

**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 15, 2012  
5:00 p.m. Closed Session (Special Meeting)  
6:00 p.m. Regular Session**

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

**AGENDA**

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

**Item 2B: CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, Initiation of Litigation, one case.** Pursuant to Government Code 54956.9(b)(3)(E).

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

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

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

**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: Recognition of the Sonoma Overlook Trail Task Force**

**Item 4B: Proclamation Declaring October 24, 2012 United Nations Day**

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

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

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

**Item 5B:** **Request by Sonoma International Film Festival for City-subsidized use of the Sonoma Valley Veterans Memorial Building on April 13, 2013.**  
Staff Recommendation: Approve the request subject to applicant's compliance with the City's standard insurance requirements.

**Item 5C:** **Request by Pets Lifeline for City-subsidized use of the Sonoma Valley Veterans Memorial Building on April 20, 2013.**  
Staff Recommendation: Approve the request subject to applicant's compliance with the City's standard insurance requirements.

**Item 5D:** **Biennial Review of the City of Sonoma Conflict of Interest Code and Acceptance of the 2012 Biennial Notice from the Oversight Board to the Dissolved Sonoma Community Development Agency.**  
Staff Recommendation: Authorize the City Manager to execute the 2012 Local Agency Biennial Notice indicating that no amendments to the City's Conflict of Interest Code are necessary and accept the 2012 Local Agency Biennial Notice for the Oversight Board to the Dissolved Sonoma Community Development Agency.

**Item 5E:** **Approval to Purchase Financial Accounting Software from Springbrook Software.**  
Staff Recommendation: Approve purchase of financial accounting software to Springbrook Systems and authorize the City Manager to sign purchase agreement.

**Item 5F:** **Approval of the Minutes of the October 1, 2012 Meeting.**  
Staff Recommendation: Approve the minutes.

**Item 5G:** **Resolution upholding the decision of the Planning Commission's decision to approve an application of the First Congregational Church for a Use Permit to operate a school within Burlingame Hall, at 252 West Spain Street, subject to revised conditions of approval (implementing the City Council action of October 1, 2012).**  
Staff Recommendation: Adopt the resolution.

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

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

**Item 6A:** **Approval of the portions of the Minutes of the October 1, 2012 City Council / Successor Agency Meetings pertaining to the Successor Agency.**  
Staff Recommendation: Approve the minutes.

## 7. PUBLIC HEARING – NONE SCHEDULED

**8. REGULAR CALENDAR – CITY COUNCIL**

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

**Item 8A:** Discussion, consideration and possible first reading of an ordinance to Amend Title 8 of Sonoma Municipal Code pertaining to Animal Care and Control. (Police Chief)  
Staff Recommendation: Introduce and hold first reading of an ordinance amending Title 8 of the Sonoma Municipal Code pertaining to Animal Care and Control.

**Item 8B:** Discussion, consideration and possible action on options for a new dog park location and the estimated value of City-owned properties located at 872-880 Fifth Street West. (Planning Director)  
Staff Recommendation: Provide direction to staff as to: 1) whether the Bond property option or any other site option should be further investigated through the CSEC; and, 2) whether any additional research regarding the Fifth Street properties should be undertaken.

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

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

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

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

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

**11. COMMENTS FROM THE PUBLIC**

**12. ADJOURNMENT**

I do hereby certify that a copy of the foregoing agenda was posted on the City Hall bulletin board on October 10, 2012. GAY JOHANN, CITY CLERK

***Copies of all staff reports and documents subject to disclosure that relate to any item of business referred to on the agenda are 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: 10/15/2012**

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**Department**

Administration

**Staff Contact**

Gay Johann, City Clerk

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**Agenda Item Title**

Recognition of the Sonoma Overlook Trail Taskforce.

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**Summary**

Mayor Sanders will present a certificate of appreciation to the Overlook Trail Task Force for creation of the Mountain Cemetery Walking Tour brochure.

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**Recommended Council Action**

Mayor Sanders to present the certificate.

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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. Certificate
  2. Mountain Cemetery Walking Tour Brochure
-

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

**Is Hereby Presented To**

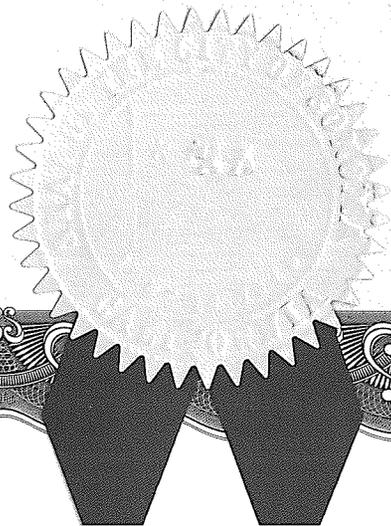
**Sonoma Overlook Trail Task Force**

**For Dedicated Service to the City**

**Presented This 15<sup>th</sup> Day of October 2012**

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**Joanne Sanders, Mayor**



# MOUNTAIN CEMETERY

0 100 feet



creek

to Overlook trailhead & parking lot

columbarium

water fountain

Circle Lane

Laurel Lane

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6A

3A

B

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Laurel Lane

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Sea Breeze Lane

Willow Walk

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Cedar

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11 **Franklin Sears** 1817- 1904 from Missouri, family was in livestock raising, emigrated at age 27 across the plains to Oregon, 1845 to CA, served under Fremont, then became a successful gold miner, finally settled in Sonoma 1851. He owned both a 740 acre farm in Sonoma Valley and a 3,000 acre ranch that once occupied the area of Sears Point. County Recorders office records show Mr. Sears involved in many real estate transactions.

12 **Ercole Chiodi** 1867-1932, bookkeeper 15 years for Samuele Sebastiani, died and buried alone in the US, he was survived by his wife in Italy, he probably would not have built such a nice crypt planning to buried alone. Payment for the crypt by a friend and any debts thereby brings an association with Grateful Dead folktales, where debts are paid so the corpse can be buried, and later a stranger who turns out to be the grateful dead man, offers help to the friend.

13 **John Joseph Steiner** 1883-1927, from Switzerland, hotel keeper, namesake of Steiner Street in San Francisco.

14 **Indian child**, buried in the early days of Sonoma. 900 known Indians are buried near the Mission.

15 **Luisa Vallejo Emparan** 1866-1943, oldest surviving child of M.G. Vallejo, bequeathed Vallejo Home to California State Parks, sold land to William Montini Sr., land that became the Montini Ranch and now will be the site of new hiking trail on the hill behind the Vallejo Home.

16 **Billy Ray King** 1939-1955, died at age 16, his picture is on a photographic plaque on his headstone; this style of photo plaque precedes the newer types that are etched directly into the stone itself, the newer photo plaques are not seen in the older portion of the Mountain Cemetery.

17 **Jeanette Yvonne Grooms** 1942-1943, next to Toyon trailhead, buried alone without family at age one, what could be her story? Many headstones give pause for consideration.

18 **Paride "Pete" Basaglia**, 1880-1951, native of Italy. Expert block loader in the quarry above the cemetery. He built the Castex Bldg Annex in 1911, also his own house 369 Napa St. West. Successful stone and cement contractor, bridges, culverts, dairy barns, farm buildings. "The most beautiful vaults in Mountain Cemetery were built by him." Look for his stamp in various cemetery cement work.

19 **Frank Atsuo Matsuyama** 1886-1957, the only Japanese in old cemetery. Fruit dryer, gold fish importer, martial arts instructor, police dept. employee/instructor, movie actor, vaudeville entertainer and US Navy veteran. He married into the German immigrant Wallman family: George Wallman 1851-1922, Georgiana Wallman Matsuyama 1886-1978, George Dolcini 1906-1988, Alvin J. Wallman 1927-2005. Georgiana married Frank after she divorced the father of George Dolcini. Two Wallman/Matsuyama children, one of which was Alvin, were taken to a Japanese internment camp on the San Francisco Peninsula during WWII. All Matsuyama children changed surname to Wallman to avoid discrimination. Frank avoided internment by moving to Denver and working for the police there. In a dispute over inheritance of the Dolcini property after George died, Alvin killed his sister point blank with a shotgun in a fig packing shack on south Broadway at the site of the Middle School.

20 **Carl Jacobson** 1887-1944, from Norway, wife Allie, from Texas, 1886-?, Allie not buried with Carl, she didn't show up for eternity.

21 **John T. MacQuiddy** 1851-1922, Initial City Hall contractor, corner stone laid 2/1906. Stone masons were on strike trying to get \$1.50 a day, then the 1906 earthquake happened, banks closed, MacQuiddy left the job.

22 **Luigi Basaglia** 1853-1905, from Italy, never learned English, foot crushed in a quarry accident, 3 toes were amputated, died disillusioned, Paride "Pete" Basaglia (#18) is his son.

23 **Philip Bill** 1861-1923, Johanna Brandt Bill 1867-1936. Florence Bill Evert, their daughter, was the only phone operator ever in Sonoma. Phillip worked ranches on the east side of Sonoma and owned ranch at 680 Napa St. i.e. The Shaw House, sold part of the land for the Catholic cemetery on East Napa Street.

24 **James Dixon** 1887-1930 PG&E Gas Construction Gang, grave is fenced by gas pipe.

25 **Hiram C. Manuel** 1837-1913, in 1882 he worked a quarry to NE of town, 40-50 men, 16-20 horses, average production of 80,000 blocks a month, for S.F., San Jose, Stockton.

26 **Julius A. Poppe** 1823-1879, from Prussia (Berlin), leader of local German community. Bought 1500 acre ranch from Vallejo, imported carp which escaped to Sonoma Creek, fishermen could get them with pitchforks and spears.

27 **Otto Van Geldern** 1852-1932, made 1875 map of Sonoma, Otto's inscription and small marker are to the left side of the Chas. Van Geldern monument.

28 **Kellogg, Sheppard, Lewton**, nice bench in the shade, broken statuary, Eliza Sheppard was Jack London's step-sister.

29 **Gabilello Cartalne** 1844-1933, historian's challenge, who was he?

30 **John Burris**, d. 2/24/41 age 90, from China, noted as "Chinaman" in funeral records. Wife's name was Sing A. John was the Burris family cook; funeral expenses charged to Frank Burris. John is buried in the back left of the Burris plot.

31 **Norrbom, Peter Gustav**, from Sweden, wife Sarah O'Connel, from Ireland, emigrated in 1849, homesteaded 360 acre ranch at the end of Norrbom Road. He and sons hand dug Norrbom Road.

32 **John Tivnen** 1832-1890, from NY, started bakery in Sonoma in 1859, he was the original in bakery bldg., notary public, insurance agent.

33 **Murial Joy Cassidy** 1901-1907, nice little headstone with bird.

34 **Carrie Appleton Burlingame** 1875- 1975, Renaissance woman: grew up with M.G Vallejo's children, naturalist, horseback rider, friends with Charmian and Jack London, Sierra Club member, mountaineer, color photographer, watercolor painter, pioneer automobile traveler/ car camper, vernacular architect.

35 **Leonido Quartaroli** 1865-1933, from Tuscany, Italy, rented Toscano Hotel in 1886 and turned it into a working man's hotel for Italian immigrants hired to quarry basalt in hills behind the hotel. Charged \$1 a night, workers make \$4-7 a day in quarries. Leonido was accused of selling liquor to Indians in March of 1899 and was later cleared.

36 **Frederick T. Duhring Jr.**, son of German immigrants, big impressive vault, shows class difference with more simple markers. Built Duhring Building on the Plaza.

37 **E. Mazzuchi** 1871-1926, interesting metal marker, the only one of its type in the cemetery.

38 **Captain William Smith** 1768-1846. Veteran of the Revolutionary War. Sailor from age 11, his colorful life included 8 round the world voyages.



## MOUNTAIN CEMETERY *walking tour*

This brochure spans a time period from 1807 to 1994. The primary purpose of the brochure is to highlight the many historical interests associated with the Mountain Cemetery. The Mountain Cemetery was established in 1841 and is one of the oldest operating cemeteries in the western US.

The Mountain Cemetery is situated directly adjacent to the Sonoma Overlook Trail and to Schocken Hill, location of former basalt quarries important to Sonoma's economic and immigrant history. It seemed like a natural to connect these dots for a brochure.

Basalt deposits run along the mountains from Sonoma to Santa Rosa. The quarry industry and demand for stone pavers part ways brought railroad lines to serve the transportation of this stone, as well as for agricultural produce: fruit, nuts, dairy, eggs, turkeys etc.

The quarries produced millions and millions of blocks for regional street paving and building. Much of the stone in the cemetery, in some buildings on the Plaza, in local homes, bridges and walls, and barn foundations comes from these quarries.

You will find interesting cross-overs with this brochure and the Sonoma Walking Tour brochure centered around the Plaza. From the historical sign on the upper loop of the Overlook Trail you can look out over the valley to Schellville, Wingo and Sears Point and see where the old rail, sail and steamship routes took quarry block and agricultural produce down to San Pablo Bay and then to the urban core. The people participating in this life and work are buried in the cemetery.

In this self-guided tour you will meet cowboys, Indians, ranchers, agriculturalists, martial arts instructors, murderers, builders, bakers, real-estate tycoons, quarrymen, map-makers, accountants, leaders, pipefitters, blacksmiths, bootleggers, bankers, grocers, hoteliers, stone masons, fraternal order members, speculators, young, old, among others. Enjoy!

For free brochure download and link to online cemetery photo gallery, visit: [www.sonomaecologycenter.org/overlook-trail](http://www.sonomaecologycenter.org/overlook-trail)

Many thanks to: Fred Allebach: writer/ research, Sonoma Overlook Trail Steward; Scott Summers: cartography, graphic design & production.

Sponsored by the Sonoma Overlook Trail Stewards. For further information contact the current Chairperson, at [joannakemper@gmail.com](mailto:joannakemper@gmail.com).

July 2012. 1st edition.

A **William Montini Sr.**, 9/27/1889 - 2/24/64, from Lago de Como, Italy, California dairyman for 58 years. Luisa Vallejo Emparan sold him land (part of Montini Ranch) in 1934 with provision to keep it open space. A new public access trail is expected in 2012.

B **H. T. "Ted" Riboni**, 9/9/1910 – 11/21/94, made 50 or 60 stills during Prohibition, in Cavedale and Lovall Valley. Prohibition (1919-1933) hit just when Sonoma Valley resort industry was really going. People liked to come to Sonoma from San Francisco because Sonoma is hot and not foggy. The climate is as much a draw as anything.

1 **Augustino Pinelli**, 12/30/1850 - 12/17/1923 stone worker from Italy, built Pinelli Building 1891 of local "plum stone" basalt, with 8-10 workers built several local commercial bldgs., contracted with Vallejo to quarry, managed Schocken's quarry. Bought Blue Wing in 1895 that housed quarry workers. A. Pinelli offered to donate to the city all the stone for its new City Hall, April 5 1902.

2 **Charles N. Cheney** 1875-1946 shod Schocken's quarry horses.

3 **C.F. Leiding**, from Bremen, Germany, sailed around Cape Horn in 1850-51, arrived in Sonoma, grew vegetables, had merchandizing business. In 1875 had 42 acres fruit.

3A **George Fetter**, 1879- 1964, founder Fetter's Hot Springs. Headstone has a cross and Jesus' head with crown of thorns. The plot is a hodgepodge of different stone materials and brick.

4 **Batto**, John 1843-1925, Fred 1873-1963, Arthur (Attilio) 1874-1919, built Batto Building on Plaza in 1919 where Fred had a grocery and bank, Batto Station train stop on 8th Street East at Denmark where family had orchards and fruit company.

5 **S. Sebastiani**, 1874-1944, wagon driver hauling block in early quarry days, migrated to Sonoma through connections with Augustino Pinelli. Many Italians from the quarry regions of northern Italy came to Sonoma through a phenomena known as chain migration, i.e. founders establish a foothold and the rest follow.

6 **Olof Emil Hanson** 1863-1906, Woodmen of the World headstone, WOW was one of many fraternal organizations in early Sonoma, WOW is Omaha based and provides private insurance for members. These tree stump headstones can be found in cemeteries nationwide and were discontinued in the late 1920's.

6A **Henry Ernest Boyes**, 1844- 12/11/1919, from England, while drilling a well in 1888 he hit 112 degree water at 70', started a bath house, then built a hotel, and his hot springs became a real destination.

7 **Mariano Guadalupe Vallejo**, 1807-1890, founder of Sonoma, his life spanned the Spanish, Mexican and American periods of California history. His heyday was during the Rancho Period where he exercised political and military dominance over much the whole North Bay. As American modernization began to outstrip the older colonial lifestyles, Vallejo said: "I had my day..."

8 **Ettore Calderin** 1876-1952, from Venice, his copper relief bust and its reverse side were sculpted by Marion Brackenridge 1903- 1999, look for inscriptions on the side of the headstone for Ettore's spouse.

9 **Gottlieb Ritz** 1866-1952, Buena Vista farmer, Ritz land is now developments behind and around Old Winery Road, this area was formally known as the Town of Buena Vista.

10 **Lee F. Thornsberry** 1882-1956, Thornsberry Road is named for the Thornsberry family.



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

**City Council Agenda Item: 4B**

**Meeting Date: 10/15/12**

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**Department**

Administration

**Staff Contact**

Gay Johann, City Clerk

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**Agenda Item Title**

Proclamation declaring October 24, 2012 United Nations Day.

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**Summary**

W. Wesley Hicks, on behalf of the Sonoma County Chapter of the United Nations Association of the United States of America, requested a proclamation declaring October 24, 2012 United Nations Day in the City of Sonoma and that the City fly the United Nations flag in front of City Hall during the week of October 22. Nicole Villanueva will accept the proclamation on behalf of the Association.

In keeping with City practice, recipients of the proclamation 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 Sanders to present the proclamation.

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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. Request from Sonoma County UNA
2. Proclamation

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W. Wesley Hicks  
UNA-USA Sonoma County  
857 Sonoma Avenue #11  
Santa Rosa CA 95404

Parks Supervisor (via email)

# City of Sonoma



## Proclamation

### UNITED NATIONS DAY October 24, 2012

**WHEREAS**, the United Nations was founded in 1945, and the anniversary of the day on which the U.N. Charter came into force is observed each year on October 24; and

**WHEREAS**, the United Nations promotes peace and security, development and human rights around the world, and is vital now more than ever; and

**WHEREAS**, in September of 2000, 189 nations including the United States, agreed upon eight Millennium Development Goals to meet the needs of the world's poorest; and

**WHEREAS**, the eighth Millennium Development Goal is to seek to build an international partnership for development in the world's poorest countries and "Developing a Global Partnership for Development" is a central theme for the 2012 United Nations Day commemoration; and

**WHEREAS**, the United States has shown its commitment to the eighth Millennium Development Goal through foreign aid, progressive trade promised, and generous debt relief measures; and

**WHEREAS**, the United Nations Association of the United States of America (UNA-USA), theme for the 2012 UN Day is "Solutions for a Prosperous World" and to celebrate the ideals and impact of the United Nations.

**NOW, THEREFORE, I, Joanne Sanders, Mayor of the City of Sonoma, officially proclaim October 24, 2012 as**

### UNITED NATIONS DAY

And encourage residents of Sonoma to participate in activities related to UN Day.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Seal of the City of Sonoma to be affixed on this 15<sup>th</sup> day of October 2012.

\_\_\_\_\_  
JOANNE SANDERS, MAYOR





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

**City Council Agenda Item: 5B**

**Meeting Date: 10/15/2012**

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**Department**

Administration

**Staff Contact**

Gay Johann, City Clerk

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**Agenda Item Title**

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

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

If both requests appearing on the October 15, 2012 Council agenda are approved, the City will have no 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.
- 

**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
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**Attachments:**

Request from Kevin McNeely

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cc: Kevin McNeely, via email

## Gay Johann

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**From:** Ken Brown <ken@bearflagsocialclub.com>  
**Sent:** Friday, October 05, 2012 4:36 PM  
**To:** Linda Kelly  
**Cc:** Gay Johann; Kevin McNeely  
**Subject:** Fwd: Vets Building Free Day....  
**Attachments:** PastedGraphic-1.tiff

Begin forwarded message: Please add to the 10/15/12 council agenda. Thanks- Ken

**From:** Kevin McNeely <kevin@sonomafilmfest.org>  
**Date:** October 5, 2012 2:10:33 PM PDT  
**To:** Ken Brown <ken@bearflagsocialclub.com>  
**Subject:** Vets Building Free Day....

**Ken:**

**The Sonoma International Film Festival is making a request for a "free day" at the Veterans Memorial Building on Saturday April 13th 2013. If our request could go before the City Council it will be greatly appreciated.**

**Thank you....Kevin**

Kevin W. McNeely  
Executive Director  
office: 707.933.2600  
direct: 707.206.4481  
kevin@sonomafilmfest.org  
www.sonomafilmfest.org



*Break bread, lift a glass, see some flicks*

*16th Annual Sonoma International Film Festival - April 10 -14, 2013*

**Ken Brown**  
Mayor Pro Tem - City of Sonoma



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

**City Council Agenda Item: 5C**

**Meeting Date: 10/15/2012**

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**Department**

Administration

**Staff Contact**

Gay Johann, City Clerk

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**Agenda Item Title**

Request by Pets Lifeline for City-subsidized use of the Sonoma Valley Veterans Memorial Building on April 20, 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.

Pets Lifeline requested City-subsidized use of the Veteran's Building on April 20, 2013 for the Sonoma Music Festival fundraiser.

If both requests appearing on the October 15, 2012 Council agenda are approved, the City will have no 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.

---

**Alternative Actions**

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

**Financial Impact**

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

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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 Nancy King

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cc: Mrs. King, via email

## Gay Johann

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**From:** Ken Brown <ken@bearflagsocialclub.com>  
**Sent:** Friday, September 28, 2012 6:00 PM  
**To:** Linda Kelly  
**Cc:** Gay Johann; Nancy King  
**Subject:** Use of the Vets Building by Pets Lifeline

Linda and Gay- I would like this to be on the earliest possible agenda. Thank you- Ken

September 28, 2012

Ken Brown  
Mayor Pro-Tem – City of Sonoma  
No. 1 – The Plaza  
Sonoma, CA 95476

Dear Ken,

Pets Lifeline has secured the date of April 20, 2013 for a fundraiser at the Sonoma Veteran's Building. The event will be the Sonoma Music Festival Vol. 2. We would like to request one of the free days the city has been granted for the Veteran's Building.

The Sonoma Music Festival Vol. 2 is the follow up to our very successful Sonoma Music Festival Vol. 1 held on August 29<sup>th</sup> at the Sonoma Community Center. The concept is for a live music festival in the main auditorium with a bar and food vendors in both the Lounge and the Dining Room.

This event is a significant fundraising vehicle for Pets Lifeline. Pets Lifeline is supported exclusively through private donations, events and program revenues. We would be very grateful for the city's support of this request.

Please feel free to contact me, should you have any questions or need any further information.

Sincerely,

Nancy King  
Executive Director

**Ken Brown**  
Mayor Pro Tem - City of Sonoma

[Ken@BearFlagSocialClub.com](mailto:Ken@BearFlagSocialClub.com)  
Cell 707-938-8623

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

Monday-Friday 8-10a  
SVTV Cable Comcast Cable Channel 27  
[sonomasuntv.com](http://sonomasuntv.com)  
[sonomasunfm.com](http://sonomasunfm.com)  
[sunfmtv.com](http://sunfmtv.com)



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

**City Council Agenda Item: 5D**

**Meeting Date: 10/15/2012**

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**Department**

Administration

**Staff Contact**

Gay Johann, City Clerk

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**Agenda Item Title**

Biennial Review of the City of Sonoma Conflict of Interest Code and Acceptance of the 2012 Biennial Notice from the Oversight Board to the Dissolved Sonoma Community Development Agency.

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**Summary**

The Political Reform Act requires every local government agency to review its Conflict of Interest Code biennially and to serve as the code reviewing body for any City agencies. The City's Conflict of Interest Code, adopted by Resolution Number 44-2010 was modified by the City Attorney's office prior to its adoption in December 2010. Staff has reviewed the Code and did not find that an amendment was necessary based upon the following: 1) No new positions have been added or deleted; 2) No position titles have been changed; and 3) The disclosure categories in the current code continue to be appropriate.

On October 3, 2012, the Oversight Board of the Dissolved Sonoma Community Development Agency determined that no amendments were necessary to their adopted Conflict of Interest Code and have submitted their Biennial Notice to the City Council for acceptance.

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**Recommended Council Action**

Authorize the City Manager to execute the 2012 Local Agency Biennial Notice indicating that no amendments to the City's Conflict of Interest Code are necessary and accept the 2012 Local Agency Biennial Notice for the Oversight Board to the Dissolved Sonoma Community Development Agency.

---

**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
- 

**Attachments:**

Resolution No. 44-2010, Conflict of Interest Code  
2012 Biennial Notice (City of Sonoma)  
2012 Biennial Notice of the Oversight Board  
FPPC Notice

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# **CITY OF SONOMA**

## **RESOLUTION NO. 44 - 2010**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA ADOPTING A CONFLICT OF INTEREST CODE AND RESCINDING PREVIOUS RESOLUTIONS**

WHEREAS, the Political Reform Act of 1974 (Government Code Section 81000, et. seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations 18730) which contains the terms of a standard conflict of interest code and which may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments to the Political Reform Act; and

WHEREAS, designated officials and employees shall file their statements of economic interests with the City Clerk of the City of Sonoma and such statements shall be open for public inspection and reproduction pursuant to Government Code section 81008. Statements for all designated officials and employees will be retained by the City of Sonoma.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Sonoma as follows:

#### SECTION 1. Incorporation of State Regulations by Reference

With the additions noted below, the terms of Title 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission is hereby incorporated by reference and together with the List of Designated Positions and Disclosure Categories, as adopted by the City Council, shall constitute the Conflict of Interest Code of the City of Sonoma.

#### SECTION 2. Designated Positions with Reporting Requirements

Members of boards and commissions appointed by the City Council, consultants, and city employees holding designated positions as shown on Exhibit A shall be considered designated positions subject to reporting requirements under the Conflict of Interest Code, and shall disclose financial interests as set forth on Exhibit B which lists the individual disclosure categories. Said Exhibit A and Exhibit B are attached hereto and made a part hereof.

#### SECTION 3. Filing of Statements

Persons holding designated positions shall file Statements of Economic Interests with the City of Sonoma on Fair Political Practices Forms, in conformance with the individual disclosure categories and State guidelines.

SECTION 4. Late Filings and Failure to File Statements

Any violation of any provision of this Code is subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 et seq.

BE IT FURTHER RESOLVED, all previous resolutions adopting and/or amending the City of Sonoma Conflict of Interest Code are hereby rescinded in their entirety.

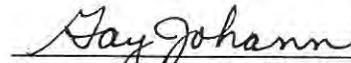
The foregoing Resolution was adopted this 1<sup>st</sup> day of December 2010, by the following vote:

AYES: Sebastiani, Gallian, Brown, Sanders, Barbose  
NOES: None  
ABSENT: None



Steve Barbose, Mayor

ATTEST:



Gay Johann, City Clerk

EXHIBIT "A"

LIST OF DESIGNATED POSITIONS  
AND DISCLOSURE CATEGORIES

\*\*\*see note below

| <u>POSITION</u>   | <u>DISCLOSURE CATEGORY</u> |
|---|----------------------------|
| Accountant  | A                          |
| Administrative Services Manager                         | A                          |
| Assistant City Manager/Administrative Services Director | A                          |
| Associate Planner                                       | C                          |
| Building Inspector                                      | C                          |
| Chief of Police   | A                          |
| City Clerk/Assistant to the City Manager                | A                          |
| City Prosecutor   | A                          |
| Contractual Consultants**                               | A                          |
| Deputy City Attorney                                    | A                          |
| Deputy City Clerk                                       | A                          |
| Development Services Director/Building Official         | A                          |
| Fire Chief  | A                          |
| Fire Division Chief (City)                              | A                          |
| Management Analyst, Public Works                        | A                          |
| Parks Supervisor  | A                          |
| Planning & Community Services Director                  | A                          |
| Plans Examiner  | C                          |
| Public Works Director                                   | A                          |
| Public Works Operations Manager                         | A                          |
| Redevelopment Attorney                                  | A                          |
| Senior Planner  | C                          |
| Street Supervisor                                       | A                          |
| Water Operations Supervisor                             | A                          |

| <u>COMMITTEES/COMMISSIONS</u>                 | <u>DISCLOSURE CATEGORY</u> |
|---|----------------------------|
| Community Housing Corp. Board of Directors    | C                          |
| Community Services and Environment Commission | A                          |
| Design Review Commission                      | C                          |
| Mobilehome Park Rental Review Board           | C                          |
| Traffic Safety Committee                      | C                          |

\*\* **Contractual Consultant** means an individual who, pursuant to a contract with the City, makes or participates in making governmental decisions. The City Manager may determine in writing that a particular consultant is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

\*\*\* City Council Members, Planning Commissioners, City Manager, City Attorney, and the City Treasurer are required to file statements of economic interests pursuant to Government Code Section 87200, and are therefore, not included in the list of Designated Positions required to file pursuant to the City's conflict of interest code.

EXHIBIT "B"

DISCLOSURE CATEGORIES

| <u>CATEGORY</u> | <u>REPORTABLE INTERESTS</u>   |
|-----------------|---|
| A               | Investments, business positions, income (including gifts, loans and travel payments) from sources located in or doing business in the City, interests in real property located in the City, including property located within a two-mile radius of any property owned or used by the City.  |
| B               | Investments, business positions, and sources of income (including gifts, loans and travel payments) from or in any business entity that engages in the type of services, supplies, materials, machinery, or equipment that is purchased or acquired by the employee's department. If the employee is involved in purchasing decisions that affect more than one department, then the employee shall disclose all income (including gifts, loans and travel payments) and investment interests and business positions in any business that engages in the type of services, supplies, materials, machinery or equipment that the City might reasonably be expected to purchase or acquire. |
| C               | Investments in real property or interests in business positions in any business entity which owns property within the City or within a two-mile radius of any property owned or used by the City.   |

# 2012 Local Agency Biennial Notice

Name of Agency: City of Sonoma

Mailing Address: #1 The Plaza, Sonoma CA 95476

Contact Person: Gay Johann, City Clerk Office Phone No: 707-933-2216

E-mail: gjohann@sonomacity.org Fax No: 707-938-2559

**Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code requires disclosure by agency officials who make or participate in making governmental decisions.**

This agency has reviewed its conflict-of-interest code and has determined that (*Check one box*):

**An amendment is required. The following amendments are necessary:**  
(*Mark all that apply.*)

- Include new positions.
- Revise disclosure categories.
- Revise the titles of existing positions.
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions.
- Other (*describe*) \_\_\_\_\_

**No amendment is required.**

**The code is currently under review by the code reviewing body.**

---

## Verification

*The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.*

\_\_\_\_\_  
*Signature of Chief Executive Officer*

\_\_\_\_\_  
*Date*

Complete this notice regardless of how recently your code was approved or amended.  
Please return this notice no later than **October 1, 2012**, or the date specified by your agency, if earlier, to:

(*PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE*)

**PLEASE DO NOT RETURN THIS FORM TO THE FPPC.**

## 2012 Local Agency Biennial Notice

Name of Agency: Oversight Board to the Dissolved Sonoma Community Development Agency

Mailing Address: No. 1 The Plaza

Contact Person: Cathy Lanning, Secretary Office Phone No: 707-938-3681

E-mail: clanning@sonomacity.org Fax No: 707-938-2559

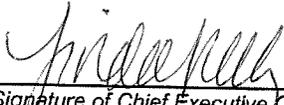
**Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code requires disclosure by agency officials who make or participate in making governmental decisions.**

This agency has reviewed its conflict-of-interest code and has determined that (Check one box):

- An amendment is required. The following amendments are necessary:**  
(Mark all that apply.)
- Include new positions.
  - Revise disclosure categories.
  - Revise the titles of existing positions.
  - Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions.
  - Other (describe) \_\_\_\_\_
- No amendment is required.**
- The code is currently under review by the code reviewing body.**

### Verification

*The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.*

  
\_\_\_\_\_  
Signature of Chief Executive Officer

10-4-12  
\_\_\_\_\_  
Date

Complete this notice regardless of how recently your code was approved or amended.  
Please return this notice no later than **October 1, 2012**, or the date specified by your agency, if earlier, to:

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)

**PLEASE DO NOT RETURN THIS FORM TO THE FPPC.**

## 2012 Conflict-of-Interest Code Biennial Notice for City Attorneys and City Clerks

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The Political Reform Act requires every local government agency to review its conflict-of-interest code biennially.

**October 1, 2012:** The biennial notice must be filed with the City Council.

The City Council is the code reviewing body for city agencies. The City Council must notify city agencies not covered under the city's conflict-of-interest code to review its code no later than July 2, 2012, and submit a biennial notice to the City Council by October 1, 2012. We have prepared a 2012 Local Agency Biennial Notice form that city agencies may utilize. **This notice is not forwarded to the FPPC.**

Within 90 days, agencies must submit amendments, if necessary, to the City Council for approval. An agency's amended code is not effective until approved by the City Council.

### FPPC ADOPTS NEW FORMS TO SIMPLIFY DISCLOSURE

**Consultants:** The Form 805 may be used to identify consultants that will make or participate in making governmental decisions on behalf of the city. The Form 805 is also used to identify the consultant's disclosure requirements which should conform to the range of the consultant's duties.

**Example:** The city hires a firm to prepare an environmental impact report ("EIR") on airport expansion. The individual at the firm who will prepare the EIR should be assigned a disclosure requirement that reflects the contract's scope of authority. An example might include real property, investments and business positions in business entities, and income from only those sources engaging in air traffic or aviation goods or services. The city can also assign an existing disclosure category, if applicable.

**New Positions:** FPPC Regulation 18734 requires an individual hired for a position not yet covered under your city's conflict-of-interest code to file Form 700 if the individual serves in a position that makes or participates in making governmental decisions. These individuals must file under the broadest disclosure category until the code is amended to include the new position unless your city provides, in writing, a limited disclosure requirement.

**Example:** The city hires a new IT Specialist. This is a brand new position, thus not listed in the city's conflict-of-interest code. Because this individual will make decisions on purchasing software, the position must be added to the code. The city completes the Form 804 to provide the individual with limited disclosure relating to IT interests.

### REDEVELOPMENT AGENCY UPDATES

As set forth in Government Code Section 87300, successor agencies and oversight boards for redevelopment agencies are required to adopt a conflict-of-interest code. Alternatively, the code reviewing body may determine that the city itself is the "agency" and amend its own conflict-of-interest code to cover designated employees in the successor agency and oversight board.

### Attend a Seminar!

Current seminar schedules are available at [www.fppc.ca.gov](http://www.fppc.ca.gov) under Workshops, Seminars & YouTube.

**To register for a seminar, e-mail [seminars@fppc.ca.gov](mailto:seminars@fppc.ca.gov). Seminars are subject to change.**



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

**City Council Agenda Item: 5E**

**Meeting Date: 10/15/2012**

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**Department**

Administration

**Staff Contact**

Carol E. Giovanatto, Assistant City Manager

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**Agenda Item Title**

Approval to Purchase Financial Accounting Software from Springbrook Software

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**Summary**

In May, 2012 the Finance Department released a Request for Proposal [RFP] for the purchase of new accounting software to replace the existing/failing Corbin Willits Software System. This decision resulted from the increasing accounting requirements, need to provide 'realtime' financial data, and the ability to expand electronic payments and receipts. The Corbin Willits System accounting software does not have the support or capability to upgrade to meet current standards. The Council Audit Subcommittee discussed the need for replacement of the current accounting software during the review of the prior fiscal year audit. Mr. Ira, partner with CG Uhlenberg LLC, supported this position stating that "the current software was inadequate to support the requirements of Governmental Accounting and Reporting Standards".

The full conversion of all operations [General Ledger, Budgeting, Water Billing, Payroll, Accounts Receivable, Accounts Payable, Permits and Banking] is expected to take approximately 6-9 months. The installation and implementation of this new software will provide significant benefits to the Council and the public including:

- Real-time financial data
  - Electronic, on-line and credit card payments for utility bills, building permits, cemetery and EMS
  - Ability to post Financial data and Reports on City's website for greater transparency
  - Fully automated cash receipting
  - Integration of all departments for access to financial and budgetary data
  - Expansion of Banking options
  - Preparation of a yearend Comprehensive Accounting and Financial Report [CAFR]
- 

**Recommended Council Action**

Approve purchase of financial accounting software to Springbrook Systems and authorize the City Manager to sign purchase agreement

---

**Alternative Actions**

Request additional information.

---

**Financial Impact**

Not-to-Exceed Costs for the Software System plus related hardware is as follows:

- Springbrook Financial Software Suite and conversion of existing data: \$111,460
- Related Hardware including check scanner and credit card swipe system: \$14,560
- Contingency and training [as needed]: \$8,900

The 2012-13 Operating Budget includes funding of this replacement software in the amount of \$135,000 [\$60,000 Finance/MIS; \$75,000 Water Fund].

---

**Environmental Review**

- Environmental Impact Report
- Negative Declaration
- Exempt

**Status**

- Approved/Certified
- No Action Required
- Action Requested

Not Applicable

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**Attachments:**

Supplemental Report

Springbrook Proposal

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**cc:**

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## SUPPLEMENTAL REPORT

### Award Contract for Purchase of Financial Accounting Software to Springbrook Software *For the Council Meeting of October 15, 2012*

In May, 2012 the Finance Department released a Request for Proposal [RFP] for the purchase of new accounting software to replace the existing/failing Corbin Willits Software System. This decision resulted from the increasing accounting requirements, need to provide 'realtime' financial data, and the ability to expand electronic payments and receipts. The Corbin Willits System accounting software does not have the support or capability to upgrade to meet current standards. The Council Audit Subcommittee discussed the need for replacement of the current accounting software during the review of the prior fiscal year audit. Mr. Ira, partner with CG Uhlenberg LLC, supported this position stating that "the current software was inadequate to support the requirements of Governmental Accounting and Reporting Standards".

Staff received two written proposals and one declined to submit due to the size of our finance needs. This will be the first software replacement in over 30 years [original software was purchased in the late 1970's]. Since receipt of the RFP responses, staff has been doing their due diligence in contacting and visiting other cities that are using the software products of two different vendors to determine the most reliable product in terms of efficiency, software support and conversion of existing data. Overwhelming support for Springbrook Systems was detailed by other user cities in the categories of efficiency, software support and compliance. In addition, Finance staff hosted several webinars for each software product for all City department managers and staff to receive feedback and preferences which will be incorporated into the final implementation.

Highlights of the new software include the following:

Financial Suite and all conversion costs for the following modules:

- General Ledger Accounting
- Budget (replaces the current software program resulting in a \$3,000 annual savings)
- Capital Projects Accounting
- Accounting for Fixed Assets & Inventory
- Accounts Payable (with optional Electronic Signature & MICR printing)
- ACH (electronic payments and receipts)
- Credit card processing
- Banking and reconciliations
- Permits and Licenses
- AR
  - InfoSend Integration [water bill printing]
  - Hosted UB Web Payments
  - Integration with ProfitStars (check receipting system)
- Payroll (with remote time entry)
  - Extended payroll – decentralized time entry; approval by supervisors
  - Electronic Signature
  - Fed/State reporting
- Utility Billing
  - Service Order Management

- Meter Inventory and History
- Meter Reading Interface
- Customer billing

The full conversion of all operations is expected to take approximately 6-9 months. Parallel systems will operate [current software and new software] for a period of approximately two months to insure that all data is converted accurately and working properly.

The installation and implementation of this new software will provide significant benefits to the Council and the public including:

- Real-time financial data
- Electronic, on-line and credit card payments for utility bills, building permits, cemetery and EMS
- Ability to post Financial data and Reports on City's website for greater transparency
- Fully automated cash receipting
- Integration of all departments for access to financial and budgetary data
- Expansion of Banking options
- Preparation of a yearend Comprehensive Accounting and Financial Report [CAFR]

#### FISCAL IMPACT

Not-to-Exceed Costs for the Software System plus related hardware is as follows:

- Springbrook Financial Software Suite and conversion of existing data: \$111,460
- Related Hardware including check scanner and credit card swipe system: \$14,560
- Contingency and training [if necessary]: \$8,900

The 2012-13 Operating Budget includes funding of this replacement software in the amount of \$135,000 [\$60,000 Finance/MIS; \$75,000 Water Fund].



**Pricing Proposal for: City of Sonoma**

| Application/Products                           | Application License Fees        | Training & Consulting            | Training Hours        | Project Management        | Total            | Annual Maint. or Subscription        |
|--|---------------------------------|----------------------------------|-----------------------|---------------------------|------------------|--------------------------------------|
| <b>Finance Suite</b>                           | <b>\$10,000</b>                 | <b>\$9,000</b>                   | <b>72</b>             | <b>\$2,500</b>            | <b>\$21,500</b>  | <b>2,200</b>                         |
| General Ledger                                 | Include in FS                   |                                  |                       |                           |                  |                                      |
| Accounts Payable                               | Include in FS                   |                                  |                       |                           |                  |                                      |
| ACH  | Include in FS                   |                                  |                       |                           |                  |                                      |
| Bank Rec                                       | Include in FS                   |                                  |                       |                           |                  |                                      |
| Extended Budgeting and Forecasting             | Include in FS                   | \$1,500                          | 12                    | \$500                     | \$2,000          |                                      |
| Standard Federal/CA State Reporting            | Include in FS                   | \$1,500                          | 12                    | \$500                     | \$2,000          |                                      |
| AP Electronic Check Signature                  | Include in FS                   |                                  |                       |                           |                  |                                      |
| AP MICR Code-1 check                           | Include in FS                   |                                  |                       |                           |                  |                                      |
| <b>Purchase Orders</b>                         | <b>\$4,000</b>                  | <b>\$1,500</b>                   | <b>12</b>             | <b>\$500</b>              | <b>\$6,000</b>   | <b>880</b>                           |
| Work Flow Set Up Estimate (PO Only)            |                                 | \$1,200                          | 10                    | \$500                     | \$1,700          |                                      |
| <b>Payroll</b>                                 | <b>\$6,000</b>                  | <b>\$9,000</b>                   | <b>72</b>             | <b>\$2,500</b>            | <b>\$17,500</b>  | <b>1,320</b>                         |
| Decentralized/Remote Time Entry                | Include in PR                   | \$1,500                          |                       | \$500                     | \$2,000          |                                      |
| Electronic Approval for Remote Time Entry      | Include in PR                   |                                  |                       |                           |                  |                                      |
| PR Electronic Check Signature                  | Include in PR                   |                                  |                       |                           |                  |                                      |
| <b>Extended Payroll</b>                        | <b>\$1,500</b>                  | <b>\$1,000</b>                   | <b>8</b>              | <b>\$500</b>              | <b>\$3,000</b>   | <b>330</b>                           |
| <b>Project/Grant Accounting **</b>             | <b>\$5,000</b>                  | <b>\$5,000</b>                   | <b>40</b>             | <b>\$1,500</b>            | <b>\$11,500</b>  | <b>1,100</b>                         |
| <b>Misc. Accounts Receivable</b>               | <b>\$5,000</b>                  | <b>\$1,500</b>                   | <b>12</b>             | <b>\$500</b>              | <b>\$7,000</b>   | <b>1,100</b>                         |
| <b>Central Cash Management/Point of Sale</b>   | <b>\$5,000</b>                  | <b>\$1,500</b>                   | <b>12</b>             | <b>\$500</b>              | <b>\$7,000</b>   | <b>1,100</b>                         |
| <b>Utility Billing Suite</b>                   | <b>\$10,000</b>                 | <b>\$15,000</b>                  | <b>120</b>            | <b>\$4,000</b>            | <b>\$29,000</b>  | <b>2,200</b>                         |
| Service Order Request Management               | Included in UB                  |                                  |                       |                           |                  |                                      |
| Meter Inventory and History                    | Included in UB                  |                                  |                       |                           |                  |                                      |
| <b>Standard Meter Reading Interface</b>        | <b>\$2,000</b>                  | <b>\$500</b>                     |                       | <b>\$500</b>              | <b>\$3,000</b>   | <b>440</b>                           |
| <b>Bill Print Outsourcing (InfoSend)</b>       | <b>\$1,000</b>                  |                                  |                       |                           | <b>\$1,000</b>   | <b>220</b>                           |
| <b>Fixed Assets</b>                            | <b>\$5,000</b>                  | <b>\$1,000</b>                   | <b>8</b>              | <b>\$500</b>              | <b>\$6,500</b>   | <b>1,100</b>                         |
| <b>Hosted UB Web Payments and Inquiry</b>      | No Upfront Fees                 |                                  |                       |                           |                  |                                      |
| <b>Application Server Tier(5 User Licenses</b> | <b>\$7,500</b>                  |                                  |                       |                           | <b>\$7,500</b>   | <b>1,875</b>                         |
| <b>Access Agent(100 Casual Users)</b>          | <b>\$2,500</b>                  |                                  |                       |                           | <b>\$2,500</b>   | <b>625</b>                           |
| <b>Business Process Study</b>                  |                                 | <b>\$6,000</b>                   |                       |                           | <b>\$6,000</b>   |                                      |
| <b>Data Conversion</b>                         |                                 | <b>\$28,200</b>                  |                       |                           | <b>\$28,200</b>  |                                      |
| <b>Transition Services</b>                     |                                 |                                  |                       |                           |                  |                                      |
| Pre Migration Project Management               | included above                  |                                  |                       |                           |                  |                                      |
| Pre-Training Prep, Testing, Data Validation    | included above                  |                                  |                       |                           |                  |                                      |
| Port Migration Project Mgmt                    | included above                  |                                  |                       |                           |                  |                                      |
| Migration Data Conversion                      | included above                  |                                  |                       |                           |                  |                                      |
| <b>Technical and Network Services</b>          | included                        |                                  |                       |                           |                  |                                      |
| <b>Quality Assurance</b>                       | included                        |                                  |                       |                           |                  |                                      |
| <b>Integrated Report Archival</b>              | included                        |                                  |                       |                           |                  |                                      |
| <b>Document Attachment and Cataloging</b>      | included                        |                                  |                       |                           |                  |                                      |
| <b>SubTotals</b>                               | <b>\$64,500</b>                 | <b>\$84,900</b>                  | <b>390</b>            | <b>\$15,500</b>           | <b>\$164,900</b> | <b>\$14,490</b>                      |
| <b>Discount</b>                                |                                 |                                  |                       |                           | <b>-\$86,400</b> |                                      |
| <b>Totals</b>                                  |                                 |                                  |                       |                           | <b>\$78,500</b>  | <b>\$14,490</b>                      |
| <b>Optional Modules</b>                        |                                 |                                  |                       |                           |                  |                                      |
| <b>Application/Products</b>                    | <b>Application License Fees</b> | <b>Training &amp; Consulting</b> | <b>Training Hours</b> | <b>Project Management</b> | <b>Total</b>     | <b>Annual Maint. or Subscription</b> |
| <b>Building Permits</b>                        | <b>\$5,000</b>                  | <b>\$5,000</b>                   | <b>40</b>             | <b>\$2,000</b>            | <b>\$12,000</b>  | <b>\$1,100</b>                       |
| <b>Business Licenses and Permits</b>           | <b>\$5,000</b>                  | <b>\$4,000</b>                   | <b>32</b>             | <b>\$1,000</b>            | <b>\$10,000</b>  | <b>\$1,100</b>                       |
| <b>Remittance Processing Integration</b>       | <b>\$1,500</b>                  | <b>\$500</b>                     | <b>4</b>              | <b>\$500</b>              | <b>\$2,500</b>   | <b>\$330</b>                         |
| <b>Ipad and Iphone integration</b>             | <b>\$1,000</b>                  | <b>\$500</b>                     | <b>4</b>              | <b>\$500</b>              | <b>\$2,000</b>   | <b>\$220</b>                         |

|                                    |                 |                 |           |                |                  |                |
|------------------------------------|-----------------|-----------------|-----------|----------------|------------------|----------------|
| Dashboard                          | \$2,500         | \$1,250         | 10        | \$1,250        | \$5,000          | \$550          |
| GIS Integration                    | \$3,500         | \$500           | 4         | \$500          | \$4,500          | \$770          |
| Backflow (XC2) Interface           | \$3,500         |                 |           |                | \$3,500          | 770            |
| Integrated Report Archival         | included        |                 |           |                |                  |                |
| Document Attachment and Cataloging | included        |                 |           |                |                  |                |
| <b>Totals</b>                      | <b>\$22,000</b> | <b>\$11,750</b> | <b>94</b> | <b>\$5,750</b> | <b>\$39,500</b>  | <b>\$4,840</b> |
| <b>Discount</b>                    |                 |                 |           |                | <b>-\$20,540</b> |                |
| <b>Totals</b>                      |                 |                 |           |                | <b>\$18,960</b>  | <b>\$4,840</b> |

\*\*\* Note: The Upgrade Cost Cap adds \$875 to the annual maintenance costs and includes updates for 5 years at no additional cost Beyond the maintenance fee listed.



**RemitPlus Product Suite**  
**Revised 07/31/2008A**

**Date: 7/27/2012**

**City of Sonoma**

Attn: James Blair - Springbrook  
No. 1 The Plaza  
Sonoma, CA 95476

Ship To

**City of Sonoma**

Attn: James Blair - Springbrook  
No. 1 The Plaza  
Sonoma, CA 95476

Prepared By:

Janice Tuschong

Regional Sales Manager

1025 Central Expressway South

Allen, TX 75013

[jtuschong@profitstars.com](mailto:jtuschong@profitstars.com)

(972) 239-4486

Fax (972)239-4511

| <b>Investment Summary</b>       | <b>Total</b>       |
|---------------------------------|--------------------|
| Total Software                  | \$8,200.00         |
| Total Installation and Training | \$1,000.00         |
| Total Hardware                  | \$3,451.00         |
| <b>Image Investment</b>         | <b>\$12,651.00</b> |
| <b>Annual Software Fees</b>     | <b>\$1,640.00</b>  |
| <b>Total</b>                    | <b>\$14,291.00</b> |
|                                 |                    |
|                                 |                    |



**City of Sonoma  
Schedule A - Detail Pricing**

| <b>RemitPlus Suite Licensed Software:</b>                          | <u>Qty</u> | <u>Unit</u> | <u>Total</u>      |
|--|------------|-------------|-------------------|
| RemitPlus - Regular Up to 50,000 items/yr.                         | 1          | \$4,500.00  | \$4,500.00        |
| CAR/LAR - Character Recognition Module Desktop Stand Alone License | 1          | \$1,800.00  | \$1,800.00        |
| Form Xtra - Select Desktop Stand Alone License                     | 1          | \$900.00    | \$900.00          |
| Multi-User Upgrade   | 0          | \$1,000.00  | \$0.00            |
| Electronic Deposit   | 1          | \$1,000.00  | \$1,000.00        |
| ScanForm   | 0          | \$0.00      | \$0.00            |
| Other1   | 0          | \$0.00      | \$0.00            |
| Other2   | 0          | \$0.00      | \$0.00            |
| <b>Total Software</b>  |            |             | <b>\$8,200.00</b> |

| <b>Installation and Training</b>       |   |            |                   |
|--|---|------------|-------------------|
| RemitPlus Installation and Training    | 1 | \$1,000.00 | \$1,000.00        |
| Other Installation and Training        | 0 | \$0.00     | \$0.00            |
| <b>Total Installation and Training</b> |   |            | <b>\$1,000.00</b> |

*Note: Additional travel and lodging expenses billed to customer at actual cost*

**Complete RemitPlus Suite Investment \$9,200.00**

| <b>Annual Software License and Maintenance Fees</b> |   |          |                   |
|---|---|----------|-------------------|
| RemitPlus Annual Fee                                | 1 | \$900.00 | \$900.00          |
| CAR/LAR - Annual Fee                                | 1 | \$360.00 | \$360.00          |
| Form Xtra - Annual Fee                              | 1 | \$180.00 | \$180.00          |
| Multi-User Upgrade - Annual Fee                     | 0 | \$200.00 | \$0.00            |
| Electronic Deposit - Annual Fee                     | 1 | \$200.00 | \$200.00          |
| Other1 - Annual Fee (if applicable)                 | 0 | \$0.00   | \$0.00            |
| Other2 - Annual Fee (if applicable)                 | 0 | \$0.00   | \$0.00            |
| <b>Total Annual Software License Fees</b>           |   |          | <b>\$1,640.00</b> |

**Annual Software License Cost \$1,640.00**



**City of Sonoma**  
**Schedule A: Hardware Description Pricing**

| <b>Hardware</b>                  | <u>Qty</u> | <u>Unit</u> | <u>Total</u>      |
|----------------------------------|------------|-------------|-------------------|
| Burroughs Smart Jogger           | 1          | \$175.00    | \$175.00          |
| CR-50 Canon 50 dpm Scanner       |            | \$795.00    | \$0.00            |
| CR-80 Canon 80 dpm Scanner       |            | \$995.00    | \$0.00            |
| HP TIJ Print Cartridge           |            | \$25.00     | \$0.00            |
| 3 Year Maintenance Plan          |            | \$389.00    | \$0.00            |
| CR-190i Canon 190 dpm scanner    | 0          | \$3,495.00  | \$0.00            |
| 1 Year Maintenance               | 0          | \$399.00    | \$0.00            |
| CR-135i Canon 135 dpm scanner    | 1          | \$2,795.00  | \$2,795.00        |
| 1 Year Maintenance               | 1          | \$355.00    | \$355.00          |
| PG-50 Ink Tank                   | 1          | \$38.00     | \$38.00           |
| Exchange Roller Kit              | 1          | \$59.00     | \$59.00           |
| Imprinter Ink Absorber           | 1          | \$29.00     | \$29.00           |
| <b>Total Hardware:</b>           |            |             | <b>\$3,451.00</b> |
| <b>Total Hardware Investment</b> |            |             | <b>\$3,451.00</b> |



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

**City Council Agenda Item: 5F**

**Meeting Date: 10/15/2012**

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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 October 1, 2012 Meeting.

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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*

**Monday, October 1, 2012**

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

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

\*\*\*\*

### MINUTES



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

#### SPECIAL MEETING - CLOSED SESSION AGENDA

##### 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.

It was moved by Clm. Gallian, seconded by Clm. Brown, to move up the closed session item listed at the end of this agenda for discussion during this closed session, if time allowed. The motion carried four to one, Mayor Sanders dissented. The Council recessed into closed session with all members present. The Mayor requested City Manager Kelly and City Attorney Walter to join the closed session.

##### 2. CLOSED SESSION

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

#### REGULAR MEETING AGENDA

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

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

ALSO PRESENT: City Manager Kelly, City Clerk Johann, City Attorney Walter, Public Works Director Bates, Planning Director Goodison, Associate Planner Atkins.

**REPORT ON CLOSED SESSION** - Mayor Sanders stated that no reportable action had been taken while in Closed Session and that Council would reconvene in Closed Session at the end of the regular meeting.

#### 1. COMMENTS FROM THE PUBLIC

Herb Golenpaul commented on the amount of money spent on political campaigns in Great Britain.

**2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS**

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

Clm. Rouse invited the public to participate in the October 2 City Council Candidate Forum sponsored by the League of Women Voters.

Clm. Brown requested that the meeting be dedicated in the memory of Ron Gruetter.

Councilmembers Brown and Gallian commented that the Vintage Festival had been an awesome event and expressed appreciation to all who made it happen.

Clm. Barbose stated that the economic status report delivered by Laurie Decker at the Tops in Sonoma Chamber Breakfast Forum had been very positive.

Mayor Sanders reported a great turnout for the Blessing of the Grapes, reminded people to register to vote and announced that The Red Grape restaurant had been named Business of the Year by the Chamber of Commerce.

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

**Item 3A: City Manager Comments and Announcements**

City Manager Kelly announced that the Oversight Board would meet on October 3 and October 10 and the Sonoma Tourism Improvement District Board would meet October 11.

**4. PRESENTATIONS**

**Item 4A: Proclamation declaring October 1, 2012 Rob Wilson Day**

Mayor Sanders read aloud and presented a proclamation to Rob Wilson in recognition of his service benefitting the youth of the community and for being a positive role model. Mr. Wilson had, since 2010, provided much needed supervision of the Macdougald Skateboard Park. His efforts also included cleaning up graffiti and debris saving the City money and freeing up personnel for other work responsibilities. He had also formed a citizens group to research development of a bike park.

**Item 4B: Recognition of Michael George's service on the Planning Commission**

Mayor Sanders presented Michael George a certificate of appreciation and thanked him for his service on the Planning Commission for the past six years. He thanked the Council for the opportunity to serve the community in that capacity.

**Item 4C: Proclamation declaring October 2012 Domestic Violence Awareness Month**

## DRAFT MINUTES

Mayor Sanders read portions of a proclamation and presented it to Madeleine Keegan O'Connell, Executive Director of YWCA Sonoma County. Ms. O'Connell spoke briefly regarding the services they provide to victims of domestic violence in the County.

### 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 September 5 and September 17, 2012 Meetings.
- 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. Approved 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. (Res. No. 40-2012)

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

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

- Item 6A:** Approval of the portions of the Minutes of the September 5 and September 17, 2012 City Council / Successor Agency Meetings pertaining to the Successor Agency.

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

### 7. PUBLIC 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 Atkins reported that on August 9, 2012 the Planning Commission, by a vote of five to two, approved a use permit allowing the First Congregational Church to operate a school within Burlingame Hall located at 252 West Spain Street. Issues raised by members of the public at the hearing related to traffic, noise, parking, and charges that the public notice lacked project specifics. Atkins stated that the staff-recommended conditions of approval had been revised to address the concerns related to noise. As amended, they 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. Planner Atkins stated that Mayor Sanders filed an appeal of the Planning

## DRAFT MINUTES

Commission decision citing the following concerns: 1) noticing; 2) conditions of approval; 3) definition of a school.

CIm. Barbose requested staff to summarize discussions between him and members of the public relating to zoning issues. Planning Director Goodison stated that the property was zoned Residential – Low Density and that schools and day care centers were allowed subject to use permit approval.

Mayor Sanders opened the public hearing. Roger Wright, speaking on behalf of the church, stated they attempted to make contact with all the neighboring property owners and had felt all concerns had been satisfactorily dealt with.

Jennifer Hainstock stated that the public hearing notice should have included an email address so that people could respond electronically. She stated that the existing use permit for the Old Adobe School stated it was to be held in Burlingame Hall and it was not. She pointed out that the church did not have a use permit for all the weddings and other events held there. Hainstock stated that all the various uses at the church should be combined into one use permit and the number of events should be limited. She added that the church should be required to have an onsite monitor at all events.

Herb Golenpaul questioned who was in control of what went on at the church.

Sarah Brady spoke in support of the use permit.

When there were no additional comments, Mayor Sanders closed the public hearing.

CIm. Barbose confirmed with staff that other events held at the church were not subject to the conditions placed upon the use permit for the school use.

Mayor Sanders questioned the need for a use permit for the weddings. Goodison responded that all churches had weddings, funerals and other events that the City had never tried to regulate. Mayor Sanders noted that some of the concerns related to safety and questioned if the City could require red curbs or the timing of events. Goodison responded that the church had make application to the Traffic Safety Committee to have red curbs and that the Council could amend the conditions of approval at any time.

It was moved by CIm. Barbose, seconded by CIm. Gallian, to uphold the decision of the Planning Commission and amend the conditions of approval to include: 1) requiring a minimum of thirty minutes between classes; 2) requiring red curb designations at the entrance and exit to the parking lot; 3) posting signs requesting that drivers stop and proceed with caution when exiting the parking lot; 4) mandating that instructors discuss the necessity of participants driving cautiously while entering and exiting and the need to park in the parking lot and not on the street; 5) requiring church staff or volunteers to monitor the traffic/parking situation before and after classes initially as well as intermittently.

Lynn Ross, from the church, came to the podium and stated concern for the last condition. She stated that they did not have the manpower to monitor every event. CIm. Barbose explained that it only required monitoring initially and intermittently.

Mayor Sanders invited additional comments from the public and there were none. Being put to a vote, the motion carried unanimously.

**8. REGULAR CALENDAR – CITY COUNCIL**

**Item 8A: Overview of Statewide Pension Reform Legislation, AB 340, requested by Councilmember Gallian.**

Nancy Hall Bennett of the League of California Cities provided an overview of AB 340, the pension reform bill and responded to questions from the City Council. Mayor Sanders stated that, in her view, the biggest change would be that new hires would have a different retirement date for benefits.

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

**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 Kelly reported that Clm. Brown had requested Council consideration for support of Proposition 37 on the November 2012 Statewide ballot. She explained that, if passed, the measure would require genetically engineered foods sold in California to be labeled as being genetically engineered.

Mayor Sanders invited comments from the public. Yannick Phillips, Herb Golenpaul, and Greg Montgomery spoke in favor of the proposition and Council's support of it.

It was moved by Clm. Rouse, seconded by Clm. Gallian, to adopt a resolution in support of the proposition. Mayor Sanders stated she would not support the motion because she did not feel Council should take a position on issues outside of its jurisdiction and she did not agree with the labeling requirement. The motion carried four to one, Mayor Sanders dissented. (Res. 41-2012)

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

There were no agenda items.

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

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

Clm. Gallian reported on the Ag and Open Space District Meeting and that the Sonoma Garden Park had received a grant.

Clm. Barbose reported an interesting discussion regarding what to do with the Maysonnave Cottage at the Facilities Committee meeting.

Mayor Sanders reported that the Economic Development Steering Committee reviewed a new brochure explaining the formula business ordinance and discussed a hardship situation relating to water connection fees where a property use was changing.

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

Clm. Rouse stated that Mayor Sanders did a great job at the Tops in Sonoma forum.

**11. COMMENTS FROM THE PUBLIC – There were none**

**12. PUBLIC COMMENTS REGARDING CLOSED SESSION – There were none**

Mayor Sanders stated the meeting would be dedicated to Ron Gruetter and Bob Edward's dog Zachary.

At 7:55 p.m. the Council convened in Closed Session with all members present. City Manager Kelly was also present.

**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**

At 8:15 p.m., the meeting reconvened in open session and Mayor Sanders stated that no reportable action had been taken while in Closed Session.

**15. ADJOURNMENT**

The meeting was adjourned at 8:16 p.m.

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

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



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

**City Council Agenda Item: 5G**

**Meeting Date: 10/15/12**

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**Department**

Planning

**Staff Contact**

Associate Planner Atkins

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**Agenda Item Title**

Resolution upholding the decision of the Planning Commission's decision to approve an application of the First Congregational Church for a Use Permit to operate a school within Burlingame Hall, at 252 West Spain Street, subject to revised conditions of approval (implementing the City Council action of October 1, 2012).

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**Summary**

The First Congregational Church's application was reviewed by the Planning Commission at its meeting on August 9, 2012. After holding a public hearing on the matter, the Planning Commission voted 5-2 to approve the use permit, subject to revised conditions of approval (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. After considering the appeal at its meeting of October 1, 2012, the City Council voted 5-0 to uphold the decision of the Planning Commission, subject to additional conditions of approval. As directed by the Council, staff has prepared a draft resolution (attached), including the revised conditions, to implement the City Council's decision.

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**Recommended Council Action**

Adopt the resolution upholding the decision of the Planning Commission to approve a Use Permit allowing the First Congregational Church to operate a school within Burlingame Hall, subject to the revised conditions of project approval.

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**Alternative Actions**

Direct amendments to the resolution and/or revisions to the conditions of project 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
- 

**Attachments:**

1. Resolution
- 

**cc:**

First Congregational Church Use Permit mailing list

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**CITY OF SONOMA**

RESOLUTION NO. xx - 2012

A RESOLUTION OF THE SONOMA CITY COUNCIL UPHOLDING THE DECISION OF THE PLANNING COMMISSION TO APPROVE AN APPLICATION OF THE FIRST CONGREGATIONAL CHURCH FOR A USE PERMIT TO OPERATE A SCHOOL WITHIN BURILINGAME HALL LOCATED AT 252 WEST SPAIN STREET, SUBJECT TO REVISED CONDITIONS OF APPROVAL

WHEREAS, on July 13, 2012, an application was filed by the First Congregational Church for a Use Permit to operate a school within Burlingame Hall located at 252 West Spain Street; and,

WHEREAS, upon considering this request in the course of a public hearing held on August 9, 2012, the Planning Commission voted 5-2 to approve the Use Permit subject to conditions; and,

WHEREAS, this decision was appealed to the City Council by Mayor Sanders; and,

WHEREAS, the City Council considered the appeal in a duly noticed public hearing held on October 1, 2012; and,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sonoma hereby upholds the decision of the Planning Commission to approve a Use Permit to operate a school within Burlingame Hall, subject to modifications to the conditions of approval, as set forth in Exhibit A, intended to better address neighbor concerns about parking and traffic safety.

The foregoing Resolution was duly adopted this 15<sup>th</sup> day of October 2012, by the following roll call vote:

AYES:  
NOES:  
ABSENT:

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

ATTEST:

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

**EXHIBIT A**

*As revised by the City Council on October 1, 2012*

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 to 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*

9. A minimum break of thirty minutes shall be allotted between classes.

Enforcement Responsibility: Planning Division  
Timing: Ongoing

10. The applicant shall implement red curbing at the entrance and exit to the parking lot of a design as approved by the Traffic Safety Committee.

Enforcement Responsibility: Planning Division  
Timing: Ongoing

11. Signs shall be posted at exists of the parking lot requesting that drivers stop and then proceed cautiously when exiting.

Enforcement Responsibility: Planning Division  
Timing: Ongoing

12. Class instructors shall discuss the necessity of participants to drive cautiously while entering and exiting the parking lot as well as the need to park in the parking lot and not on the West Spain Street.

Enforcement Responsibility: Planning Division  
Timing: Ongoing

13. Church staff or volunteers shall monitor the traffic and parking situation both before and after classes initially begin as well as intermittently.

Enforcement Responsibility: Planning Division  
Timing: Ongoing



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

**City Council Agenda Item: 6A**

**Meeting Date: 10/15/2012**

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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 October 1, 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 5F for the minutes

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

**City Council Agenda Item: 8A**

**Meeting Date: 10/15/2012**

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**Department**

Police

**Staff Contact**

Chief Bret Sackett

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**Agenda Item Title**

Discussion, consideration and possible first reading of an ordinance to Amend Title 8 of Sonoma Municipal Code pertaining to Animal Care and Control.

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**Summary**

In September 2011, the City Council discussed whether to amend the municipal code pertaining to vicious dogs. During public comment, several community members representing SV DOG and Pet's Lifeline offered to work with the police department to review the current ordinance and make recommendations to the City Council. After a series of meetings, SV DOG put together a series of recommendations for Council to consider, pertaining exclusively to dogs. The Council directed the police department to incorporate some of the recommendations into our current ordinance. Dog regulations are contained in Title 8 of the SMC, which pertains to ALL animals in Sonoma.

Upon review, Title 8 appeared to be outdated and lacked some contemporary sections. As such, any update to the dog regulations should be contemporaneous with a wholesale review/update of Title 8 to insure consistency and modernization. The police department worked with interested citizens, other staff members, and the city attorney to craft an update to Title 8.

See attached staff report for summary of changes, deletions, and modifications to Title 8.

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**Recommended Council Action**

Introduce and hold first reading of an ordinance amending Title 8 of the Sonoma Municipal Code pertaining to Animal Care and Control.

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**Alternative Actions**

Council Discretion

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**Financial Impact**

None

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**Environmental Review**

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

**Status**

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

**Attachments:**

Draft of Title 8 of the Sonoma Municipal Code

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**ccs via email:**

Bob Edwards, SV DOG  
Nancy King, Pet's Lifeline

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## **Update to Title 8 of the Sonoma Municipal Code pertaining to Animals Staff Report by Bret Sackett, Chief of Police**

On September 7, 2011, the Sonoma City Council discussed whether to amend the City's current ordinance as it pertains to vicious dogs. During public comment, several community members representing the Sonoma Valley Dog Owners and Guardians (SVD OG) and Pet's Lifeline, offered to work with the police department to further research to topic and report back to Council with suggested amendments to our current ordinance. The City Council seemed pleased with this offer and requested this community group hold a public workshop to garner public input.

On October 21, 2011, SVD OG and Pet's Lifeline held a community workshop at the police department "to gather community ideas and viewpoints to develop specific recommendations for the City Council" to consider. Although the workshop was sparsely attended, the group was able to solicit valuable feedback from community members, dog owners, dog trainers, and the city's animal control officer.

On February 6, 2012, the City Council heard a presentation from Bob Edwards, who represented SVD OG. Mr. Edwards provided the Council with 23 recommendations, which included proposals for Municipal Code amendments, along with recommendations for new or revised policies and procedures. Several other people spoke in favor of some of the recommendations. Although the City Council took no formal action at the time of the presentation, they suggested the police department consider these suggestions when updating the City's Animal Regulations.

The city's current ordinance pertaining to dogs is contained in Title 8 of the Sonoma Municipal Code, which includes sections pertaining to the keeping, control, and treatment of all animals – not just dogs. Upon review of Title 8, the police department determined the Title appeared outdated, lacked some contemporary sections, and that any update to the dog regulations should be conducted contemporaneous to a wholesale review of the Title for consistency and modernization.

In updating Title 8, the police department reviewed applicable provisions of the Food and Agriculture Code and animal regulations from the following communities: Rohnert Park, Healdsburg, Novato, and the County of Sonoma (which includes the cities of Santa Rosa and Windsor). In addition, the police department met with at least one citizen who expressed an interest in providing feedback on the recommendations provided by SVD OG.

The following list provides a summary of the changes to the Title 8. This list is by no means meant to be exhaustive, but only a quick reference to the most notable changes.

### **Added**

- A number of definitions that were not in the original ordinance including, but limited to, definitions for Vicious and Potentially Dangerous Dogs
- Establishes a procedure for matters to be heard / decided by an Animal Hearing Officer as opposed to the Planning Commission. This includes certain impoundments, determination of vicious or potentially dangerous dog, and appeals
- Establishes public notice requirements for such hearings
- Adds a variety of prohibited conduct that wasn't in the original ordinance, including:
  - Interference with animal control officer (ACO)
  - Removal of animal from custody of ACO
  - Prohibits people for aiding in the escape of animals sought by the ACO
  - Requires people to present animal for inspection
  - Prohibits the abandonment of dogs or cats
  - Prohibits animals in public buildings – with exceptions
  - Prohibits selling animals on public property and requires the seller to be licensed and/or be the owner of the animal
- Requires people to comply with quarantine orders
- Prohibits keeping exotic animals without proper state and federal permits
- Requires ACO notification by owner when animal bites a human
- Requires people to pick up their animal's waste on public property or private property not their own
- Prohibits leaving animal unattended in a vehicle and subject to extreme temperature
  - Authorizes ACO or police officer to enter vehicle to rescue animal
- Adds new chapter pertaining to Vicious and Potentially Dangerous Dogs in accordance with provisions of Food and Ag code. See further explanation below

### **Modified**

- Changed Title of the Chapter to "Animal Care and Control."
- Reduces the leash length from 8 feet to 6 feet, which is the industry standard
- Barking, howling,
  - Changes definition from "heard more than 100 feet away" to "to interfere with the reasonable use and enjoyment of private residential property"
  - On-view violations can be cited by ACO
  - Two or more adjoining neighbors may act file compliant with ACO

- 3 violations within a 12 month period may be deemed a public nuisance and subject to further abatement action
- Dog license renewal will fall on date of rabies cert, not calendar year
- Provides a dog license fee waiver for service animals and 50% reduction for seniors
- Changes to permits for additional dog/cat (commonly known as “4<sup>th</sup> Dog Permits”)
  - Removed lot size restrictions
  - Appeals can be made by applicant or affected neighbors
  - Appeals heard by Animal Hearing Officer, not Planning Commission

**Deleted**

The requirement of permits for chickens, rabbits, and bees  
 Hitching post diameter requirement for private property

**Potentially Dangerous and Vicious Dogs**

This section is governed by Chapter 9 of the California Food and Agriculture Code, which establishes the rules and regulations regarding dangerous and/or vicious dogs. It defines what constitutes a dangerous and/or vicious dog, what is to be done with said dog(s), and provides a model provision for municipalities to follow.

**Definition**

“Potentially dangerous dog” shall mean any dog, except a police dog actively assisting a peace officer engaged in law enforcement duties, which demonstrates any or all of the following:

- A. On two separate occasions engages in behavior, without provocation, within a 12-month period, which requires a defensive action by any person to prevent bodily injury and/or injury or damage to another animal at a location where such person is acting lawfully;
- B. On two separate occasions engages in behavior, without provocation, within a 36-month period, which inflicts injury on another animal or livestock, occurring off the property of the owner of the attacking animal and which does not result in the death of the attacked animal;
- C. On any one occasion engages in behavior, without provocation, that inflicts an injury that is less than a severe injury on a person while such person is acting lawfully during such occasion.

“Severe injury” means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery

“Vicious dog” shall mean any dog, except a dog assisting a peace officer engaged in law enforcement duties, which demonstrates any or all of the following:

- A. On a single occasion engages in behavior, without provocation, that results in a severe injury or death to a person in a place where such person is acting lawfully;
- B. On a single occasion engages in behavior, without provocation, on another animal or livestock which occurs off the property of the owner of the attacking animal and that results in the death of the other animal or livestock;
- C. Any dog previously determined to be and currently listed as a potentially dangerous dog, as herein defined, which after its owner has been notified of such determination, continues any behavior defined as a dangerous dog behavior or is maintained in violation of the conditions of abatement.

Exempt from the definition of “potentially dangerous and vicious dog” is any dog in a situation in which it is shown that the person or domestic animal suffering injury or damage immediately preceding the injury or damage:

1. Provoked, tormented, teased, abused or assaulted the dog into the behavior alleged;
2. Committed a trespass or other tort upon the private property of the owner of the dog;
3. Committed or attempted to commit a crime; or
4. Threatened or committed an unjustified attack or assault against the owner or person in control of the dog.

### **Investigation Procedure**

An animal care and control officer shall investigate any reported incident or complaint regarding a potentially dangerous or vicious dog.

- The ACO will prepare a report, which will include all witness statements
- If probable cause exists to believe the dog is potentially dangerous or vicious, the ACO may impose reasonable provisional abatement orders to protect public. The ACO may also impound the dog pending the hearing, if necessary and reasonable
- A hearing will be held within 30 days by Animal Hearing Officer
  - If owner fails to attend or waives their right to a hearing, then the provisional abatement order becomes permanent
- If hearing officer does not designate the dog as potentially dangerous or vicious, the provisional abatement order is removed

- If the hearing officer designates the dog as potentially dangerous or vicious, they may impose reasonable abatement orders (see note below)
- If the hearing officer finds the dog vicious and believes that releasing the dog back to the owner would be a threat to public safety, they may order the dog euthanized.
- All orders for euthanasia will be stayed for 10 days to give the dog owner the opportunity to appeal or arrange for the dog to be released to an appropriate sanctuary that specializes in vicious dogs. If released, the dog may not be brought back into the City.
- The order to euthanize shall be final unless appealed to a court of competent jurisdiction

### **Abatement orders**

The owner of a dog determined to be potentially dangerous or vicious by the hearing officer shall be required to comply with the abatement order of the animal hearing officer which contains any or all of the following conditions:

1. To immediately register the dog that is found to be potentially dangerous or vicious with the animal care and control officer; to comply with the animal care and control officer's requirements for potentially dangerous or vicious dogs; and to keep such dog properly vaccinated at all times.
2. To keep the dog securely confined on its premises in a locked enclosure approved by the animal hearing officer or the animal care and control officer from which the dog cannot escape and into which children cannot trespass. Such a kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine a potentially dangerous or vicious dog must be locked with a key or combination lock when such dogs are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet. All structures erected to house a dangerous animal must comply with all zoning and building regulations of the City. All such structures must be adequately lighted, ventilated, and kept in a clean and sanitary condition with access to potable food and water;
3. To keep the dog securely muzzled, restrained by a substantial leash of no longer than six feet in length and under the control of a responsible person 18 years of age or
4. To have the animal spayed or neutered by a licensed veterinarian and to present proof to the animal care and control officer;
5. To provide and maintain financial responsibility for injuries to the public by obtaining and showing proof of liability insurance;
6. The posting of a bond or other proof of ability to pay a damage award in the amount of \$50,000;
7. To immediately inform any City, county, postmaster or utility company meter readers and anyone else that lawfully comes onto the property, of the dog's owner;

8. To display in a prominent place on the premises a sign easily readable by the public using the words "Beware of Dog" in letters at least three inches high;
9. To have a microchip assigned by animal services implanted into the dog for identification purposes. The identifying information listed on the microchip shall be noted in the licensing files for that dog;
10. To consent and agree to the entry upon the premises to any police officer or animal care and control officer for the purpose of inspecting the dog and/or premises at any time;
11. To make reasonable payment of costs incurred by the City and animal care and control agent in the hearing process, not to exceed \$1,000;
12. To take any other steps deemed reasonably necessary to prevent injuries to the public.
13. Euthanization of the animal pursuant to Section 8.12.040.

B. The owner of the dog shall comply with the conditions imposed by the hearing officer within 30 days of the order. All owners of potentially dangerous or vicious dogs must within 10 days of the effective date of the abatement order provide the animal care and control officer with two photographs (which may be in digital format) of the registered dog clearly showing the color and approximate size of the dog and any distinguishing markings

C. No potentially dangerous or vicious dog shall be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such dog may be kept in a house or structure when the windows are open or screen doors are the only obstacle preventing the animal from exiting the structure.

#### **Additional Restrictions**

- Restricts the transfer of any dog that has been declared Potentially Dangerous or Vicious without proper notice
- Does not allow people to bring a Potentially Dangerous or Vicious dog into the City
- Restricts future ownership of a dog for 3 years
- Prohibits minors from owning Potentially Dangerous or Vicious Dog

#### **Comments from Commissions and Committees**

On September 12, 2012, the proposed changes were discussed at the Community Services and Environment Commission meeting, particularly as it pertains to changes or modifications to sections within their purview. The Commissioners asked several questions, specifically about the impact of allowing dogs on leash in certain public parks. PW Administrator Bates did not feel it would be a big impact on her staff, although they did not have the funding to install dog waste stations in all the parks. It was also decided that dog waste stations would not be necessary at all parks provided, of course, that dog owners comply with the requirement to pick up their animal's waste. Bob Edwards from SV DOG, indicated SV DOG may be able to help fund a station or two. One Commissioner pointed out that some of the parks are near the creeks and expressed some concern about animal waste getting into the creek,

but this didn't appear to resonant with other Commissioners. In conclusion, all the Commissioners were supportive of the new draft ordinance and recommended approval.

On September 13, 2012, the proposed changes were discussed at the Planning Commission meeting, particularly as it pertains to changes or modifications to sections within their purview. One Commissioner was concerned about the impact of the prohibition against "cow or goat dairy, any stockyards or horse farm, or any hog farm" would have on the Castagnasso property. However, it was pointed out that this prohibition exists in our current ordinance, but the Castagnasso property is an existing use. One Commissioner wanted people to be able to use goats for weed control/abatement, which would be prohibited under the new ordinance, but this idea didn't seem to resonate with any other Commissioner. In the end, the Planning Commission voted 6-1 to recommend approval to the City Council.

**CITY OF SONOMA**

ORDINANCE NO. xx -2012

**AN ORDINANCE OF THE CITY OF SONOMA  
REPEALING SECTION 9.12.180 AND TITLE 8 AND REENACTING TITLE 8  
(ANIMAL CARE AND CONTROL) OF THE SONOMA MUNICIPAL CODE**

THE CITY COUNCIL OF THE CITY OF SONOMA DOES ORDAIN AS FOLLOWS:

**Section 1.** Section 9.12.180 of Title 9 (Animals in parks) is hereby repealed in its entirety.

**Section 2.** Title 8 of the Sonoma Municipal Code is repealed in its entirety and reenacted to read as follows:

**Title 8  
ANIMAL CARE AND CONTROL**

**Chapters:**

- 8.02 General Provisions**
- 8.04 Administrative Provisions**
- 8.06 Prohibited Conduct**
- 8.08 Keeping of Livestock, Fowl and Other Animals**
- 8.10 Dogs and Cats**
- 8.12 Potentially Dangerous and Vicious Dogs**
- 8.14 Impoundment**
- 8.18 Rabies Control**
- 8.20 Violations**

**Chapter 8.02**

**GENERAL PROVISIONS**

**Sections:**

- 8.02.010 Purpose—Construction.
- 8.02.020 Relationship to other laws.
- 8.02.030 Authority to set fees.
- 8.02.040 Definitions.

**8.02.010 Purpose – Construction.**

This chapter is intended to protect, regulate and control animals existing within the City of Sonoma.

### **8.02.020 Relationship to other laws.**

This chapter is not intended to, nor shall it be construed or given effect in a manner that causes it to, apply to any activity which is regulated by federal or state law to the extent that application of this chapter would conflict with such law or would unduly interfere with the achievement of federal or state regulatory purposes. It is the intention of the City Council that this chapter shall be interpreted to be compatible with federal, county, and state enactments, and in furtherance of the public purposes which those enactments express. Where an activity is a violation of this chapter and a federal or state enactment, the citation for such violation shall be deemed to be a citation under this chapter and that enactment, even if not expressly stated in the citation. Nothing in this chapter is intended to supersede any other provisions of this code.

### **8.02.030 Authority to set fees.**

The City Council may by resolution establish a schedule of fees and charges for services performed and licenses issued under this chapter. The fees and charges so established may recover the reasonable cost of providing such services and issuing such licenses and for the operation of the Animal Care and Control activities.

### **8.02.040 Definitions.**

“Animal” means any nonhuman mammal, bird, reptile, amphibian or fish including, but not limited to, dog, cat, horse, goat, sheep and chicken and all animals defined in California Penal Code Section 597.

“Animal care and control” means the Sonoma animal shelter and/or the agency who is responsible for animal care and control.

“Animal care and control officer” means any person authorized by the Chief of Police , to administer or enforce the provisions of this chapter and applicable state laws and regulations pertaining to animal care and control or rabies control.

“Animal hearing officer” means a person directed by the Chief of Police to conduct hearings under this chapter. The animal hearing officer shall not be a presently employed animal care and control officer and shall either volunteer his/her services or be retained for this purpose.

“Animal shelter” means the facility where animals impounded pursuant to this chapter or voluntarily surrendered by their owners are placed for humane care and keeping.

“Assistance animal” means any guide dog, signal dog, search and rescue dog or dog or other animal described by the federal American with Disabilities Act of 1990 (42 U.S.C. Section 12101-12213; 28 C.F.R. Section 36.104) which is specially trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, alerting individuals with impaired hearing to intruders or sounds, guiding individuals with impaired sight to obstacles, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

“At large” or “run at large” means for an animal to be off-leash or otherwise free from restraint or confinement off the premises of its owner or custodian.

“Commercial kennel” means any lot or premises on which three or more dogs and/or three or more cats over four months of age are kept by the owner or occupant for commercial purposes, including, but not limited to, boarding, breeding, buying, selling, renting, exhibiting or training.

“Cruelty” means the intentional or grossly negligent mistreatment of any animal by any act or omission whereby unjustifiable physical pain, suffering, or death is caused to or permitted upon such animal.

“Dangerous animal” means any animal which, because of its behavior, constitutes a danger to persons or property.

“Exotic animal” means any wild animal which the California Fish and Game Commission has declared to be a prohibited wild animal and the importation, transportation, or possession of which is unlawful except under authority of a revocable permit issued by the California Department of Fish and Game.

“Fowl” includes but is not limited to chickens, turkeys, ducks, geese, and other birds.

“Health officer” means the Sonoma County public health officer or his designee.

“Hobby kennel” means any lot or premises on which four or more, but not exceeding 10, dogs and/or four or more, but not exceeding 10, cats over four months of age are owned and kept by the owner or occupant for personal, noncommercial purposes, including, but not limited to, hunting, tracking, exhibiting at shows, exhibitions, field trials or other competitions, or enhancing or perpetuating a given breed, other than dogs or cats used in conjunction with an agricultural operation on the lot or premises. No hobby kennel shall sell, display, offer for sale, barter or give away more than one litter of puppies and/or one litters of kittens in any calendar year.

“Household pets” shall mean any household pet customarily kept by humans for companionship including, but not limited to, dogs, cats, birds, hamsters, mice, and turtles.

“Impounded” shall mean for an animal to be taken into custody by animal care and control.

“Kennel” means any commercial kennel or hobby kennel or both, but excludes any kennel maintained and operated by a non-profit animal shelter or animal rescue organization registered with and licensed by the City

“Licensed premises” means any lot or premises on which a commercial kennel, hobby kennel, animal shelter or pet shop is maintained or proposed to be maintained by the person owning or occupying such lot or premises.

“Livestock” means any cattle, sheep, or goat, or any horse, mule or other equine, or any llama or other camelidae, or any domestic fowl or rabbit.

“Owner” means any person over 18 years of age owning, keeping, harboring or having custody of, or possession of, any animal. This definition shall not apply to a veterinarian or his/her employees in the regular practice of his/ her profession as to any animal in his/ possession while being treated or cared for. This definition shall not apply to any operator of a kennel as to any animal that is being boarded in the regular practice of his business.

“Park” means any body of water, land, campsite, recreation area, building, structure, or other real property owned, managed, leased, controlled or operated by the City of Sonoma.

“Person” means and includes any individual, firm, association, organization, partnership, joint venture, business trust, corporation or company.

“Pet shop” means a place or premises where live animals are offered, kept or displayed for purposes of wholesale or retail sale as household pets, livestock or exotic animals.

“Police dog” means any dog under the control of a peace officer in the performance of, or training for, public service.

“Potentially dangerous dog” shall mean any dog, except a police dog actively assisting a peace officer engaged in law enforcement duties, which demonstrates any or all of the following:

A. On two separate occasions engages in behavior, without provocation, within a 12-month period, which requires a defensive action by any person to prevent bodily injury and/or injury or damage to another animal at a location where such person is acting lawfully;

B. On two separate occasions engages in behavior, without provocation, within a 36-month period, which inflicts injury on another animal or livestock, occurring off the property of the owner of the attacking animal and which does not result in the death of the attacked animal;

C. On any one occasion engages in behavior, without provocation, that inflicts an injury that is less than a severe injury (as that term is defined by this section) on a person while such person is acting lawfully during such occasion.

Exempt from the definition of “potentially dangerous dog” is any dog in a situation in which it is shown that the person or domestic animal suffering injury or damage immediately preceding the injury or damage:

1. Provoked, tormented, teased, abused or assaulted the dog into the behavior alleged;
2. Committed a trespass or other tort upon the private property of the owner of the dog;

3. Committed or attempted to commit a crime; or
4. Threatened or committed an unjustified attack or assault against the owner or person in control of the dog.

“Premises” means any property owned or leased by any person.

“Secure enclosure” means a fence or structure suitable to prevent the entry of young children, and which is suitable to confine a potentially dangerous or vicious dog in conjunction with other measures which may be taken by the owner of the dog and/or the City pursuant to a potentially dangerous or vicious dog abatement order. The enclosure shall be designed to prevent the dog from escaping. The dog shall be housed pursuant to Penal Code Section 597t.

“Severe injury” means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

“Veterinarian” means any person licensed to practice veterinary medicine in California.

“Veterinary facility” means a clinic or hospital for the provision of inpatient or outpatient medical services to domestic and exotic animals. Animals may be kenneled on site.

“Vicious dog” shall mean any dog, except a dog assisting a peace officer engaged in law enforcement duties, which demonstrates any or all of the following:

- A. On a single occasion engages in behavior, without provocation, that results in a severe injury or death to a person in a place where such person is acting lawfully;
- B. On a single occasion engages in behavior, without provocation, on another animal or livestock which occurs off the property of the owner of the attacking animal and that results in the death of the other animal or livestock;
- C. Any dog previously determined to be and currently listed as a potentially dangerous dog, as herein defined, which after its owner has been notified of such determination, continues any behavior defined as a dangerous dog behavior or is maintained in violation of the conditions of abatement.

Exempt from the definition of “vicious dog” is any dog in a situation in which it is shown that the person or domestic animal suffering injury or damage had, at the time of the injury or damage:

1. Provoked, tormented, teased, abused or assaulted the dog into the behavior alleged;
2. Committed a trespass or other tort upon the private property of the owner of the dog;
3. Committed or attempted to commit a crime; or
4. Threatened or committed an unjustified attack or assault against the owner or person in control of the dog.

## Chapter 8.04

### ADMINISTRATIVE PROVISIONS

#### Sections:

- 8.04.010** Animal care and control officers—Powers and duties.
- 8.04.020** Public Notice—Public notice—Hearing by animal hearing officer.
- 8.04.030** Contents of notice.
- 8.04.040** Hearing by animal hearing officer—General; Decision.

#### **8.04.010 Animal care and control officers – Powers and duties.**

- A. The animal care and control officers shall enforce this chapter and any other provisions of this code, the Sonoma zoning ordinance, and the laws of this state relating to the care, control and keeping of animals and investigate complaints of violations thereof. Animal care and control officers are authorized to issue warnings or citations of the aforesaid ordinance and state laws.
- B. The animal care and control officer shall not be deemed to be a police officer, but pursuant to Penal Code Section 830.9 he/she may exercise the powers of arrest of a police officer as specified in Penal Code Section 836 and the power to serve warrants as specified in Penal Code Sections 1523 and 1530 during the course and within the scope of his/her employment.
- C. Animal care and control officers shall issue all licenses and permits, and collect all fees and charges as authorized by this chapter, unless otherwise specified by this Title.
- D. The animal care and control officer shall have the right to enter upon and inspect any premises where an animal is kept or harbored when such entry is necessary to investigate complaints and enforce the provisions of this chapter or state laws relating to the care, control and treatment of animals, or to save an animal, or to protect the public health, safety and welfare. All entries and inspections shall be carried out in accordance with applicable laws, including, but not limited to, the laws pertaining to search warrants and inspection warrants.
- E. A search warrant is not required when the animal care and control officer has probable cause to believe that the keeping or maintaining of an animal on private property is so hazardous or dangerous to the animal, other animals or the general public as to require immediate inspection and/or impoundment of the animal in order to safeguard the safety of the animal, other animals or the public safety.
- F. Animal care and control officers may seize, impound, and humanely destroy any animal when authorized by provisions of this chapter or the laws of this state relating to the care, control and keeping of animals.

#### **8.04.020 Public notice – Hearing by animal hearing officer.**

- A. When a provision of this chapter requires notice of a hearing to be given pursuant to this section, notice shall be given in all of the following ways:

1. Notice of the hearing shall be mailed or delivered personally at least 10 days prior to the hearing to the applicant, license holder or owner of the animal, as the case may be. The notice of the hearing shall be served either personally or by first class mail in a sealed envelope with postage prepaid, addressed to the animal owner at his/her last known mailing address and deposited in a facility maintained by the United States Department of Postal Service. The person providing such notice or service shall sign a declaration under penalty of perjury that notice or service has been made. In the event that the last known address of the animal owner cannot be ascertained, the hearing officer or animal care and control officer shall sign a declaration under penalty of perjury that best efforts were made to provide notice or service to the animal owner. In the case of service by mail, notice or service is complete at the time the notice is deposited in the United States mail.

2. Notice of the hearing shall be posted at least 10 days prior to the hearing in a public area at the police station, on or near the doors of the meeting room where the hearing will be held. If the hearing is to be held at a location other than the police station, then the notice shall be posted in a public area in the location in which the hearing will be held.

B. The notice shall include the information specified in Section [8.04.030](#).

C. In addition to the notice required by this section, notice may also be given in any other manner deemed necessary or desirable.

#### **8.04.030 Contents of notice.**

When a provision of this chapter requires notice of a hearing to be given, the notice shall include the date, time and place of the hearing, the identity of the animal hearing officer, a general explanation of the matter to be considered, a general description, in text or by diagram, of the location of the licensed premises, if any, that is the subject of the hearing, and a notice that if the applicant, license holder or owner of the animal, as the case may be, fails to appear at the hearing, the hearing shall proceed in such person's absence and such absence shall be further considered a waiver by that person of his or her right to present evidence at the hearing.

#### **8.04.040 Hearing by animal hearing officer – General; Decision.**

Any person sitting as an animal hearing officer shall be familiar with the provisions of this chapter. If the hearing relates to Chapter 8.12 – Potentially Dangerous and Vicious Dogs – the hearing officer should also have a basic understanding of canine behavior in order to render an informed decision. When a provision of this chapter requires that a hearing be conducted pursuant to this section, the hearing shall be conducted as follows:

A. At the time and place set for the hearing, the animal hearing officer shall consider the matter at issue. The animal hearing officer shall swear witnesses, hear testimony, and receive relevant sworn statements of witnesses or police incident reports as evidence. The formal rules of evidence need not be applied. Additional procedural rules may be adopted by resolution of the City Council. The animal hearing officer may electronically record the hearing and shall preserve

all photographs and other documentary evidence introduced at the time of the hearing. A stenographic report shall also record the proceedings if ordered by the animal hearing officer or requested by the owner, with the costs thereof to be borne by the person making the order or request. A copy of the electronic recording or transcript of the proceedings shall be made available to any person upon request and upon payment of the cost of preparation thereof. The animal hearing officer or their designee shall not have had any direct involvement in the matter being heard. The animal hearing officer may decide all issues for or against the applicant, license holder, or owner of the animal, as the case may be, even if such person fails to appear at the hearing.

B. Within 15 days after the hearing is closed, the animal hearing officer shall render a written decision containing findings of fact and conclusions of law. The evidentiary standard used to make the decision shall be a preponderance of the evidence. A copy of the decision shall be mailed by certified mail to the applicant, license holder or owner of the animal, as the case may be, and a brief summary of the decision shall be mailed by first class mail to all persons noticed pursuant to Section [8.04.020](#). Personal service of said decision will satisfy the requirement.

C. The decision of the animal hearing officer shall determine whether any permit at issue shall be denied or revoked, whether the animal at issue shall be released to its owner or forfeited to a recognized non-profit specializing in animal care and adoption, or released to another governmental agency pursuant to an agreement as necessary to protect the public health, safety and welfare, or whether the animal at issue constitutes a public nuisance as further described in Chapter [8.20](#). The animal hearing officer may make the release of an animal to its owner subject to such conditions as the animal hearing officer deems necessary to effectuate the purposes of this chapter and to protect the public health, safety and welfare. Except as provided in subsection (D) of this section, the decision of the animal hearing officer shall be final and conclusive.

D. Notwithstanding the preceding, the animal care and control officer may settle any matter scheduled for hearing, including a hearing pursuant to Chapter 8.12 – Potentially Dangerous and Vicious Dogs – at any time prior to the hearing by written agreement with the applicant, license holder, or owner of the animal, as the case may be. In the event of a settlement, the executed agreement shall become the decision of the animal hearing officer and shall be mailed and posted pursuant to subsection (B) of this section.

## **Chapter 8.06**

### **PROHIBITED CONDUCT**

#### Sections:

- 8.06.010 Interference with animal care and control officer—Prohibited.
- 8.06.020 Removal of animal in custody of animal care and control officer—Prohibited.
- 8.06.030 Aid in escape of animal sought for custody—Prohibited.
- 8.06.040 Refusal to present animal for inspection—Prohibited.
- 8.06.050 Abandonment of dog or cat—Prohibited.
- 8.06.060 Dogs at large prohibited—Exceptions.
- 8.06.070 Dogs in park facilities—Exceptions.

- 8.06.075 Dogs in designated off-leash areas.
- 8.06.080 Livestock, Fowl, and other Animals at large prohibited—Exceptions.
- 8.06.090 Interference with quarantine prohibited.
- 8.06.100 Animals in City buildings prohibited—Exceptions.
- 8.06.110 Selling animals without license prohibited.
- 8.06.120 Maintenance of exotic animals without proof of proper approvals prohibited.
- 8.06.130 Biting animals—Notification to animal care and control officer.
- 8.06.140 Barking, howling, and other nuisance.
- 8.06.150 Animal waste.
- 8.06.160 Animals in vehicles.
- 8.06.170 Hitching, fastening, tethering in public places.

**8.06.010 Interference with animal care and control officer – Prohibited.**

No person shall prevent, obstruct, hinder or interfere with an animal care and control officer in the performance of the officer’s duties under this chapter or state law.

**8.06.020 Removal of animal in custody of animal care and control officer – Prohibited.**

No person shall remove or attempt to remove any animal taken into custody by an animal care and control officer without the officer’s authorization.

**8.06.030 Aid in escape of animal sought for custody – Prohibited.**

No person shall cause or aid in the escape of any animal sought for custody by an animal care and control officer.

**8.06.040 Refusal to present animal for inspection – Prohibited.**

No person shall fail to comply with any lawful order of an animal care and control officer to present an animal for inspection.

**8.06.050 Abandonment of dog or cat – Prohibited.**

No person shall abandon any dog or cat in or upon any public street or other public place, or upon any private property or premises.

**8.06.060 Dogs at large prohibited – Exceptions.**

Except as provided by Section 8.06.070, no person shall cause, permit, or allow any dog to run at large upon any public street or other public place, or upon any private property or premises other than those of the owner or other person in control of such dog, nor shall any person cause, permit, or allow any dog to be upon any public street or other public place unless the dog is restrained by a leash not to exceed six feet in length. This section does not apply to Guide or service dogs while performing their duties for blind, hearing impaired and physically disabled people or police dogs while in the performance of their duties

Any dog found at large in violation of this section may be impounded.

**8.06.070 Dogs in park facilities – Exceptions.**

A. Dogs are prohibited in all areas of Plaza Park and on the Sonoma Overlook Trail, regardless of whether they are restrained by a leash. Dogs are permitted in all other City park facilities, except in children’s playground areas of any City park, provided that such dog is under the control of a competent person and under restraint by a leash not to exceed six feet in length. As used in this section, Plaza Park shall mean that property used for park purposes surrounded by 1<sup>st</sup> Street East, 1<sup>st</sup> Street West, Napa Street, and Spain Street, but excludes the sidewalks nearest the roadway and the area inside the park used for vehicular traffic or parking.

B. Notwithstanding the foregoing, the City Council may prohibit or permit, as the case may be, dogs in certain parks pursuant to an approved Special Use Permit or Plaza Use Permit.

**8.06.075 Dogs in designated off-leash areas.**

A. Notwithstanding anything stated by this Chapter, dogs shall be permitted off-leash in any area of a City park facility that has been designated a dog park by the City Council.

B. When any dog is within the boundaries of any area designated an off-leash area pursuant to subsection A, the dog owner or person in possession of the dog shall at all times remain in compliance with the following use regulations:

1. Dogs must wear a visible and current license attached to a collar or harness;
2. Aggressive, violent or attacking dog behavior shall not be permitted; and
3. Dog owners or persons in possession must remain within the designated off-leash area and supervise their dogs at all times.

**8.06.080 Livestock, Fowl, and other Animals at large prohibited – Exceptions.**

No person shall cause, permit, or, through failure to exercise due care or control, allow any livestock, fowl, or other animals to run at large upon any public street or other public place, or upon any private property or premises other than those of the owner or other person in control of such livestock, fowl, or animal.

**8.06.090 Interference with quarantine prohibited.**

No person shall refuse to obey the conditions of any lawfully imposed quarantine or remove, tear, deface, mutilate, obscure or destroy or in any other manner whatsoever interfere with any placard, notice or proclamation declaring such quarantine, placed on or about the premises on which any of the animals so quarantined are located.

#### **8.06.100 Animals in City buildings prohibited – Exceptions.**

No owner of any animal shall permit or allow such animal to enter or remain in any City building, except the City animal shelter and any other City building or part thereof designated by the City Council. This section shall not apply to totally or partially blind persons, deaf or hearing impaired persons, or other disabled persons using assistance animals, law enforcement officers engaged in police work using dogs to assist them and such other persons as may be authorized by the animal care and control officer.

#### **8.06.110 Selling animals without license prohibited.**

No person shall sell, display, offer for sale, barter or give away any animal as a pet, prize, toy, premium or novelty, unless such person is the owner of such animal and such sale, display, offer for sale, barter or gift occurs on the owner's premises or on the premises where the animal is boarded or kept.

#### **8.06.120 Maintenance of exotic animals without proof of proper approvals prohibited.**

No owner of any exotic animal shall maintain such animal without proof of proper federal and state permits, inspections and other required approvals.

#### **8.06.130 Biting animals – Notification to animal care and control officer.**

The owner or other person in custody or control of any animal that bites a human being shall immediately notify the animal care and control officer of such bite, giving the name and address of the person bitten, if known to him/her, and shall comply with any quarantine instructions given by the animal care and control officer. Failure to comply with such quarantine instructions is cause for impoundment of the animal for the quarantine period. A violation of this section is an infraction punishable by applicable law.

#### **8.06.140 Barking, howling, and other nuisance.**

No owner or person in control of any animal shall permit such animal to interfere with the reasonable use and enjoyment of private residential property by continuous barking or howling.

It is the policy of the City to investigate or enforce this section only as follows:

1. Whenever the animal care and control officer has witnessed or otherwise has reasonable cause to believe this section has been violated, the animal care and control officer may issue a citation.
2. Whenever an alleged violation of this section is made, in writing, to the animal care and control officer by two or more persons residing in separate residences within the same street block or on properties adjoining the animal owner's property, the animal care and control officer shall investigate and may issue a citation. As used in this paragraph, "adjoining" shall mean any property that shares a common property line with the owner's

property, or is divided from the owner's property by a public or private street, roadway or public right-of-way.

#### **8.06.150 Animal waste.**

No owner shall permit any animal to defecate on any public street or other public property without immediately cleaning or removing the excrement to a proper receptacle; or defecate on any private property other than that of its owner without the consent of the owner, lessee or other person in control of the private property. This section does not apply to a disabled person whose disability prevents compliance with this section.

#### **8.06.160 Animals in vehicles.**

A. No person shall leave any animal confined in an unattended motor vehicle without adequate ventilation or in such a manner as to subject the animal to extreme temperature that may adversely affect the health or well-being of the animal.

1. If an animal is confined in an unattended vehicle in a manner giving an animal care and control officer or peace officer reasonable cause to believe that the health or well-being of the animal is being adversely affected, the officer may enter the vehicle to release the animal(s). The City shall not be liable for any damages resulting from the use of reasonable force to make such entry.

2. Any animal that has been confined in a vehicle in violation of this section may be immediately impounded in accordance with Section [8.14.050](#).

#### **8.06.170 Hitching, fastening, tethering in public places.**

No person shall hitch, fasten or tether any dog or other animal in his possession or under his control at any location or place normally used by pedestrians and general public, including, but not limited to, street crossings, sidewalks, park paths, public grounds, store entrances and lobbies, and other such places open to the public for sales or services, and pathways frequently used by the public on either public or private property.

A. This section does not apply to assistance animals while in the service of their owners or masters.

### **Chapter 8.08**

#### **KEEPING OF LIVESTOCK, FOWL AND OTHER ANIMALS**

Sections:

- 8.08.010 Keeping of animals within the city.
- 8.08.020 Dairies, animal farms and stockyards prohibited.
- 8.08.025 Excepting certain existing farms and abandonment.
- 8.08.030 Condition and care required.

- 8.08.050 Livestock—standards of care.
- 8.08.060 Livestock in streets—restrictions.

**8.08.010 Keeping of animals within the city.**

- A. The city council has determined that the keeping of animals within the city, unless properly regulated as to location and sanitary conditions and as to certain animals, unless definitely limited in number or entirely prohibited, is detrimental to public health, safety and general welfare.
- B. It is unlawful for any person to keep or maintain any animal within the city except as provided herein, or in accordance with a Special Use Permit or Plaza Use Permit.
- C. It is unlawful for any person to keep or maintain or cause or permit to be kept or maintained honey bees, fowl, rabbits, or livestock, except as provided in this chapter.
- D. Any person may keep or maintain household pets provided that such person remains in compliance with all applicable provisions of this Title.
- E. Any animal kept or maintained in the city in violation of this section shall be subject to impoundment or forfeiture in accordance with the provisions of this Title or in accordance with other applicable state or federal laws.

**8.08.020 Dairies, animal farms and stockyards prohibited.**

It is unlawful for any person to establish, operate, or maintain or to permit to be established, operated, or maintained, upon any premises within the city any cow or goat dairy, any stockyards or horse farm, or any hog farm.

**8.08.025 Excepting certain existing farms and abandonment.**

- A. The foregoing prohibition in Section 8.08.020 of dairies, animal farms or stockyards shall not be retroactive or effective as to the same if actually in operation now and as of July 1, 1951, and provided a permit for such operation and maintenance was issued by the city planning commission. No enlargement of any existing farms so excepted shall be permitted by adding to the number of animals kept upon any premises in connection with the excepted dairies, stock farms or stockyards.
- B. Notwithstanding subsection A, any cessation of operations of existing dairies, stock farms or stockyards, coupled with a change in the use of the premises for other purposes for a period of six months, shall be construed to be an abandonment of such original purpose in connection with the premises and thereafter no use of the premises for dairy, stock farm or stockyard shall be permitted.

**8.08.030 Condition and care required.**

A. Fowl. The limitations and minimum standards applicable to the keeping of fowl shall be as set forth in Table 1:

| Table 1: Limitations and Standards for the Keeping of Fowl   |  |  |
|--|--|--|
| Area of Regulation   | Lot Size of 10,000 Square Feet or Greater  | Lot Size of Less Than 10,000 Square Feet |
| Zoning District:   | Prohibited in commercial, mixed use, multifamily and mobile home zoning districts.   |  |
| Setback of Henhouse and Pen from Side or Rear Property Line: | 10 feet, minimum.  |  |
| Allowed Yard Location:                                       | Rear yard.   |  |
| Maximum Flock Size:  | An additional 16 hens shall be allowed for each additional 10,000 square feet of lot area, up to a maximum of 50.  | Up to 16.                                |
| Allowance for Roosters:                                      | The keeping of roosters is prohibited, except that permits for the keeping of roosters issued prior to October 3, 2008, shall remain valid as long as the conditions associated with such permits continue to be met.  |  |
| Habitation Requirements:                                     | A henhouse and a pen are both required. The henhouse shall be roofed and shall provide for a minimum of four square feet per hen. The pen shall be fully enclosed, including a roof covering. The henhouse and pen shall be designed, constructed and maintained such that the flock is securely contained.  |  |
| Ongoing Maintenance and Care:                                | The flock shall be contained within a henhouse and pen of an adequate size. The henhouse and pen shall be maintained in a clean and sanitary condition. The flock shall be cared for in a humane manner, to include, at minimum, regular feeding and watering, regular cleaning of waste, protection from the elements and predators, and the treatment of disease.  |  |
| Protection from Pests:                                       | All enclosures for the keeping of poultry shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure. All feed and other items associated with the keeping of poultry that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them. |  |
| Slaughtering:  | Slaughtering shall be conducted humanely and only for purposes of home consumption.  |  |

B. Rabbits. The limitations and minimum standards applicable to the keeping of rabbits shall be as set forth in Table 2, following:

| Table 2: Limitations and Standards for the Keeping of Rabbits |  |  |
|---|--|--|
| Area of Regulation  | Lot Size of 10,000 Square Feet or Greater  | Lot Size of Less Than 10,000 Square Feet |
| Zoning District:  | Prohibited in commercial, mixed use, and mobile home zoning districts.   |  |
| Setback of Pen from Side or Rear Property Line:               | 10 feet, minimum.  |  |
| Allowed Yard Location:  | Rear yard.   |  |
| Maximum Number:   | An additional 8 rabbits shall be allowed for each additional 10,000 square feet of lot area, up to a maximum of 50.  | Up to 8.                                 |
| Habitation Requirements:                                      | If kept outdoors, a pen is required. The pen shall be roofed and shall provide for a minimum of four square feet per rabbit. The pen shall be fully enclosed, including a roof covering, and shall be designed, constructed and maintained such that the rabbits are securely contained.   |  |
| Ongoing Maintenance and Care:                                 | Rabbits kept outdoors shall be contained in a pen of an adequate size. The pen shall be maintained in a clean and sanitary condition. Rabbits shall be cared for in a humane manner, to include, at minimum, regular feeding and watering, regular cleaning of waste, protection from the elements and predators, and the treatment of disease.  |  |
| Protection from Pests:  | All pens or other enclosures for the keeping of rabbits shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure. All feed and other items associated with the keeping of rabbits that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them. |  |
| Slaughtering:   | Slaughtering shall be conducted humanely and only for purposes of home consumption.  |  |

C. Honey Bees. The limitations and minimum standards applicable to the keeping of honey bees shall be as set forth in Table 3, following:

| Table 3: Limitations and Standards for the Keeping of Honey Bees |   |  |
|--|---|--|
| Area of Regulation   | 2 – 4 Hives   | 5 – 10 Hives                                       |
| Zoning District:   | Prohibited in commercial, mixed-use, multifamily and mobile home zoning districts.  | Allowed only in the agricultural and public zones. |
| Lot Size:  | A maximum of two hives shall be allowed on lots of 10,000 square feet or less. A maximum of four hives shall be allowed on lots of greater than 10,000 square feet in area.   | Two acres, minimum.                                |
| Setback of Hives from Side or Rear Property Line:                | 10 feet, minimum.   |  |
| Yard Location:   | Rear yard.  |  |
| Screening and Orientation of Hives:                              | The beehive entrance shall be directed away from the neighboring property and hives shall be situated behind a fence, hedge or similar screen that is a minimum of six feet in height running parallel to the property line.  |  |
| Habitation Requirements:   | Hives shall be of adequate size and shall be positioned so that the first 25 feet of the flight path is directed away from on-site or neighboring residences. Hives shall be fully enclosed including a roof covering or weatherproof top, and shall be designed, constructed, and maintained such that the bees can be properly contained.   |  |
| Ongoing Maintenance and Care:                                    | It shall be the duty of every person on whose property bees are kept to: (1) maintain bees in a condition that will reasonably prevent swarming and aggressive behavior; (2) provide adequate water for the bees to reasonably prevent them from seeking water on neighboring properties; (3) maintain hive boxes and the area around them in a clean and sanitary condition.                     |  |
| Protection from Pests:   | Hives shall be constructed so as to prevent rats, mice, and other rodents from being harbored underneath or within the walls of the hives or their enclosures. All items associated with the keeping of bees that are likely to attract, or become infested by, rats, mice or rodents shall be protected so as to prevent such rodents from gaining access to, or coming into contact with, them. |  |

D. The keeping of swine shall be prohibited.

**8.08.050 Livestock – Standards of care.**

No person owning or having the custody or control of any livestock shall permit or allow such animal to trespass upon or be kept upon private property without the property owner’s consent.

The owner or other person in control or custody of any such animal shall provide it with necessary and appropriate food, drink and shelter, and at nighttime shall secure it in a pen, corral or barn, or by such other humane means as will effectively restrain it from roaming at large. Every person who stables, keeps, pastures or maintains livestock in the City shall at all times keep the stable or enclosure in which such livestock is kept clean and free from manure, mud, and everything of a foul and unclean nature.

#### **8.08.060 Livestock in streets – Restrictions.**

No person shall drive or herd any animal or animals on or along any public street, roadway or alley. Animals may be ridden or driven in harness or by means of rope, halter or similar device, subject to the provisions of the California Vehicle Code or applicable sections of this Code

### **Chapter 8.10**

#### **DOGS AND CATS<sup>1</sup>**

Sections:

- 8.10.010 Dog license required.
- 8.10.020 Permit required to keep more than three dogs or cats.
- 8.10.030 Responsibility for issuance of license.
- 8.10.040 License—Vaccination required.
- 8.10.050 License fee.
- 8.10.060 License fee—Waiver or reduction of fees.
- 8.10.070 Securing license tag to collar.
- 8.10.080 Replacement of lost license tag.

#### **8.10.010 Dog license required.**

Except as provided herein below, every person owning a dog over four months of age which is kept within the City shall obtain a license for such dog from the animal care and control officer, and shall pay the annual fee as set by the City Council. This license shall be obtained within 30 days after the dog reaches the age of four months or within 30 days of becoming a resident of the City if a license is otherwise required under this chapter. Every dog license issued pursuant to this chapter shall be annual, expiring 12 months following the date of rabies vaccination. The procedure for renewal of a dog license shall be the same as for obtaining an original license. If the owner of any dog fails to make application for the renewal of a dog license prior to its expiration, such owner shall pay a penalty for late renewal, the amount of which shall be established by resolution of the City Council.

A City license shall not be required:

A. For any dog having a valid license issued by another city or county when its owner has moved to the City of Sonoma in the preceding 12 calendar months; or

B. Any dog owned or in possession of a nonresident of the City which is to be maintained in the City for a period not exceeding 30 days, provided that such dog has been vaccinated consistent with the requirements of this chapter and its owner presents proof of such vaccination upon demand.

#### **8.10.020 Permit required to keep more than three dogs or cats.**

A. No more than three dogs or three cats over the age of four months shall be permitted at a dwelling unit. Dogs or cats in greater numbers may be kept only in kennels lawfully established and maintained in places permitted by the zoning ordinance or in accordance with a permit issued pursuant to subsection B of this section.

B. Notwithstanding the foregoing restrictions, the Chief of Police may, after investigation of the circumstances, grant a permit to keep one dog or cat in addition to three dogs or three cats over the age of four months if he or she finds that the keeping of such additional dog or cat will not result in violation of other provisions of this title, or amount to a nuisance, or otherwise tend to impair the objectives of this title. This permit may be subject to conditions as deemed appropriate by the Chief of Police.

1. Applicants must submit a permit application to the Chief of Police and may submit additional documents or information in support of their application request.
2. If after investigation the Chief of Police denies the permit to keep an additional dog or cat, the reasons for denial will be provided in writing to the requesting party, who may appeal that decision. The appeal must be filed with the city clerk within seven calendar days after the denial of such permit. The appeal may be in the form of a letter or similar writing, and should contain specific statement of the ground(s) upon which the appeal is made.
3. All permits granted for more than three dogs or cats over the age of four months may be accompanied by such conditions as the Chief of Police may prescribe and may be revoked by the Chief of Police upon determination by the Chief of a violation of any permit condition after notice and hearing pursuant to the provisions of Chapter 8.04.
4. Requests for permits under this Section filed after the additional animals in question are already in residence at the premises in question must be accompanied by a fee to be set by City Council. In lieu of paying such fee, the owner of the animals may remove the additional animals from the premises or consent to the impoundment of the additional animals at the owner's expense pending completion of the permitting process. This section does not apply in situations where the owner moved into the City of Sonoma within the preceding 12 calendar months and can show proof that four or more dogs or cats were properly licensed in the jurisdiction for which they previously lived.
5. Any appeal of the decision to deny a permit application or to revoke an existing permit shall be heard by the animal hearing officer. Upon receipt of an appeal, the animal hearing officer shall hold a public hearing in accordance with the notice and hearing provisions of Chapter 8.04. All determinations of the animal hearing officer shall be final. The filing of

appeal shall stay all administration action, except in cases where life or property is endangered.

#### **8.10.030 Responsibility for issuance of license.**

Pursuant to Chapter 3 (commencing with Section 30801) of Division 14 of the Food and Agricultural Code, the animal care and control officer is designated to issue dog licenses under this chapter.

#### **8.10.040 License – Vaccination required.**

A prerequisite to the issuance of a dog license under this chapter is the presentation of a certificate of vaccination signed by a veterinarian showing one of the following for the dog to be licensed:

- A. That such dog has been vaccinated with an approved rabies vaccine and the period of time from the date of vaccination to the date of expiration of the license being issued does not exceed the interval of time prescribed by the State Department of Health for revaccination.
- B. That such dog should not be vaccinated with an approved rabies vaccine because such vaccination may jeopardize the health of the dog due to infirmity or other disability. Where a certificate of vaccination shows that a dog should not be vaccinated due to infirmity or other disability, the nature of the infirmity or other disability and the estimated date of termination thereof shall be shown on the face of the certificate to the satisfaction of the animal services director or his designee.

#### **8.10.050 License fee.**

- A. An annual dog license fee set by resolution of the City Council shall be imposed upon every dog four months and older which is kept in the City by any person who is the owner as provided in Section [8.10.010](#). If a certificate is presented from a licensed veterinarian that the dog has been spayed or neutered, the annual license fee shall be reduced by 50 percent. The license fee is due and payable on the day upon which the dog is four months old, or as otherwise provided in Section [8.10.010](#).
- B. If the owner of any dog fails to make application for a dog license within 30 days after receipt of notice from the animal care and control officer to obtain a license, such owner shall pay a penalty for late licensing; the penalty amount shall be established by City Council resolution. The penalty shall be paid in addition to the license fee required in this section.

#### **8.10.060 License fee – Waiver or reduction of fees.**

- A. License fees shall be waived for any guide or service dog in service to a specific disabled person; provided, however, that a license tag is required to be worn by all such dogs to aid in reuniting them should they become lost, strayed or stolen. License fees shall be waived for

police dogs owned and used by police department or law enforcement officers exclusively for police work if all other requirements for licensing under this chapter are met.

B. License fees may include a reduced rate for dogs owned by persons 62 years of age or older if all other requirements for licensing under this chapter are met. This section shall apply to the first dog license issued to the applicant.

C. The animal care and control officer shall require such proof of qualification as deems necessary prior to waiving or reducing the license fee for any dog.

#### **8.10.070 Securing license tag to collar.**

The dog owner shall secure the tag to a collar, harness or similar device attached to the dog for which the license tag was issued. The dog owner shall ensure that the dog wears such a license tag at all times in the City, except when the dog is confined to the owner's property, in a commercial kennel, hobby kennel, or veterinary facility, or the dog is being exhibited at a show, field trial or other competition. The identification tag shall be shown by the owner at any time upon demand by the animal care and control officer. A violation of this section is an infraction punishable as provided by Chapter 1.12.

#### **8.10.080 Replacement of lost license tag.**

In case the metallic dog license tag for any dog licensed under this chapter is lost or destroyed, a replacement tag for such dog shall be procured from the animal care and control officer within 30 days after the loss or destruction. Upon receiving proof of loss, made in writing, and upon payment of a replacement fee, which shall be set by resolution of the City Council, the animal care and control officer shall issue a replacement tag to the owner. A violation of this section is an infraction punishable as provided by Chapter 1.12.

### **Chapter 8.12**

#### **POTENTIALLY DANGEROUS AND VICIOUS DOGS.**

Sections:

- 8.12.010 Authority and purpose.
- 8.12.020 Purpose—Exemptions.
- 8.12.030 Investigation, hearing, and designation of potentially dangerous and vicious dogs.
- 8.12.040 Hearing procedure.
- 8.12.050 Abatement orders and conditions.
- 8.12.060 Failure to comply with potentially dangerous or vicious dog order.
- 8.12.070 Transfer and training of potentially dangerous and vicious dogs.
- 8.12.080 Restrictions on further ownership of dogs.
- 8.12.090 Keeping a potentially dangerous or vicious dog by minors prohibited.
- 8.12.100 Enforcement and penalties.

### **8.12.010 Authority and purpose.**

The keeping of a dog defined as potentially dangerous or vicious under this chapter shall be declared a public nuisance and shall be abated in accordance with the provision of this chapter. The procedure for abatement set forth in this chapter shall not be exclusive and shall not in any manner limit or restrict the City from enforcing other ordinances or abating public nuisances in any other manner provided by law or under this chapter. Furthermore, this chapter shall not preempt or preclude a person from filing a private lawsuit seeking to abate as a private nuisance any dog that is dangerous. Pursuant to California Food and Agricultural Code Section 31683, the City is granted the authority to adopt its own program for the control of potentially dangerous or vicious dogs.

### **8.12.020 Purpose – Exemptions.**

This chapter does not apply to kennels, humane society or other shelters, the animal shelter, or veterinarians, or to police dogs while utilized by the sheriff, any police department or any law enforcement officer in the performance of police work.

### **8.12.030 Investigation, hearing, and designation of potentially dangerous and vicious dogs.**

- A. An animal care and control officer shall investigate any reported incident or complaint regarding a potentially dangerous or vicious dog.
- B. During the investigation, the animal care and control officer shall compose a report to be permanently retained pursuant to adopted procedures. The animal care and control officer shall make his best efforts to take a photograph of the dog to include with the report.
- C. The animal care and control officer shall append to the report the statements of witnesses, victims and the dog owner. Such statements shall be signed under penalty of perjury.
- D. If, after conducting an investigation, the animal care and control officer determines that probable cause exists to believe that the dog is potentially dangerous or vicious, the animal care and control officer shall prepare a petition and request an administrative hearing to determine whether the animal is potentially dangerous or vicious.
- E. If the animal care and control officer determines that probable cause exists that the dog is a potentially dangerous or vicious dog, the animal care and control officer may impose reasonable conditions to protect the public health, safety and welfare upon the animal owner pending an administrative hearing held in accordance with Section [8.12.040](#). These conditions shall be in the form of a provisional abatement order and may include any reasonable conditions, including those contained in Section [8.12.050](#). Notice of the provisional abatement order shall be provided by the animal care and control officer pursuant to Section [8.04.020](#).
- F. Within 30 days of receipt of the provisional abatement order, an administrative hearing pursuant to Section [8.12.040](#) shall be held to determine whether the dog is potentially dangerous

or vicious. If the dog owner fails to appear at the administrative hearing or waives his/her right to the administrative hearing then the provisional abatement shall remain in effect.

G. Pending a hearing pursuant to Section [8.12.040](#) the animal care and control officer shall also immediately impound any dog found to present an imminent threat to the public health, safety and welfare.

#### **8.12.040 Hearing procedure.**

A. Pursuant to Section [8.12.030](#), where the animal care and control officer has investigated and determined that there exists probable cause to believe that a dog is potentially dangerous or vicious, the animal care and control officer shall file a petition and request an administrative hearing by the animal hearing officer for the purpose of determining whether the dog should be declared potentially dangerous or vicious. A complaint from any member of the public furnishing the basis for the animal care and control officer's probable cause determination shall be sworn to and verified by the complainant and attached to the petition.

B. The animal hearing officer shall notify the owner of the dog that a hearing will be held, at which time the animal care and control officer and the dog owner may present evidence as to whether the dog should be declared potentially dangerous or vicious. The notice, together with a copy of the petition, shall be provided pursuant to Section [8.04.020](#). The hearing shall be held promptly within no less than 10 business days or more than 30 business days after service of the notice and petition on the owner of the dog.

C. The animal hearing officer shall conduct the hearing in an informal manner and shall afford the owner of the animal an opportunity to present evidence as to why the dog shall not be declared potentially dangerous or vicious. The formal rules of evidence need not be applied. The animal hearing officer may admit into evidence all relevant evidence, including incident reports and the affidavits or declarations of witnesses; limit the scope of discovery; shorten the time to produce records or witnesses; exclude witnesses from the hearing when not testifying; exclude disorderly or disruptive persons from the hearing; and make other orders necessary to ensure the fair and orderly conduct of the hearing. The hearing shall be open to the public.

D. The proceedings of the hearing may be electronically recorded if ordered by the animal hearing officer or requested by the owner of the dog. A stenographic reporter shall also record the proceedings if ordered by the animal hearing officer or requested by the owner and the cost of such service shall be borne by the requestor. A copy of the electronic recording or transcript of the proceedings shall be made available to any person upon request and upon payment of the cost of preparation thereof.

E. The animal hearing officer may decide all issues for or against the owner of the dog even if the owner fails to appear at the hearing.

F. After the hearing, the animal hearing officer may find, upon a preponderance of the evidence, that the dog is potentially dangerous or vicious. The hearing officer may order the abatement of the nuisance created by the potentially dangerous or vicious dog by imposing some

or all of the abatement conditions found in Section [8.12.050](#) for the continued ownership of the animal. The abatement order shall replace any provisional abatement order issued by an animal care and control officer unless the abatement order is stayed by judicial action or pending judicial review. Within 15 days of the hearing, the determination and abatement order shall be served upon the dog owner pursuant to Section [8.04.020](#). The determination order of the animal hearing officer shall be final and appealable in accordance with the provisions of Section 31622 of the Food and Agricultural Code within ten (10) business days of the date of mailing or personal service of the decision.

G. If, following the hearing, the subject dog is determined by a preponderance of the evidence to be vicious and, if released to the owner, even where reasonable abatement conditions were imposed, would create a significant threat to the public health, safety, or welfare, the hearing officer may order that the dog be humanely euthanized as permitted under California Food and Agricultural Code Section 31645 or its successor provisions. The order shall specify the effective date of euthanasia which shall allow sufficient time for: (i) the notice of the order to be served pursuant to subsection I and the ten (10) business days appeal period pursuant to subsection F to run prior to euthanasia occurring; and/or (ii) to permit the owner time to locate a licensed and insured sanctuary specializing in confining and caring for vicious dogs unable to be safely maintained in society, willing and able to accept ownership, custody and responsibility for the dog with safe transport expenses, if any, to be borne by the owner. If the dog is placed in sanctuary, the order of euthanasia will be suspended, subject to reinstatement if the dog returns to the jurisdiction.

H. A rebuttable presumption that a dog creates a significant threat to the public health, safety and welfare exists where:

1. The dog has committed an act resulting in the death of a person, regardless of the circumstances involved;
2. The dog has committed acts on two separate occasions, without provocation, which has resulted in the death of another animal or livestock occurring off the property of the dog's owner;
3. The dog has committed acts on three separate occasions, without provocation, that results in nonsevere injuries to any one or more persons at a location where such persons are acting lawfully;
4. The dog has attacked on three separate occasions, without provocation, another animal or livestock off the property of the owner of the attacking dog;
5. The owner of a dog previously deemed vicious fails, refuses or is incapable of complying with the terms of an abatement order issued pursuant to this chapter;
6. The animal has been previously found vicious and subsequently exhibits any of the behaviors listed as determinative of potentially dangerous or vicious under Section [8.02.040](#);

7. Such remedy shall be in addition to all other remedies at law or in equity and shall not limit or restrict other remedies.

J. Within 10 days of the hearing, notice of the order of humane euthanization shall be served upon the owner pursuant to Section [8.04.020](#).

K. An order made by the hearing officer to humanely euthanize an animal shall be final unless an appeal is made to a court of competent jurisdiction pursuant to Section 31622 of the Food and Agricultural Code.

#### **8.12.050 Abatement orders and conditions.**

A. Pursuant to Section [8.12.040](#), the owner of a dog determined to be potentially dangerous or vicious by the hearing officer shall be required to comply with the abatement order of the animal hearing officer which contains any or all of the following conditions:

1. To immediately register the dog that is found to be potentially dangerous or vicious with the animal care and control officer; to comply with the animal care and control officer's requirements for potentially dangerous or vicious dogs; and to keep such dog properly vaccinated at all times. Should the dog die in any 12-month term, the owner shall notify the animal care and control officer of the death within five working days of the death;
2. To keep the dog securely confined on its premises in a locked enclosure approved by the animal hearing officer or the animal care and control officer from which the dog cannot escape and into which children cannot trespass. Such a kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine a potentially dangerous or vicious dog must be locked with a key or combination lock when such dogs are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet. All structures erected to house a dangerous animal must comply with all zoning and building regulations of the City. All such structures must be adequately lighted, ventilated, and kept in a clean and sanitary condition with access to potable food and water;
3. To keep the dog securely muzzled, restrained by a substantial leash of no longer than six feet in length and under the control of a responsible person 18 years of age or older who is physically capable of restraining the dog when the dog is not contained in a locked, secure enclosure;
4. To have the animal spayed or neutered by a licensed veterinarian and to present proof to the animal care and control officer;
5. To provide and maintain financial responsibility for injuries to the public by obtaining and showing proof of liability insurance in the form and amount deemed to be acceptable by the animal hearing officer or City attorney in light of all the circumstances.

Such insurance policy shall provide that no cancellation of the policy will be made unless 10 days' written notice is first given to animal services and the City Clerk's office;

6. The posting of a bond or other proof of ability to pay a damage award in the amount of \$50,000;
7. To immediately inform any City, county, postmaster or utility company meter readers and anyone else that lawfully comes onto the property, of the dog's dangerousness and to inform animal care and control and/or the chief of police if the dog is moved to another location inside or outside the City limits as provided by this chapter;
8. To display in a prominent place on the premises a sign easily readable by the public using the words "Beware of Dog" in letters at least three inches high;
9. To have a microchip implanted into the dog by a veterinarian or other qualified animal services professional for identification purposes. The identifying information listed on the microchip shall be noted in the licensing files for that dog;
10. To consent and agree to the entry upon the premises by any police officer or animal care and control officer for the purpose of inspecting the dog and/or premises at any time;
11. To make reasonable payment of costs incurred by the City and animal care and control agent in the hearing process, not to exceed \$1,000;
12. To take any other steps deemed reasonably necessary to prevent injuries to the public.
13. Euthanization of the animal designated a vicious dog and ordered to be euthanized pursuant to Section 8.12.040.

B. The owner of the dog shall comply with the conditions imposed by the hearing officer within 30 days of the order. All owners of potentially dangerous or vicious dogs must within 10 days of the effective date of the abatement order provide the animal care and control officer with two photographs (which may be in digital format) of the registered dog clearly showing the color and approximate size of the dog and any distinguishing markings

#### **8.12.060 Failure to comply with potentially dangerous or vicious dog order.**

A. It is unlawful for the owner of a dog deemed potentially dangerous or vicious under this chapter to fail to comply with conditions set forth in an abatement order. Any dog found to be the subject of a violation of an order shall be subject to immediate seizure and impoundment. The animal hearing officer shall notify the dog owner of the City's options to dispose of the dog for a failure to comply with the conditions contained in the potentially dangerous or vicious dog order. The City's options for disposal of the potentially dangerous or vicious dog if the owner does not satisfy either of the requirements in subsection B shall include: 1) sanctuary as provided by Section 8.12.040(G); 2) owner's sale or transfer of ownership of the dog subject to City's

approval; 3) release to a recognized non-profit agency or other governmental organization as provided by Section 8.14.090; and, if no other options are available, 4) euthanization.

B. The animal hearing officer shall provide written notice to the owner pursuant to Section [8.04.020](#) that the City may avail itself of any of the options set forth by subsection A, unless within 14 days from the date of notice:

1. The owner has demonstrated to the satisfaction of the animal hearing officer that the owner has fully complied with the requirements and conditions set forth in the abatement order; or
2. The owner has filed in a court of competent jurisdiction a petition that seeks to stay the euthanization of the animal and has served a copy of such petition upon the animal hearing officer.

C. If, after 14 days from the date of such notice, the owner has not complied with the provisions of subsection (B)(1) or (2) of this section, the hearing officer may, without further notice or process, make an order that includes any one or more of the options set forth by Section 8.12.060(A).

#### **8.12.070 Transfer and training of potentially dangerous and vicious dogs.**

A. No person shall sell or otherwise transfer ownership or custody or in any other way dispose of a dog deemed potentially dangerous or vicious under this chapter to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the owner of such dog.

B. The owner of a dog that has been deemed potentially dangerous under this chapter may sell, transfer, or otherwise dispose of such dog or the offspring thereof to persons who do not reside within the City, provided the owner first notifies the animal hearing officer and the animal care and control officer of the proposed sale or transfer. Such notice shall be given not less than 15 days in advance of the sale or transfer and shall specify the name and address of the recipient person. Upon receipt of such notice, the hearing officer or the animal care and control officer may notify the recipient person and the governmental jurisdiction in which the recipient person is located or resides, that the dog in question has been adjudicated as potentially dangerous under this Chapter. Failure to comply with these notification provisions shall be grounds for immediate impoundment of the dog by the animal care and control officer.

C. It shall be unlawful for a person to possess, own or control any dog for the purpose of either temporary or permanent care in the City limits that has been deemed by another governmental jurisdiction to be potentially dangerous, dangerous, vicious, or a threat to the safety of human beings or domestic animals. The animal care and control officer may order the person having possession, ownership or control of the dog to remove the dog immediately from the City. Should such person fail to comply with the animal care and control officer's order, the animal care and control officer may summarily and immediately impound the dog. The owner of the dog shall be liable for the costs and expenses of impounding and keeping the dog including any

necessary veterinary fees. Such impounded dog may then be disposed of in accordance with the provisions of this chapter.

#### **8.12.080 Restrictions on further ownership of dogs.**

The owner of a dog determined to be a vicious dog shall be prohibited from owning, possessing, controlling, or having custody of any dog of the same or similar breed for a period of three years, when it is found, after hearing proceedings conducted pursuant to this chapter, that ownership or possession of a dog by that person would create a significant threat to the public health, safety and welfare.

#### **8.12.090 Keeping a potentially dangerous or vicious dog by minors prohibited.**

No minor shall own or at any time have sole custody or control of any dog found to be potentially dangerous or vicious pursuant to this chapter.

#### **8.12.100 Enforcement and penalties.**

- A. Unless otherwise specified, any violation of this chapter shall be a misdemeanor.
- B. The penalties and remedies specified herein shall not be exclusive but shall be cumulative with all other remedies at law or in equity. The City may, in its discretion, elect to pursue any one or more of the penalties or remedies provided for herein or at law or in equity.
- C. Notwithstanding the preceding, the animal care and control officer may settle any matter scheduled for a hearing at any time prior to the hearing by written agreement with the applicant, license holder, or owner of the animal, as the case may be. In the event of a settlement, the executed agreement shall become the decision of the animal hearing officer and shall be mailed pursuant to Section [8.04.020](#).

### **Chapter 8.14**

#### **IMPOUNDMENT**

- 8.14.010 Animals subject to impoundment.
- 8.14.020 Suspected rabid animals—Examination and impoundment.
- 8.14.030 Enforcement of Penal Code Section 597.1.
- 8.14.040 Care of impounded animals.
- 8.14.050 Procedures for immediate impoundment.
- 8.14.060 Hearing prior to animal deprivation
- 8.14.070 Notification of impoundment.
- 8.14.080 Duration of impoundment.
- 8.14.090 Redemption of impounded animal.
- 8.14.100 Disposition of impounded animals.
- 8.14.110 No redemption or disposition of impounded animals without proof of proper care.
- 8.14.120 Absence of liability for redemption or disposition.

8.14.130 Relief from fees during natural calamities.

**8.14.010 Animals subject to impoundment.**

Any animal which is engaged in an activity or existing in a condition prohibited by this chapter or state law may be impounded pursuant to the provisions of this chapter.

**8.14.020 Suspected rabid animals – Examination and impoundment.**

The animal care and control officer shall seize any animal when there is reason to believe it is infected with rabies, and take that animal to a veterinarian for examination. If the veterinarian concurs that the animal may be infected with rabies, the animal care and control officer shall impound such animal for the period mandated by the laws of this state and shall notify Sonoma County animal regulation, the agency responsible for rabies monitoring in this county. The animal's owner shall be charged for all costs incurred or fees applicable, with respect to the examination, confinement, or impoundment of the animal. The redemption fees in Section [8.14.100](#) do not apply to an animal quarantined for rabies observation.

**8.14.030 Enforcement of Penal Code Section 597.1.**

California Penal Code Section 597.1 shall be operative and enforced by the Chief of Police. Seizure and impoundment shall be made pursuant to Section 597.1. If requested, a hearing regarding the impoundment of the subject animal shall be held pursuant to this chapter.

**8.14.040 Care of impounded animals.**

Every impounded animal shall be inspected for the presence of a license, tattoo, implant or other form of identification at the time of impoundment. Animal care and control officer shall ensure that all impounded animals receive suitable and adequate food, water, shelter, and medical care.

**8.14.050 Procedures for immediate impoundment.**

The animal care and control officer may immediately seize and impound an animal for violation of this chapter or the laws of this state without providing a pre-impoundment notice of hearing under the following circumstances:

- A. The owner and/or possessor of the animal provides consent for the impoundment;
- B. The animal is at large;
- C. The animal care and control officer has reasonable grounds to believe that the animal may be rabid;
- D. The animal care and control officer has reasonable grounds to believe that the dog is a potentially dangerous or vicious dog in accordance with the provisions of Chapter 8.12 ;

E. To protect an animal which is injured, sick, starving or suffering from heat, cold or confinement, which is in need of immediate care.

F. When the animal care and control officer has reasonable grounds to believe that immediate impoundment is necessary to protect the public health or safety of any person or animal;

G. Pending an administrative hearing for a potentially dangerous or vicious dog pursuant to Section [8.12.040](#) or pending any judicial proceeding.

#### **8.14.060 Hearing prior to animal deprivation.**

Except as provided in Chapter [8.12](#) or Section [8.14.050](#), an animal care and control officer may not seize or impound an animal for any violation of this chapter or state law except with the consent of the owner of the animal, unless a hearing on the impoundment is first held.

If the owner of any animal refuses to consent to the impoundment of such animal, the animal care and control officer may issue a notice setting the time and place for a hearing and commanding such owner to appear before the animal hearing officer at that time. The animal care and control officer shall cause notice of such hearing to be given pursuant to Section 8.04.020. The hearing shall be conducted pursuant to Section 8.04.040.

#### **8.14.070 Notification of impoundment.**

A. When an animal is impounded pursuant to this chapter, except for Section [8.14.030](#), the animal care and control officer shall, except as otherwise provided, notify the owner of the animal of the impoundment within 24 hours. The owner of the animal shall be served with notice of the impoundment, either personally or by first-class mail with return receipt requested, if known. Such notice shall state the following:

1. The animal has been impounded;
2. The date and location of impoundment;
3. A description of the animal;
4. The location of where the animal is being held;
5. The name, address, and telephone number of the agency or person to be contacted regarding the redemption of the animal;
6. An indication of the ultimate disposition of the animal if no action is taken to redeem it by the owner within the requisite holding period pursuant to Section [8.14.080](#);
7. A summary of the estimated fees to be expected from the impoundment.

B. If the owner of an impounded animal is unknown (a stray), the above notice, in lieu of mailing, shall be posted on a bulletin board in a public area at the police department.

C. When an animal is impounded pursuant to this chapter and the animal is of a type referred to in Food and Agricultural Code Section 17003, the animal care and control officer shall immediately notify the Sonoma County agriculture commissioner and request assistance from the county for care and impoundment of the animal.

D. In addition to the notice required by this section, notice may also be given in any other manner deemed necessary or desirable.

#### **8.14.080 Duration of impoundment.**

A. Any impounded dog shall be kept at the City animal shelter for a period of not less than 6 business days (excluding the day of impoundment) unless redeemed within such period. During that time, the animal care and control officer shall make reasonable attempts to identify and contact the dog's owner.

B. Any impounded livestock shall be kept at the City animal shelter or such other place as may be approved by the animal care and control officer for a period of not less than 14 days unless redeemed within such period. During that time, the animal care and control officer shall make reasonable attempts to identify and contact the livestock's owner.

C. Any other impounded animal shall be kept at the City animal shelter or such other place as may be approved by the animal care and control officer for a period of not less than six days, not including the day of impoundment. During that time, the animal care and control officer shall make reasonable attempts to identify and contact the animal's owner.

D. Any animal which is voluntarily surrendered to or deposited with the animal care and control officer shall be held for not less than six days, not including the day of surrender or deposit, and shall be made available for owner redemption for the entire holding.

E. Kittens (cats less than eight weeks old) or puppies (dogs less than eight weeks old) relinquished by the purported owner, or brought in by any other person with authority to relinquish them, may be released immediately to a recognized non-profit specializing in animal care and adoption or another governmental organization pursuant to an agreement.

F. None of the provisions of this section shall apply to impoundment pursuant to Section [8.14.030](#).

#### **8.14.090 Redemption of impounded animal.**

The owner of any impounded animal may, at any time prior to the disposition of the animal, redeem the same upon compliance with this chapter and state law, presentation of proof of ownership satisfactory to the animal care and control officer and payment of a redemption fee, and all other proper fees and charges accrued as provided for by this chapter. If the impounded

animal is subject to licensure under this chapter, the owner shall comply with the licensing requirements for the animal prior to its release. Upon such redemption being made, animal care and control officer shall release the animal.

#### **8.14.100 Disposition of impounded animals.**

A. Any impounded animal (with the exception of those described within subsection B) which is not redeemed within the impoundment period specified within this chapter shall, wherever possible, be released to a recognized non-profit agency specializing in animal services and adoption or another governmental organization pursuant to an agreement.

B. Any impounded bovine animal which is not redeemed within the holding period specified in this chapter shall be turned over to the State Bureau of Livestock Identification for disposition by the office.

#### **8.14.110 No redemption or disposition of impounded animals without proof of proper care.**

No impounded animal shall be redeemed by its owner, placed for adoption or sold unless the person receiving the animal provides proof satisfactory to the animal care and control officer that the animal will be maintained in accordance with the provisions of this chapter and state law.

#### **8.14.120 Absence of liability for redemption or disposition.**

No liability shall be incurred by the animal care and control officer or the City for the redemption or disposition of any animal made pursuant to this chapter.

#### **8.14.130 Relief from fees during natural calamities.**

Upon the recommendation of the animal care and control officer and with the approval of the City Council, the fees provided for in this chapter may be waived when animals have been impounded because of civic disorganization, disruption, or other conditions of devastation within the City due to fire, flood, earthquake, storm or other natural calamity.

### **Chapter 8.18**

#### **RABIES CONTROL**

Sections:

- 8.18.010 Rabies control to be responsibility of health officer.
- 8.18.020 Rabies control fee.

#### **8.18.010 Rabies control to be responsibility of health officer.**

The health officer shall be responsible for supervising rabies control activities within the City in accordance with Chapter 1 (commencing with Section 121575) of Part 6 of Division 105 of the Health and Safety Code, Subchapter 1 (commencing with Section 2500) of Chapter 4 of Title [17](#)

of the California Code of Regulations, such other laws, rules and regulations relating to rabies control as may be enacted or promulgated by the state, and the policies and procedures established by the board. The animal care and control officer shall cooperate with and assist the health officer in carrying out any measures necessary for rabies control, including, but not limited to, quarantining of animals and complying with directives of the health officer.

**8.18.020 Rabies control fee.**

The owner of any animal which has or is suspected of having rabies shall pay a rabies control fee to cover the costs incurred by the animal care and control officer in effecting quarantine and in performing other associated rabies control activities in connection with such animal. The rabies control fee shall be in addition to any other fee charges imposed by this chapter.

**Chapter 8.20**

**VIOLATIONS**

Sections:

|                  |                                  |
|------------------|----------------------------------|
| Section 8.20.010 | Penalties and Remedies.          |
| Section 8.20.020 | Separate offense.                |
| Section 8.20.030 | Public nuisance—Prohibited.      |
| Section 8.20.040 | Notice and service requirements. |
| Section 8.20.050 | Enforcement.                     |
| Section 8.20.060 | Cost recovery of abatement.      |

**8.20.010 Penalties and Remedies.**

- A. Any violation of this Title shall be enforceable as a criminal offense pursuant to Chapter 1.12. Unless specifically stated otherwise, a violation of any of the provisions in this Title shall be deemed a misdemeanor.
- B. Any violation of this Title shall constitute a public nuisance and be subject to the abatement procedures set forth by Chapter 1.12 or elsewhere in this Code.
- C. Any violation of this Title may be made subject to proceedings under Chapter 1.30 (Administrative Penalties).
- D. The penalties and remedies specified herein shall not be exclusive but shall be cumulative with all other remedies at law or in equity. The City may, in its discretion, elect to pursue any one or more of the penalties or remedies provided for herein or at law or in equity.

**8.20.020 Separate offense.**

Every person violating any provision of this Title shall be deemed guilty of a separate offense for each day, or portion thereof, during which the violation continues, and shall be punishable therefor as provided in this chapter.

### **8.20.030 Public nuisance – Prohibited.**

A. In addition to the grounds deemed a public nuisance by Section 8.20.010, a public nuisance shall be deemed to exist when an owner of an animal:

1. Has been convicted or found guilty of three violations of this chapter within a 12 month period of time.
2. Permits unsanitary conditions to exist on the premises where such animal is kept which cause odors, attract flies or vermin, or which are otherwise injurious to the public health or offensive to the senses of adjacent property owners.
3. Keeps or maintains any animal in violation of the zoning code of the City of Sonoma.

B. Whenever an animal care and control officer has reasonable cause to believe that a public nuisance as defined in this section exists, the animal care and control officer may conduct an investigation of the alleged nuisance. Whenever it is alleged in writing by two or more persons residing in separate residences within the same street block or on properties adjoining the animal owner's property that a public nuisance as defined in this section exists, the animal care and control officer may issue an order to the owner of the animal directing that such nuisance be abated. In the event that the owner does not comply with the abatement order, the animal care and control officer may immediately initiate proceedings for a hearing, as is set forth in Chapter 8.04. The notice and hearing shall comply with the requirements set forth in Chapter 8.04. As used in this paragraph, "adjoining" shall mean any property that shares a common property line with the owner's property, or is divided from the owner's property by a street or roadway.

C. Any person may maintain an action under Civil Code Section 3493 for compliance with the requirements of this section.

### **8.20.040 Notice and service requirements.**

When this chapter requires the provision of notice or service, the notice or service shall be in writing. If a right may be exercised or an act is to be done and the notice or service of it is required to be given but the time within which the notice or service must be given is not specified, the notice or service shall be given at least 10 days before the time the right must be exercised. The notice or service shall be served either personally or by first class mail in a sealed envelope with postage prepaid, addressed to the animal owner at his last known mailing address and deposited in a facility maintained by the United States Department of Postal Service. The person providing such notice or service shall sign a declaration under penalty of perjury that notice or service has been made. In the event that the last known address of the animal owner cannot be ascertained, the animal hearing officer or animal care and control officer shall sign a declaration under penalty of perjury that best efforts were made to provide notice or service to the animal owner. In the case of service by mail, notice or service is complete at the time the notice is deposited in the United States mail.

**8.20.050 Enforcement.**

Any provisions of this chapter may be enforced by the police department, fire department, the animal care and control officer or any authorized designee of the animal services director. Complaints of any violations of this chapter which are subject to penalties under this section may be presented to the district attorney’s office or to the City attorney for prosecution.

**8.20.060 Cost recovery of abatement.**

The costs of abating a public nuisance deemed to exist pursuant to this Title may be recovered from the owner of the animal causing the public nuisance. In any action, administrative proceeding, or special proceeding initiated by the City under this chapter, the prevailing party may recover attorneys’ fees. Recovery of attorneys’ fees by the prevailing party is limited to those individual actions or proceedings in which the City elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorneys’ fees. The award of attorneys’ fees to the prevailing party shall in no circumstance exceed the amount of reasonable attorneys’ fees incurred by the City in the action or proceeding.

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For statutory provisions regarding the authority of the city to impose license fees, see California Food and Agricultural Code § 30804 and California Government Code § 38792

Section 3. Severability.

If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date.

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

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

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

ATTEST:

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

State of California )  
County of Sonoma )  
City of Sonoma )

I, Gay Johann, City Clerk of the City of Sonoma, do hereby certify that the foregoing ordinance was adopted on \_\_\_\_\_, 2012 by the following vote:

AYES:  
NOES:  
ABSENT:

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

DRAFT



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

**City Council Agenda Item: 8B**

**Meeting Date: 10/15/2012**

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**Department**

Planning

**Staff Contact**

David Goodison, Planning Director

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**Agenda Item Title**

Discussion, consideration and possible action on options for a new dog park location and the estimated value of City-owned properties located at 872-880 Fifth Street West.

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**Summary**

At its meeting of July 16, 2012, at the request of Mayor Sanders, the City Council held a preliminary discussion about the feasibility of making use of a vacant City-owned property located at the northeast corner of Fifth Street West and West MacArthur Street as a dog park. This concept was initially raised by Bob Edwards of the Sonoma Valley Dog Owners and Guardians (SVDOG) in conversation with Mayor Sanders. After discussing the matter, the City Council provided direction to staff as follows: 1) explore the viability of the Fifth Street site as a dog park; 2) review other possible locations for a dog park with respect to feasibility; and 3) obtain a valuation of the Cuneo parcels in the event of their sale. The Council concurred that in researching questions #1 and #2, input and advice from the CSEC should be obtained. When the CSEC discussed this matter at its meeting of September 12<sup>th</sup>, it was the consensus of the Commission and the representatives of SVDOG who were in attendance, that the Fifth Street was not well-suited for use as a dog park. In looking at other site options, the only one identified by the CSEC as meriting further investigation was the portion of the Bond property that is not currently leased to the Sonoma Ecology Center; however, there are issues with that location as well that could make it inappropriate for use as a dog park.

With respect to the potential value of the two properties, it is possible that if they were sold as residential lots that they could be worth as much as \$150,000 each. However, the parcel on the north would require extensive drainage improvements in order for it to be developable as the swale that bisects it would need to be eliminated and replaced with an underground storm drain. This improvement could cost as much as \$60,000 and would likely be subject to a lengthy permitting process involving the Regional Water Quality Control Board and the Army Corp on Engineers.

The attached Supplemental Report provides additional detail on these items.

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**Recommended Council Action**

Provide direction to staff as to: 1) whether the Bond property option or any other site option should be further investigated through the CSEC; and, 2) whether any additional research regarding the Fifth Street properties should be undertaken.

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**Alternative Actions**

Council discretion.

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**Financial Impact**

If the City Council directs staff to investigate these issues, the research would be undertaken as part of the normal work program of the Planning Department. If a specific course of action is developed with respect to establishing a new dog park, cost estimates would be developed as part of the analysis. While the sale of the Fifth Street properties could result in one-time income to the City, legal issues associated with the sale of public property need to be explored, which represents a cost to the General Fund. In addition, prior to the sale of the property, drainage improvement would need to be designed and implemented on the northern parcel in order to make it developable. The estimated cost of these improvements is \$60,000 and they would be subject to a permitting process that would take time and money to pursue. These up-front costs would need to be paid out of the General Fund or the Special Projects fund, but could be repaid upon the ultimate sale of the parcel.

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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. Fifth Street Property location map
  3. List of City parks
  4. Map of Bond property
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**cc:**

Bob Edwards, SVDOG

Richard Dale, Sonoma Ecology Center

Joseph Patrick Leslie Trust

870 Fifth Street West

Sonoma, CA 95476

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## SUPPLEMENTAL REPORT

Discussion, consideration and possible action on options for a new dog park location and the estimated value of City-owned properties located at 872-880 Fifth Street West

*For the City Council meeting of October 15, 2012*

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### **Background**

At its meeting of July 16, 2012, the City Council held a preliminary discussion about the feasibility of making use of a vacant City-owned property located at the northeast corner of Fifth Street West and West MacArthur Street as a dog park. This concept came was initially raised by Bob Edwards of the Sonoma Valley Dog Owners and Guardians (SVD OG). After discussing the matter, the City Council provided direction to staff as follows:

- Explore the viability of Cuneo site as a dog park.
- Review other possible locations for a dog park with respect to feasibility.
- Obtain a valuation of the Cuneo parcels in the event of their sale.

The Council concurred that in researching these directions, input and advice from the CSEC should be obtained.

Note: Subsequent to this discussion, the Police Chief, as part of a comprehensive update of the City's animal control regulations, has recommended that dogs on leashes be allowed in neighborhood parks and Depot Park. Since a dog park is intended to provide an off-leash experience, it is not clear to staff that this change (if implemented) would address the perceived need for a larger dog park. However, this change would provide additional recreational opportunities for dog owners and may be relevant to this discussion.

### **CSEC Discussion**

As directed by the City Council, the CSEC discussed the suitability of the Cuneo parcels (872-880 Fifth Street West) for use as a dog park and other site options at its meeting of September 12, 2012.

*Cuneo Site.* The Cuneo site, which is located at the northeast corner of Fifth Street West and West MacArthur Street, is comprised of two vacant parcels and has an area of approximately one-half acre (see attached map). Donated to the City by the Cuneo family as an unrestricted gift, it has a General Plan land use designation of "Park." The property features a natural drainage swale and is undeveloped. The swale divides the north parcel and forms the eastern boundary of the south parcel. Observations with respect to its feasibility as a dog park are as follows:

- With an area of approximately 21,800 square feet, the site is approximately twice the size of the existing dog park at the Police Station property.
- The swale reduces the usable area of the property. However, that feature could potentially be used to divide the site into a small dog area and a large dog area.

- Neighboring properties on the north and east have a residential zoning, raising compatibility issues (including noise and parking availability) that would need to be investigated and mitigated. Neighbor outreach and consultation would be required if this concept is pursued.
- Opportunities for parking appear to be limited to on-street parking, which is available on both the Fifth Street and the West MacArthur Street frontage (although the Fifth Street frontage is limited due to the presence of a bus stop). The site is not not large enough, in staff's view, to support the development of off-street parking.
- The development of the site as a dog park (or any other site) would need to be funded by a user group as the City has no resources to devote to such a project. Maintenance would also need to be user-supported (as is the case at the current dog park location).

The CSEC held a lengthy discussion of the pros and cons of the Fifth Street site with respect to its suitability for use as a dog park. Two members of SVDOG were in attendance and participated in the discussion. At the conclusion of the discussion it was the consensus of both the CSEC and the representatives of SVDOG that the site is not well-suited for that use based on the following considerations: 1) the site is too small, given that a swale bisects one of the parcels and runs along the edge of another; and 2) the site is too close to existing and potential single-family residential development. In general, the CSEC felt that the development of a dog park at the Fifth Street site would not provide a substantially different experience than that of the existing dog park on the Police Station property and that the proximity of the site to existing and future residential development would create compatibility problems.

*Other Potential Site Options.* Following its discussion of the Fifth Street site, the CSEC reviewed an inventory of City-owned park properties (attached). In looking at other options, the only possibility identified by the CSEC was the area of the Bond property (located on Seventh Street East) that is not currently leased to the Sonoma Ecology Center. This portion of the site (the northwest quadrant of the property), has an area of approximately 22,000 square feet, which is about the same size as the Fifth Street site, but it is not encumbered by a swale so it could be used a contiguous area. However, it does have a number of potential constraints, as follows:

- There is a residential neighbor on the north, but since this is a rural area the set back from the Bond property is about 100 feet.
- An agreement with the SEC would be desirable in order to share parking.
- There could be incompatibilities between a dog park and the community garden use.
- There is a conservation easement on the Bond property that limits activities to "low intensity recreational uses". While a dog park would seem to be consistent with that limitation, the use would need to be reviewed and approved by the Sonoma County Agricultural Preservation and Open Space District, which holds the easement.
- Because the site is somewhat remote from residential neighborhoods within the city, many City residents would need to drive to it.

In a very preliminary discussion with the staff of the Ecology Center, they expressed concerns about compatibility and other issues, but stated that they were open to discussing the concept. It should also be noted that the Ecology Center has in the past expressed interest in extending the lease to encompass this area and it remains interested in doing so. At the time of writing this staff report, Bob Edwards of SVDOG was able to visit the site and conduct a preliminary walk though

with planning staff. He expressed the view that the site was a promising option that could lend itself well to use as a dog park, but he will consult with other members of SVDOG to get additional feedback.

### **Estimated Value of Fifth Street Parcels**

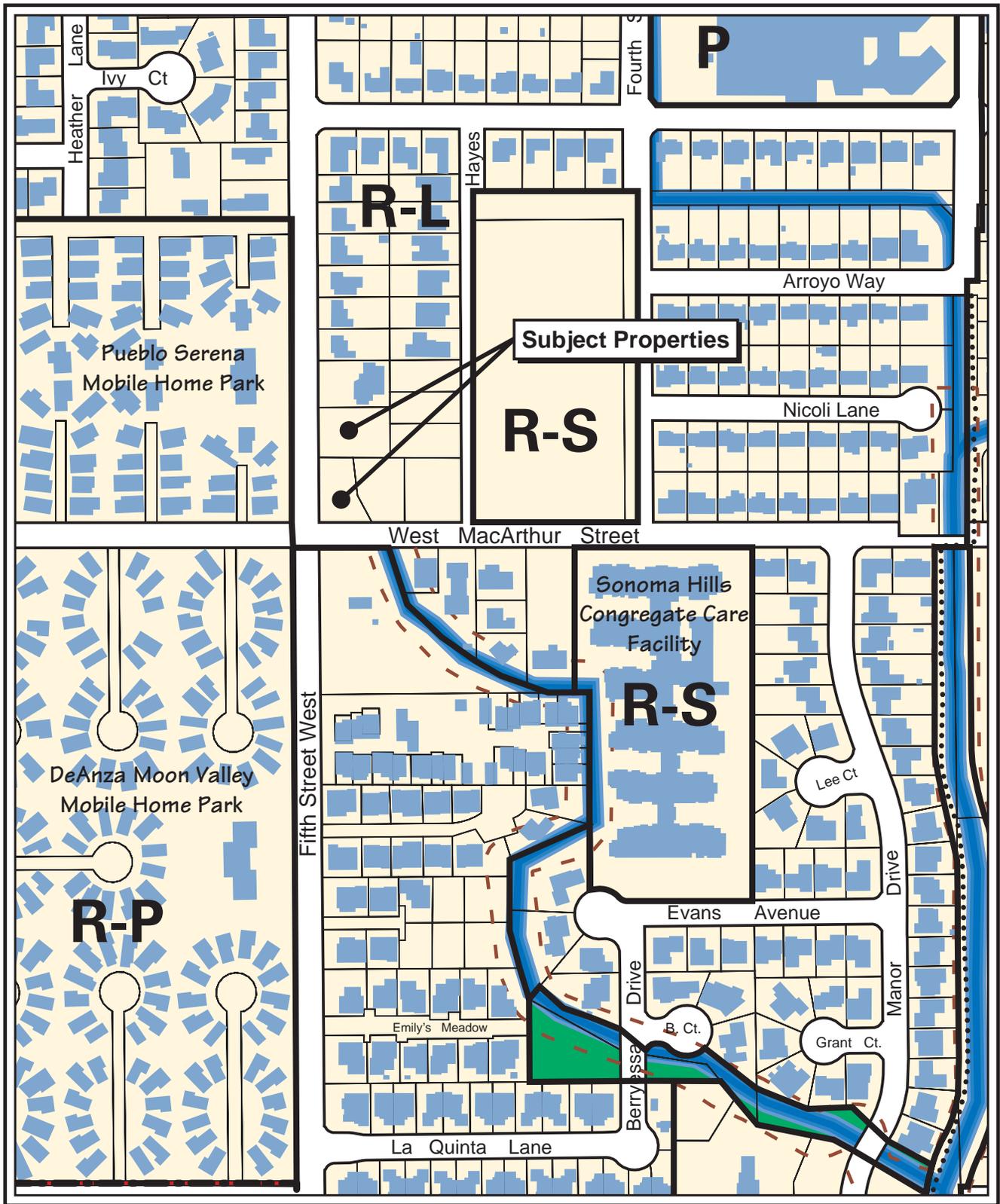
As directed by the City Council, staff has obtained an initial estimated sales price from a local realtor of \$150,000 per lot. This value is consistent with the sales price of an adjoining vacant parcel on the east. However, the parcel on the north would require extensive drainage improvements in order for it to be developable. The swale that bisects this parcel precludes its development with a residence unless it is eliminated and replaced with an underground storm drain. This improvement could cost as much as \$60,000 and would likely be subject to a lengthy permitting process potentially involving the Regional Water Quality Control Board and the Army Corps of Engineers and the possible payment of mitigation fees. As a related matter, the removal of the swale is potentially in conflict with Development Code and General Plan policies that encourage the retention of natural drainage features. In addition, the sale of the properties could be subject to the Surplus Land Act, in which case notice would first need to be given to specified government and affordable housing entities offering the parcels for sale for use as an affordable housing site or as parkland. Staff would want to consult with the City Attorney on this issue if the City Council wishes to further explore the concept of selling the two parcels, as well as work with the City Engineer to further research drainage and permitting issues.

### **Financial Impacts**

If the City Council directs staff to further investigate these issues, the research would be undertaken as part of the normal work program of the Planning Department. If direction is given to pursue establishing a new dog park, cost estimates would be developed as part of the analysis; however, it is expected that development costs and on-going maintenance would be the responsibility of SVDOG. While the sale of the Fifth Street properties could result in one-time income to the City, legal issues associated with the sale of public property need to be explored, which represents a cost to the General Fund. In addition, prior to the sale of the property, drainage improvements would need to be designed and implemented on the northern parcel in order to make it developable. If they could be made in light of the potential General Plan conflict, the estimated cost of these improvements is \$60,000 and they would be subject to a permitting process that would take time and money to pursue, including possible payment of mitigation fees. These up-front costs would need to be paid out of the General Fund or perhaps the Special Projects fund, but could be repaid upon the ultimate sale of the parcels.

### **Recommendation**

Provide direction to staff as to: 1) whether the Bond property option or any other site option should be further investigated through the CSEC; and, 2) whether any additional research on the Fifth Street properties should be undertaken.



Location Map  
*Sebastiani/Cuneo Park Dedication*



Inventory of City Park Properties

| Function                                     | Site Area (acres) | Address                   | Improvements/Use                                  | Leases /Licenses/Agreements                                     | Notes                       |
|--|-------------------|---------------------------|---|---|-----------------------------|
| <b>Parks, Open Space, and Recreation</b>     |                   |                           |   |   |                             |
| Armstrong Park                               | 1.49              | 550 Charles Van Damme Way | Neighborhood park                                 |   |                             |
| Depot Park                                   | 3.00              | 285 First Street West     | Community park, museum                            |   |                             |
| Hertenstein Park                             | 0.66              | 1055 Berryessa Drive      | Neighborhood park                                 |   |                             |
| Jean K. T. Carter Park                       | 3.35              | 1135 Cox Street           | Neighborhood park                                 |   |                             |
| MacArthur Park                               | 0.78              | 758 Elliot Street         | Neighborhood park                                 |   |                             |
| Olson Park                                   | 0.20              | 659 Linda Drive           | Neighborhood park                                 |   |                             |
| Pinelli Park                                 | 0.49              | 433 France Street         | Neighborhood park                                 |   |                             |
| Madera Park/Tex Juen park                    | 2.23              | 1395 Fryer Creek Drive    | Neighborhood park                                 | Wine Club, for maintenance of vineyard                          |                             |
| Sonoma Oaks/Tarrassa Park                    | 1.08              | 440 Engler Street         | Neighborhood park                                 |   |                             |
| Nathanson Creek Park/Roland Hawk Nature Area | 2.64              | 1221 Dewell Drive         | Neighborhood park, open space                     |   |                             |
| Starr Ranch Park                             | 0.07              | 375 Brockman Lane         | Neighborhood park                                 |   |                             |
| Maysonnave House 1                           | 0.32              | 291 First Street East     | Office/Museum                                     | League for Historic Preservation                                | Renovated in 2008.          |
| Maysonnave House 2                           | 0.91              | 289 First Street East     | Petanque courts. Bocce courts, Residence.         | Valley of the Moon Petanque Club.                               |                             |
| Nathanson Creek preserve, Parcel 1           | 0.32              | 125 East MacArthur Street | Vacant  | Conservation easement   |                             |
| Nathanson Creek preserve, Parcel 2           | 1.10              | (no address assignment)   | Habitat landscaping.                              | Conservation easement   |                             |
| Cuneo parcels                                | 0.47              | 872-880 Fifth Street West | Vacant  |   | Swale.                      |
| Grinstead Park                               | 0.80              | 133 Patten Street         | Open space  |   |                             |
| Upper Mountain Cemetery Property             | 44.00             | (no address assignment)   | Trail, open space. Water tank.                    | Sonoma Overlook Trail Task Force                                |                             |
| Bond Property                                | 6.00              | 19990 Seventh Street East | Community garden (straw-bale barn, outbuildings.) | Sonoma Ecology Center (portion of site). Conservation easement. | Residence to be demolished. |





City of Sonoma  
City Council  
Agenda Item Summary

**Agenda Item:** 10A  
**Meeting Date:** 10/15/2012

|                                     |   |
|-------------------------------------|---|
| <b>Department</b><br>Administration | <b>Staff Contact</b><br>Mayor and Council Members |
|-------------------------------------|---|

**Agenda Item Title**

Council Members Report on Committee Activities.

**Summary**

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

| MAYOR SANDERS                                    | MPT. BROWN                                       | CLM. BARBOSE   | CLM. GALLIAN  | CLM. ROUSE   |
|--|--|--|---|--|
| ABAG Alternate                                   | AB939 Local Task Force                           | City Facilities Committee                            | ABAG Delegate   | City Audit Committee                                   |
| 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