are required annually based on changes to the Consumer Price Index (CPI) for all Urban Consumers. [GC. Sect. 7522.10 (d)(1)]</p> <p>Authorizes the Legislature to modify the CPI prospectively. [GC. Sect.7522.10 (d)(2)]</p> <p>Prohibits employers from offering a defined benefit or any combination of defined benefits, including a privately provided defined benefit, on compensation in excess of the new cap. [GC. Sect.7522.10 (e)]</p> <p>Authorizes employers to make contributions to a defined contribution plan for employees so long as the plan and contributions meet federal limits and requirements. [GC. Sect. 7522.10 (f)(1)]</p> <p>Except that employer contributions made to a defined contribution plan for an employee above the cap is limited. [GC. Sect. 7522.10 (g)] *See attached Addendum B for further explanation.</p> <p>Provides that a contribution made by an employer to an employee's deferred contribution plan is not a vested right. [GC. Sect. 7522.10 (f)(2)]</p> <p>Prohibits employers from providing new members with a supplemental defined benefit plan. [GC. Sect. 7522.18 (a)(b)]</p> <p>Prohibits employers from making contributions for new members to any qualified retirement plan on pensionable compensation above the amount specified in Section 401(a)(17) of Title 26 of the United State Code (\$250,000). [GC. Sect. 7522.42 (a)]</p>	

<b>League Policy</b>	Provide employers with a hybrid pension system <u>option</u> that caps the defined benefit PERS pension at an annual maximum retiree benefit equal to 70 percent of the retiring employees' eligible base pay and supplement the defined benefit plan with a risk managed PERS defined contribution plan. A defined contribution plan should integrate with a defined benefit plan not substitute for it.	
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<b>Differences</b>	<p>League policy and the Conference Report diverge considerably on this particular issue. League policy suggests that employees should be guaranteed a percentage of their income when they retire provided by a defined benefit plan and that any defined benefit plan should be substituted with a professionally managed defined contribution plan.</p> <p>The Conference Report does not guarantee a percentage of income replacement. Instead it caps pensionable compensation for the defined benefit and does not provide a guaranteed hybrid option. However, it permits employers to provide defined contribution plans above the new defined benefit structure. The plan also seems to limit employer contributions that can be made to a defined contribution plan for highly compensated employees.</p>	
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## 2. INCREASE RETIREMENT AGE & NEW FORMULAS

<b>Proposal</b>		<b>Align?</b>
<b>Pension Reform Package</b>	<p>Increases retirement ages for new members.</p> <p>The formula option for miscellaneous members will be 2% at 62. The formula will be adjusted to encourage longevity. The formula will be adjusted to a maximum retirement factor of 2.5% at age 67. [GC. Sect. 7522.20 (a)]</p> <p>There will be three formula options offered to safety members including: 2% at 57; 2.5% at 57; and 2.7% at 57. [GC. Sect. 7522.25 (a)(b)(c)(d)]</p>	
<b>League Policy</b>	<p>Give government agencies through the collective bargaining process the option to extend retirement ages for miscellaneous employee up to social security retirement ages.</p> <p>Seek minimum (floor) retirement age of 60 for miscellaneous employees and 55 for safety employees before earning full retirement benefits.</p> <p>Repeal SB 400/AB 616 formulas returning to more sustainable PERS benefit formulas.</p>	

	Provide a broader range of formula choices with lower benefit local options for all types of member classes.	
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<b>Differences</b>	While League policy and the Conference Report do not align exactly on this issue, League policy overall supports an increase in retirement age including repeal of the SB400/AB 616 formulas.
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### 3. COST SHARING & EMPLOYER PICK-UP

<b>Proposal</b>		<b>Align?</b>
<b>Pension Reform Package</b>	<p>Requires new members to pay at least 50% of normal cost and prohibits employers from paying this contribution on the employee's behalf. [GC. Sect. 7522.30 (c)]</p> <p>Provides that new members can pay more than 50% of the normal cost if the increase has been agreed to in collective bargaining and under the following conditions:</p> <ul style="list-style-type: none"> <li>(1) An employer is prohibited from contributing a greater rate to the plan for non-represented, managerial, or supervisory employees than the employer contributes to other public employees.</li> <li>(2) An employer can only increase employee contribution rates if agreed to in a memorandum of understanding (MOU) that has been collectively bargained.</li> <li>(3) An employer cannot use impasse procedures to implement greater cost sharing above the 50% of normal cost.</li> </ul> <p>[GC. Sect.7522.30 (e)(1)(2)(3)]</p> <p>Authorizes employers to require (subject to good faith bargaining) after Jan. 1, 2018 current employees to pay at least 50% of the normal cost so long as the employee contribution does not exceed 8% for miscellaneous, 12% for police and fire, and 11% for all other local safety members. [GC. Sect. 20516.5 (b)(c)]</p> <p>Authorizes employers and employees to agree to share the costs of the employer contribution and prohibits the use of impasse procedures from being used to implement a cost sharing arrangement on any contribution amount above what is required in law. [GC.Sect. 20516 (a)(b)]</p> <p>Member cost sharing under GC. Sect. 20516 may be bargained on a unit-by-unit basis if agreed to in an MOU. [GC. Sect. 20516(c)]</p>	

<b>League Policy</b>	<p>Give employers greater flexibility at the collective bargaining table to get at current costs of employee pensions including unfunded liabilities. Allow for greater cost sharing mechanisms in the PERL that do not currently exist.</p> <p>Require that employees pay the employee share of PERS (e.g. 7-8% for miscellaneous employees and 8-9% for safety employees.) Also eliminate the availability of Employer Paid Member Contributions (EPMC)</p>	
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<b>Differences</b>	<p>No major differences. League policy and the Conference Report align closely on this issue. The Conference Report gives local employers greater flexibility to share costs with current and future employees.</p> <p>First, after Jan.1, 2018 local employers can require current employees to pay 50% of the normal cost subject to limits and collective bargaining. The report also gives employers greater flexibility to bargain with current employees over paying a portion of the employer contribution. This strengthens the statutory framework for cost sharing arrangements between employers and employees on sharing a portion of the employer's costs.</p> <p>Second, the plan requires that new employees pay one-half of the normal cost.</p> <p>Third, the measure prohibits employer pick-up of the new member's normal cost contribution.</p>
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#### 4. PROHIBIT PENSION SPIKING

<b>Proposal</b>		<b>Align?</b>
<b>Pension Reform Package</b>	<p>Requires for new members that final compensation shall be calculated on the highest average annual pensionable compensation earned by a member during a period of at least 36-consecutive months. [GC. Sect. 7522.32 (a)]</p> <p>This is otherwise known as the 3-year average.</p>	
<b>League Policy</b>	<p>Base final retirement salary on three highest paid years worked.</p>	

<b>Differences</b>	<p>No major differences.</p>
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## 5. RESTRICTIONS ON RETIREES

Proposal		Align?
<b>Pension Reform Package</b>	<p>Requires newly retired persons to sit out for at least 180 days before returning to work for an employer in the same retirement system that which they receive a retirement allowance. [GC. Sect. 7522.56 (f)]</p> <p>An exception can be made if the governing body certifies that the nature of the employment and that the appointment is necessary to fill a critically needed position and the 180 days has not yet passed. This also requires governing body approval in a properly noticed public meeting and cannot be placed on a consent calendar. [GC. Sect.7522.56 (f)(1)]</p> <p>This 180-day sit out rule does not apply to a public safety officer or firefighter. [GC. Sect. 7522.56 (f)(4)]</p> <p>Provides that a retiree that accepted a retirement incentive (e.g., handshake or cash incentive) upon retirement must sit out the 180 days and the exception cannot be used. [GC. Sect. 7522.56 (g)]</p>	
<b>League Policy</b>	Allow retired annuitants to work for CalPERS agencies under contract or appointment by a local agency	

<b>Differences</b>	League policy in this area has always been very broad to allow employers to use retired annuitants because in many cases it can be a cost saving measure. However, when several pension bills were being considered a year ago in the Legislature the proposal before us was an outright 6-month restriction. The proposal in the Conference Report represents a deal struck with CSAC and the League to allow local agencies to bring back retirees when a need was evident.
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## 6. BASE RETIREMENT ALLOWANCE ON REGULAR, RECURRING PAY

Proposal		Align?
<b>Pension Reform Package</b>	<p>Defines “pension compensation” for a new member of any public retirement system as the normal monthly rate of pay or base pay of the member paid in cash to similarly situated members of the same group or class of employment for services rendered on a full-time basis during normal working hours, pursuant to a publically available pay schedule. [GC. Sect.7522.34 (a)]</p> <p>Also provides that pension compensation does not include:</p> <ul style="list-style-type: none"> <li>• compensation paid to enhance a retirement benefit;</li> <li>• compensation previously provided “in-kind” and converted to cash in the final comp period;</li> <li>• one-time or ad hoc payments;</li> <li>• terminal pay;</li> <li>• pay for unused sick leave or time off;</li> <li>• pay for work outside of normal hours; any employer provided allowance including uniform, housing, vehicle allowances;</li> <li>• pay for overtime, except planning overtime, extended duty workweek, or pay defined in federal labor code section 207(k) of Title 29 of the United States Code. [GC. Sect.7522.34 (c)(1-12)]</li> </ul>	
<b>League Policy</b>	<p>Supports calculating benefits only on base salary eliminating all “spiking.” No overtime, vacation or sick leave should be included in the pension calculation. Eliminate the CalPERS contract option to include Employer Paid Member Contributions (EPMC) in the calculation of an employees’ base pay for retirement purposes.</p>	

<b>Differences</b>	No major differences.
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## 7. FORFEIT PENSION BENEFITS UPON FELONY CONVICTION

Proposal		Align?
<b>Pension Reform Package</b>	<p>Requires public officials and employees to forfeit pension benefits if they are convicted of a felony related to the performance of official duties, related to seeking an elected office or appointment, in connection with obtaining salary or pension benefits, or committed against a child who the official or employee has contact with as part of his or her official duties. [GC. Sect.</p>	

	<p>7522.72 (b)(1) and (2), (c)(1); GC. Sect. 7522.74 (b)(1) and (2), (c)(1)]</p> <p>Only pensions benefits earned or accrued after the earliest date of the commission of the felony are subject to forfeiture. Benefits earned or accrued prior to this date are not subject to forfeiture [GC sec. 7522.72(c); GC sec. 7522.74(c)]</p> <p>These provisions apply to employees hired both before and after January 1, 2013. [GC. Sect. 7522.72 (a); GC. Sect. 7522.74 (a)]</p>	
<b>League Policy</b>	To the extent permitted by federal and state law prohibit payment of pension benefits to a public employee convicted of a felony related to fraudulently enhancing those benefits.	

<b>Differences</b>	Both the Conference report and League policy address felonies that arise in connection with fraudulently obtaining pension benefits. The report goes beyond this by including felonies committed in obtaining disability retirement or “other benefits”. The report further goes beyond the League policy and addresses felonies that arise out of or in the performance of one’s official duties, felonies in the pursuit of office or appointment, or felonies committed against children by employees who come in contact with the child as part of their official duties.
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## 8. ELIMINATE AIRTIME

Proposal		Align?
<b>Pension Reform Package</b>	Prohibits a public retirement system from allowing the purchase of unqualified service credit. [GC. Sect. 7522.46(a)]	
<b>League Policy</b>	Supports eliminating the purchase of “air time” (purchase of time not served)	

<b>Differences</b>	No major differences.
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## 9. PROHIBIT RETROACTIVE BENEFIT INCREASES

Proposal		Align?
<b>Pension Reform Package</b>	Requires that any retirement enhancements to formulas or benefits must occur prospectively and not retroactively. [GC. Sect. 7522.44]	

<b>League Policy</b>	Prohibit retroactive benefit increases.	
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<b>Differences</b>	No major differences.	
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### 10. PROHIBIT PENSION HOLIDAYS

<b>Proposal</b>		<b>Align?</b>
<b>Pension Reform Package</b>	<p>Prohibit all employers from suspending employer and/or employee contributions necessary to fund annual pension normal costs. [GC. Sect. 7522.52(a)]</p> <p>Allows a public retirement system to suspend contributions under limited circumstances:</p> <ul style="list-style-type: none"> <li>• The plan is funded more than 120%</li> <li>• The excess earnings could result in disqualification of plans tax deferred status</li> <li>• The board finds that additional contributions would conflict with its fiduciary responsibility</li> </ul> <p>[GC. Sect. 7522.52 (b)(1)(2)(3)]</p>	
<b>League Policy</b>	Prohibit employers and employees from taking contribution "holidays."	

<b>Differences</b>	No major differences.	
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**Which proposals apply to current and new employees?**

The new benefit plan required by this proposal applies to public employees who are “new members.” A New member includes:

- 1) An individual who has never been a member of any public retirement system prior to Jan. 1, 2013.
- 2) An individual who moved between retirement systems with more than a 6-month break in service.
- 3) An individual who moved between public employers within a retirement system after more than a 6-month break in service.

Provides that individuals who are employed by any public employer before Jan. 1, 2013 and who become employed by another reciprocal public employer after the reforms proposed in SB 340 take effect will be offered the retirement plan given to employees by the subsequent employer before SB 340 takes effect.

<b>Proposal</b>	<b>Current Employees</b>	<b>New Members</b>
<b>Pension Cap</b>		✓
<b>Increase Retirement Age</b>		✓
<b>Cost Sharing</b>	✓	✓
<b>3-Yr Average</b>		✓
<b>Retiree Restrictions/6-month sit out</b>	✓	✓
<b>Final Comp Reg. Pay</b>		✓
<b>Felony Forfeiture</b>		✓
<b>Eliminate Airtime</b>	✓	✓
<b>No Retroactive Increases</b>		✓
<b>No Pension Holidays</b>	✓	✓

**Addendum B**

**Maximum Overall Cap on Combined Defined Benefit and Defined Contribution Payments to Employees Over \$110,000**

GC 7522.10 (g) in AB 340 (p. 12 – 13) reads as follows:

(g) Any employer contributions to any employee defined contribution plan above the pensionable compensation limits in subdivision (c) shall not, when combined with the employer’s contribution to the employee’s retirement benefits below the compensation limit, exceed the employer’s contribution level, as a percentage of pay, required to fund the retirement benefits of employees with income below the compensation limits.

Examples of what this means:

<b>Employer’s Contribution as % of Salary</b>	<b>10%</b>	<b>15%</b>	<b>20%</b>
<b>To Employees Below 110,000 DB Pension Cap</b>			
<b>Maximum Contribution to \$250,000 employee</b>			
(D.B.) First \$110,000 salary	\$11,000	\$16,500	\$22,000
(D.C.) Next \$140,000 salary	<u>\$14,000</u>	<u>\$21,000</u>	<u>\$28,000*</u>
<b>TOTAL</b>	\$25,000	\$37,500	\$50,000

*\*Current federal limit on employer contributions to D.C. Plan: \$50,000*



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

**City Council Agenda Item: 8B**

**Meeting Date: 10/1/12**

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**Department**

Administration

**Staff Contact**

Linda Kelly, City Manager

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**Agenda Item Title**

Discussion, consideration and possible adoption of a resolution expressing support for the California Right to Know Genetically Engineered Food Act of 2012, Proposition 37, which requires labeling of genetically engineered food, requested by Mayor Pro Tem Brown.

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**Summary**

Mayor Pro Tem Brown is requesting Council support for a resolution supporting Proposition 37 on the November 2012 Statewide ballot, the California Right to Know Genetically Engineered Food Act of 2012 that requires labeling of genetically engineered food.

More information is available on the Right to Know website:

<http://www.carighttoknow.org/>

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**Recommended Council Action**

Council discretion.

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**Alternative Actions**

Council discretion.

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**Financial Impact**

N/A for the preparation of a resolution.

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**Environmental Review**

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

**Status**

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

**Attachments:**

Sample resolution from Town of Fairfax  
California Secretary of State Information on Prop. 37  
Text of Proposition 37

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**cc:**

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**RESOLUTION NO.**

**A RESOLUTION OF THE FAIRFAX TOWN COUNCIL OF THE  
TOWN OF FAIRFAX IN SUPPORT OF PROPOSITION 37-THE  
CALIFORNIA RIGHT TO KNOW  
GENETICALLY ENGINEERED FOOD ACT**

WHEREAS, the process of genetic engineering of foods can result in material changes which impact its nutritional value and dietary safety; and,

WHEREAS, California consumers overwhelmingly support labeling of food products in order to be informed whether they contain genetically engineered material; and,

WHEREAS, there are a variety of consumer concerns associated with genetically engineered foods including the potential transfer of allergens to food, religiously and ethically based dietary restrictions; and other health and safety concerns; and,

WHEREAS, there are also well documented potential environmental risks associated with genetically engineered crops including increased herbicide use on herbicide resistant crops; deleterious effects on native fauna and soil biology; inadvertent creation of “super weeds” which require larger and more potent applications of herbicides; and,

WHEREAS, labels voluntarily placed on food products are insufficient to provide consumers with adequate information on whether or not the food they are purchasing contains or was produced with genetically engineered material; and,

WHEREAS, consumers have a legal right to know what they are eating under the 1992 U.S. Food, Drug and Cosmetic Act which states labeling is misleading if it fails to reveal “material” facts; and,

WHEREAS, 50 other countries have some form of mandatory labeling of Genetically Engineered food; and,

WHEREAS public health and consumer groups are concerned that genetically engineered crops have contaminated native and related species and that genetically engineered seeds can be spread by wind, insects or birds, contaminating conventional and organic food crops; and,

WHEREAS, it is a fundamental human right to know the content of one’s food and to make informed decisions based upon personal health and other factors.

NOW, THEREFORE, BE IT RESOLVED that the Fairfax Town Council declares support for the *California Right to Know Genetically Engineered Food Act of 2012* that requires labeling of genetically engineered food.

The foregoing Resolution was adopted at a regular meeting of the Town of Fairfax held in said Town on the 1st day of August 2012, by the following vote, to wit:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
PAM HARTWELL-HERRERO, MAYOR

Attest:

\_\_\_\_\_  
Judy Anderson, Town Clerk

# CA Secretary of State

## PROP

# 37

## GENETICALLY ENGINEERED FOODS. LABELING. INITIATIVE STATUTE.

### SUMMARY

#### Put on the Ballot by Petition Signatures

Requires labeling of food sold to consumers made from plants or animals with genetic material changed in specified ways. Prohibits marketing such food, or other processed food, as “natural.” Provides exemptions. Fiscal Impact: Increased annual state costs from a few hundred thousand dollars to over \$1 million to regulate the labeling of genetically engineered foods. Additional, but likely not significant, governmental costs to address violations under the measure.

### WHAT YOUR VOTE MEANS

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**YES** A YES vote on this measure means: Genetically engineered foods sold in California would have to be specifically labeled as being genetically engineered.

**NO** A NO vote on this measure means: Genetically engineered foods sold in California would continue not to have specific labeling requirements.

### ARGUMENTS

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**PRO** Proposition 37 gives us the right to know what is in the food we eat and feed to our families. It simply requires labeling of food produced using genetic engineering, so we can choose whether to buy those products or not. We have a right to know.

**CON** Prop. 37 is a deceptive, deeply flawed food labeling scheme, full of special-interest exemptions and loopholes. Prop. 37 would: create new government bureaucracy costing taxpayers millions, authorize expensive shakedown lawsuits against farmers and small businesses, and increase family grocery bills by hundreds of dollars per year. [www.NoProp37.com](http://www.NoProp37.com)

### FOR ADDITIONAL INFORMATION

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**FOR**

Gary Ruskin

California Right to Know

5940 College Avenue

Oakland, CA 94618

(213) 784-5656

[GaryR@CARightToKnow.org](mailto:GaryR@CARightToKnow.org)

[www.CARightToKnow.org](http://www.CARightToKnow.org)

**AGAINST**

NO Prop. 37, Stop the Deceptive Food Labeling Scheme

(800) 331-0850

[info@NoProp37.com](mailto:info@NoProp37.com)

[www.NoProp37.com](http://www.NoProp37.com)

(2) *The petitioner’s disciplinary record and record of rehabilitation while incarcerated; and*

(3) *Any other evidence the court, within its discretion, determines to be relevant in deciding whether a new sentence would result in an unreasonable risk of danger to public safety.*

(h) *Under no circumstances may resentencing under this act result in the imposition of a term longer than the original sentence.*

(i) *Notwithstanding subdivision (b) of Section 977, a defendant petitioning for resentencing may waive his or her appearance in court for the resentencing, provided that the accusatory pleading is not amended at the resentencing, and that no new trial or retrial of the individual will occur. The waiver shall be in writing and signed by the defendant.*

(j) *If the court that originally sentenced the defendant is not available to resentence the defendant, the presiding judge shall designate another judge to rule on the defendant’s petition.*

(k) *Nothing in this section is intended to diminish or abrogate any rights or remedies otherwise available to the defendant.*

(l) *Nothing in this and related sections is intended to diminish or abrogate the finality of judgments in any case not falling within the purview of this act.*

(m) *A resentencing hearing ordered under this act shall constitute a “post-conviction release proceeding” under paragraph (7) of subdivision (b) of Section 28 of Article I of the California Constitution (Marsy’s Law).*

**SEC. 7. Liberal Construction:**

*This act is an exercise of the public power of the people of the State of California for the protection of the health, safety, and welfare of the people of the State of California, and shall be liberally construed to effectuate those purposes.*

**SEC. 8. Severability:**

*If any provision of this act, or the application thereof to any person or circumstance, is held invalid, that invalidity shall not affect any other provision or application of this act, which can be given effect without the invalid provision or application in order to effectuate the purposes of this act. To this end, the provisions of this act are severable.*

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**SEC. 9. Conflicting Measures:**

*If this measure is approved by the voters, but superseded by any other conflicting ballot measure approved by more voters at the same election, and the conflicting ballot measure is later held invalid, it is the intent of the voters that this act shall be given the full force of law.*

**SEC. 10. Effective Date:**

*This act shall become effective on the first day after enactment by the voters.*

**SEC. 11. Amendment:**

*Except as otherwise provided in the text of the statutes, the provisions of this act shall not be altered or amended except by one of the following:*

(a) *By statute passed in each house of the Legislature, by rollcall entered in the journal, with two-thirds of the membership and the Governor concurring; or*

(b) *By statute passed in each house of the Legislature, by*

*rollcall vote entered in the journal, with a majority of the membership concurring, to be placed on the next general ballot and approved by a majority of the electors; or*

(c) *By statute that becomes effective when approved by a majority of the electors.*

**PROPOSITION 37**

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8, of the California Constitution.

This initiative measure amends and adds sections to the Health and Safety Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

**PROPOSED LAW**

*The people of the State of California do enact as follows:*

THE CALIFORNIA RIGHT TO KNOW GENETICALLY  
ENGINEERED FOOD ACT

SECTION 1. FINDINGS AND DECLARATIONS

(a) California consumers have the right to know whether the foods they purchase were produced using genetic engineering. Genetic engineering of plants and animals often causes unintended consequences. Manipulating genes and inserting them into organisms is an imprecise process. The results are not always predictable or controllable, and they can lead to adverse health or environmental consequences.

(b) Government scientists have stated that the artificial insertion of DNA into plants, a technique unique to genetic engineering, can cause a variety of significant problems with plant foods. Such genetic engineering can increase the levels of known toxicants in foods and introduce new toxicants and health concerns.

(c) Mandatory identification of foods produced through genetic engineering can provide a critical method for tracking the potential health effects of eating genetically engineered foods.

(d) No federal or California law requires that food producers identify whether foods were produced using genetic engineering. At the same time, the U.S. Food and Drug Administration does not require safety studies of such foods. Unless these foods contain a known allergen, the FDA does not even require developers of genetically engineered crops to consult with the agency.

(e) Polls consistently show that more than 90 percent of the public want to know if their food was produced using genetic engineering.

(f) Fifty countries—including the European Union member states, Japan and other key U.S. trading partners—have laws mandating disclosure of genetically engineered foods. No international agreements prohibit the mandatory identification of foods produced through genetic engineering.

(g) Without disclosure, consumers of genetically engineered food can unknowingly violate their own dietary and religious restrictions.

(h) The cultivation of genetically engineered crops can also cause serious impacts to the environment. For example, most genetically engineered crops are designed to withstand weed-

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killing pesticides known as herbicides. As a result, hundreds of millions of pounds of additional herbicides have been used on U.S. farms. Because of the massive use of such products, herbicide-resistant weeds have flourished—a problem that has resulted, in turn, in the use of increasingly toxic herbicides. These toxic herbicides damage our agricultural areas, impair our drinking water, and pose health risks to farm workers and consumers. California consumers should have the choice to avoid purchasing foods production of which can lead to such environmental harm.

(i) Organic farming is a significant and increasingly important part of California agriculture. California has more organic cropland than any other state and has almost one out of every four certified organic operations in the nation. California’s organic agriculture is growing faster than 20 percent a year.

(j) Organic farmers are prohibited from using genetically engineered seeds. Nonetheless, these farmers’ crops are regularly threatened with accidental contamination from neighboring lands where genetically engineered crops abound. This risk of contamination can erode public confidence in California’s organic products, significantly undermining this industry. Californians should have the choice to avoid purchasing foods whose production could harm the state’s organic farmers and its organic foods industry.

(k) The labeling, advertising and marketing of genetically engineered foods using terms such as “natural,” “naturally made,” “naturally grown,” or “all natural” is misleading to California consumers.

SEC. 2. STATEMENT OF PURPOSE

The purpose of this measure is to create and enforce the fundamental right of the people of California to be fully informed about whether the food they purchase and eat is genetically engineered and not misbranded as natural so that they can choose for themselves whether to purchase and eat such foods. It shall be liberally construed to fulfill this purpose.

SEC. 3. Article 6.6 (commencing with Section 110808) is added to Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, to read:

ARTICLE 6.6.

THE CALIFORNIA RIGHT TO KNOW GENETICALLY ENGINEERED FOOD ACT

110808. Definitions

The following definitions shall apply only for the purposes of this article:

(a) *Cultivated commercially.* “Cultivated commercially” means grown or raised by a person in the course of his business or trade and sold within the United States.

(b) *Enzyme.* “Enzyme” means a protein that catalyzes chemical reactions of other substances without itself being destroyed or altered upon completion of the reactions.

(c) *Genetically engineered.* (1) “Genetically engineered” means any food that is produced from an organism or organisms in which the genetic material has been changed through the application of:

(A) *In vitro nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) techniques and the direct injection*

*of nucleic acid into cells or organelles, or*

(B) *Fusion of cells, including protoplast fusion, or hybridization techniques that overcome natural physiological, reproductive, or recombination barriers, where the donor cells/ protoplasts do not fall within the same taxonomic family, in a way that does not occur by natural multiplication or natural recombination.*

(2) *For purposes of this subdivision:*

(A) *“Organism” means any biological entity capable of replication, reproduction, or transferring genetic material.*

(B) *“In vitro nucleic acid techniques” include, but are not limited to, recombinant DNA or RNA techniques that use vector systems and techniques involving the direct introduction into the organisms of hereditary materials prepared outside the organisms such as micro-injection, macro-injection, chemoporation, electroporation, micro-encapsulation, and liposome fusion.*

(d) *Processed food.* “Processed food” means any food other than a raw agricultural commodity, and includes any food produced from a raw agricultural commodity that has been subject to processing such as canning, smoking, pressing, cooking, freezing, dehydration, fermentation, or milling.

(e) *Processing aid.* “Processing aid” means:

(1) *A substance that is added to a food during the processing of such food, but is removed in some manner from the food before it is packaged in its finished form;*

(2) *A substance that is added to a food during processing, is converted into constituents normally present in the food, and does not significantly increase the amount of the constituents naturally found in the food; or*

(3) *A substance that is added to a food for its technical or functional effect in the processing, but is present in the finished food at insignificant levels and does not have any technical or functional effect in that finished food.*

(f) *Food Facility.* “Food facility” shall have the meaning set forth in Section 113789.

110809. Disclosure With Respect to Genetic Engineering of Food

(a) *Commencing July 1, 2014, any food offered for retail sale in California is misbranded if it is or may have been entirely or partially produced with genetic engineering and that fact is not disclosed:*

(1) *In the case of a raw agricultural commodity on the package offered for retail sale, with the clear and conspicuous words “Genetically Engineered” on the front of the package of such commodity or, in the case of any such commodity that is not separately packaged or labeled, on a label appearing on the retail store shelf or bin in which such commodity is displayed for sale;*

(2) *In the case of any processed food, in clear and conspicuous language on the front or back of the package of such food, with the words “Partially Produced with Genetic Engineering” or “May be Partially Produced with Genetic Engineering.”*

(b) *Subdivision (a) of this section and subdivision (e) of Section 110809.2 shall not be construed to require either the listing or identification of any ingredient or ingredients that were genetically engineered or that the term “genetically*

engineered” be placed immediately preceding any common name or primary product descriptor of a food.

110809.1. *Misbranding of Genetically Engineered Foods as “Natural”*

In addition to any disclosure required by Section 110809, if a food meets any of the definitions in subdivision (c) or (d) of Section 110808, and is not otherwise exempted from labeling under Section 110809.2, the food may not in California, on its label, accompanying signage in a retail establishment, or in any advertising or promotional materials, state or imply that the food is “natural,” “naturally made,” “naturally grown,” “all natural,” or any words of similar import that would have any tendency to mislead any consumer.

110809.2. *Labeling of Genetically Engineered Food—Exemptions*

The requirements of Section 110809 shall not apply to any of the following:

(a) Food consisting entirely of, or derived entirely from, an animal that has not itself been genetically engineered, regardless of whether such animal has been fed or injected with any genetically engineered food or any drug that has been produced through means of genetic engineering.

(b) A raw agricultural commodity or food derived therefrom that has been grown, raised, or produced without the knowing and intentional use of genetically engineered seed or food. Food will be deemed to be described in the preceding sentence only if the person otherwise responsible for complying with the requirements of subdivision (a) of Section 110809 with respect to a raw agricultural commodity or food obtains, from whoever sold the commodity or food to that person, a sworn statement that such commodity or food: (1) has not been knowingly or intentionally genetically engineered; and (2) has been segregated from, and has not been knowingly or intentionally commingled with, food that may have been genetically engineered at any time. In providing such a sworn statement, any person may rely on a sworn statement from his or her own supplier that contains the affirmation set forth in the preceding sentence.

(c) Any processed food that would be subject to Section 110809 solely because it includes one or more genetically engineered processing aids or enzymes.

(d) Any alcoholic beverage that is subject to the Alcoholic Beverage Control Act, set forth in Division 9 (commencing with Section 23000) of the Business and Professions Code.

(e) Until July 1, 2019, any processed food that would be subject to Section 110809 solely because it includes one or more genetically engineered ingredients, provided that: (1) no single such ingredient accounts for more than one-half of one percent of the total weight of such processed food; and (2) the processed food does not contain more than 10 such ingredients.

(f) Food that an independent organization has determined has not been knowingly and intentionally produced from or commingled with genetically engineered seed or genetically engineered food, provided that such determination has been made pursuant to a sampling and testing procedure approved in regulations adopted by the department. No sampling procedure shall be approved by the department unless sampling is done according to a statistically valid sampling plan

consistent with principles recommended by internationally recognized sources such as the International Standards Organization (ISO) and the Grain and Feed Trade Association (GAFTA). No testing procedure shall be approved by the department unless: (1) it is consistent with the most recent “Guidelines on Performance Criteria and Validation of Methods for Detection, Identification and Quantification of Specific DNA Sequences and Specific Proteins in Foods,” (CAC/GL 74 (2010)) published by the Codex Alimentarius Commission; and (2) it does not rely on testing of processed foods in which no DNA is detectable.

(g) Food that has been lawfully certified to be labeled, marketed, and offered for sale as “organic” pursuant to the federal Organic Food Products Act of 1990 and the regulations promulgated pursuant thereto by the United States Department of Agriculture.

(h) Food that is not packaged for retail sale and that either: (1) is a processed food prepared and intended for immediate human consumption or (2) is served, sold, or otherwise provided in any restaurant or other food facility that is primarily engaged in the sale of food prepared and intended for immediate human consumption.

(i) Medical food.

110809.3. *Adoption of Regulations*

The department may adopt any regulations that it determines are necessary for the enforcement and interpretation of this article, provided that the department shall not be authorized to create any exemptions beyond those specified in Section 110809.2.

110809.4. *Enforcement*

In addition to any action under Article 4 (commencing with Section 111900) of Chapter 8, any violation of Section 110809 or 110890.1 shall be deemed a violation of paragraph (5) of subdivision (a) of Section 1770 of the Civil Code and may be prosecuted under Title 1.5 (commencing with section 1750) of Part 4 of Division 3 of the Civil Code, save that the consumer bringing the action need not establish any specific damage from, or prove any reliance on, the alleged violation. The failure to make any disclosure required by Section 110809, or the making of a statement prohibited by section 110809.1, shall each be deemed to cause damage in at least the amount of the actual or offered retail price of each package or product alleged to be in violation.

#### SEC. 4. ENFORCEMENT

Section 111910 of the Health and Safety Code is amended to read:

111910. (a) Notwithstanding the provisions of Section 111900 or any other provision of law, any person may bring an action in superior court pursuant to this section and the court shall have jurisdiction upon hearing and for cause shown, to grant a temporary or permanent injunction restraining any person from violating any provision of Article 6.6 (commencing with Section 110808), or Article 7 (commencing with Section 110810) of Chapter 5. Any proceeding under this section shall conform to the requirements of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that the person shall not be required to allege facts

necessary to show, or tending to show, lack of adequate remedy at law, or to show, or tending to show, irreparable damage or loss, or to show, or tending to show, unique or special individual injury or damages.

(b) In addition to the injunctive relief provided in subdivision (a), the court may award to that person, organization, or entity reasonable attorney’s fees *and all reasonable costs incurred in investigating and prosecuting the action* as determined by the court.

(c) This section shall not be construed to limit or alter the powers of the department and its authorized agents to bring an action to enforce this chapter pursuant to Section 111900 or any other provision of law.

SEC. 5. MISBRANDING

Section 110663 is added to the Health and Safety Code, to read:

*110663. Any food is misbranded if its labeling does not conform to the requirements of Section 110809 or 110809.1.*

SEC. 6. SEVERABILITY

If any provision of this initiative or the application thereof is for any reason held to be invalid or unconstitutional, that shall not affect other provisions or applications of the initiative that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this initiative are severable.

SEC. 7. CONSTRUCTION WITH OTHER LAWS

This initiative shall be construed to supplement, not to supersede, the requirements of any federal or California statute or regulation that provides for less stringent or less complete labeling of any raw agricultural commodity or processed food subject to the provisions of this initiative.

SEC. 8. EFFECTIVE DATE

This initiative shall become effective upon enactment pursuant to subdivision (a) of Section 10 of Article II of the California Constitution.

SEC. 9. CONFLICTING MEASURES

In the event that another measure or measures appearing on the same statewide ballot impose additional requirements relating to the production, sale and/or labeling of genetically engineered food, then the provisions of the other measure or measures, if approved by the voters, shall be harmonized with the provisions of this act, provided that the provisions of the other measure or measures do not prevent or excuse compliance with the requirements of this act.

In the event that the provisions of the other measure or measures prevent or excuse compliance with the provisions of this act, and this act receives a greater number of affirmative votes, then the provisions of this act shall prevail in their entirety, and the other measure or measures shall be null and void.

SEC. 10. AMENDMENTS

This initiative may be amended by the Legislature, but only to further its intent and purpose, by a statute passed by a two-thirds vote in each house.

PROPOSITION 38

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure amends and adds sections to the Education Code, the Penal Code, and the Revenue and Taxation Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

OUR CHILDREN, OUR FUTURE: LOCAL SCHOOLS AND EARLY EDUCATION INVESTMENT AND BOND DEBT REDUCTION ACT

SECTION 1. Title.

This measure shall be known and may be cited as “Our Children, Our Future: Local Schools and Early Education Investment and Bond Debt Reduction Act.”

SEC. 2. Findings and Declaration of Purpose.

(a) California is shortchanging the future of our children and our state. Today, our state ranks 46th nationally in what we invest to educate each student. California also ranks dead last, 50th out of 50 states, with the largest class sizes in the nation.

(b) Recent budget cuts are putting our schools even farther behind. Over the last three years, more than \$20 billion has been cut from California schools; essential programs and services that all children need to be successful have been eliminated or cut; and over 40,000 educators have been laid off.

(c) We are also failing with our early childhood development programs, which many studies confirm are one of the best educational investments we can make. Our underfunded public preschool programs serve only 40 percent of eligible three- and four-year olds. Only 5 percent of very low income infants and toddlers, who need the support most, have access to early childhood programs.

(d) We can and must do better. Children are our future. Investing in our schools and early childhood programs to prepare children to succeed is the best thing we can do for our children and the future of our economy and our state. Without a quality education, our children will not be able to compete in a global economy. Without a skilled workforce, our state will not be able to compete for jobs. We owe it to our children and to ourselves to improve our children’s education.

(e) It is time to make a real difference: no more half-measures but real, transformative investment in the schools on which the future of our state and our families depends. This act will enable schools to provide a well-rounded education that supports college and career readiness for every student, including a high-quality curriculum of the arts, music, physical education, science, technology, engineering, math, and vocational and technical education courses; smaller class sizes; school libraries, school nurses, and counselors.

(f) This act requires that decisions about how best to use new funds to improve our schools must be made not in Sacramento, but locally, with respect for the voices of parents, teachers, other school staff, and community members. It requires local school

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City of Sonoma  
City Council  
Agenda Item Summary

**Agenda Item:** 10A  
**Meeting Date:** 10/01/2012

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

**Recommended Council Action** – Receive Reports

**Attachments:** None