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

Community Meeting Room, 177 First Street West
Sonoma CA 95476

Monday, May 6, 2013
6:00 p.m.
****

AGENDA

City Council
Ken Brown, Mayor
Tom Rouse, Mayor Pro Tem
Steve Barbose
David Cook
Laurie Gallian

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

OPENING

CALL TO ORDER & PLEDGE OF ALLEGIANCE
ROLL CALL (Barbose, Rouse, Gallian, Cook, Brown)
REPORT ON CLOSED SESSION

1. COMMENTS FROM THE PUBLIC

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

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

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

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

4. PRESENTATIONS

Item 4A: **Introduction of the new Public Works Director / City Engineer**

Item 4B: **Proclamation declaring the May 18-19, 2013 350 Home and Garden Challenge Weekend**

Item 4C: **Proclamation declaring May 9, 2013 Bike to Work Day**

Item 4D: **Presentation of the Police Department's 2012 Annual Report**

Item 4E: **Presentation by the Weston A. Price Foundation opposing the concept of a water fluoridation program**

Item 4F: **Presentation by Sonoma County Waste Management Agency on the Status of a Carryout Bag Ordinance [Requested by Councilmember Barbose]**

5. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL

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

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

Item 5B: **Approval of the Minutes of the April 15 and April 25, 2013 Meetings.**
Staff Recommendation: Approve the minutes.

Item 5C: **Approval and Ratification of the Appointment of Antoinette Kuhry to the Cultural and Fine Arts Commission for a two-year term.**
Staff Recommendation: Approve and ratify the appointment.

Item 5D: **Rejection of Bid for Fire Station Painting and Repair Project.**
Staff Recommendation: 1. Reject all bids; and 2. Direct staff to revise the project scope, plans and specifications for the work to lower the construction costs for the project.

Item 5E: **Approve the use of City streets by the Sonoma Community Center for the City Party on Tuesday, July 30, 2013.**
Staff Recommendation: Approve the request.

Item 5F: **Adoption of Resolution approving and consenting to the use of City streets by the Sonoma Community Center for the 4th of July Parade on Thursday, July 4, 2013.**
Staff Recommendation: Adopt resolution.

Item 5G: **Resolution Authorizing the City Manager to Execute a Grant Agreement and Other Documents Pertaining to the Napa Road/Leveroni Road at Broadway Intersection Signal Improvement Project.**
Staff Recommendation: Adopt resolution.

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

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

Item 6A: **Approval of the portions of the Minutes of the April 15 and April 22, 2013 City Council / Successor Agency Meeting 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: **Continued discussion, consideration and possible action on the recommendations of the Planning Commission concerning the possible regulation of wine tasting facilities.** (Planning Director)
Staff Recommendation: Provide direction.

8. REGULAR CALENDAR – CITY COUNCIL, Continued

Item 8B: **Discussion, consideration and possible first reading of an ordinance to amend Chapter 10.48 of the Sonoma Municipal Code relating to the regulation of parking on City streets.** (City Clerk/Assistant to the City Manager)
Staff Recommendation: Introduce and hold first reading of an ordinance amending Chapter 10.48 of the Sonoma Municipal Code relating to the regulation of parking on City streets.

Item 8C: **Discussion, Consideration and Possible Action to approve the 2013-14 City Council GOALS.** (City Manager)
Staff Recommendation: Receive report and approve the 2013-14 GOALS

Item 8D: **Discussion, Consideration and Possible Action on Expiration of Development and Use Agreement for the Sonoma Valley War Memorial Veterans' Building.** (City Manager)
Staff Recommendation: Notify the County that the City will not be renewing the use agreement for the Sonoma Valley War Memorial Veterans' Building; and retain the original $10,000 budgeted amount as a set-aside for non-profit's use of the building.

9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

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

10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS

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

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

11. COMMENTS FROM THE PUBLIC

12. ADJOURNMENT

I do hereby certify that a copy of the foregoing agenda was posted on the City Hall bulletin board on May 2, 2013. 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: **05/06/2013**

Department	**Staff Contact**
Administration	Carol E. Giovanatto, City Manager

Agenda Item Title

Introduction of the new Public Works Director / City Engineer.

Summary

City Manager Giovanatto will introduce Dan Takasugi, the City's new Public Works Director / City Engineer.

Recommended Council Action

No action requested.

Alternative Actions

N/A

Financial Impact

N/A

Environmental Review

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

Status

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

Attachments:

None

cc:

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 4B

Meeting Date: 05/06/2013

Department	**Staff Contact**
Administration	Gay Johann, City Clerk/Assistant to the City Manager

Agenda Item Title

Proclamation declaring the May 18-19, 2013 350 Home and Garden Challenge Weekend.

Summary

Patricia Talbot, the City's representative on the Sonoma County Health Action committee, submitted a request for recognition of the 350 Home and Garden Challenge Weekend. Melinda Kelley will be present to receive the proclamation.

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

Recommended Council Action

Mayor Brown to present the Proclamation.

Alternative Actions

Council discretion.

Financial Impact

n/a

Environmental Review

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

Status

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

Attachments:

1. Proclamation

cc: Patricia Talbot & Melinda Kelley via email

City of Sonoma

Proclamation

350 HOME AND GARDEN CHALLENGE

WHEREAS, the City of Sonoma is concerned about the health and well-being of its residents and seeks to create a healthy, sustainable, and livable community and in 2005, all Sonoma County cities and the County in adopted the boldest community greenhouse gas emissions reduction target in the United States – 25 percent below 1990 levels by 2015; and

WHEREAS, last year, the third annual 350 Home & Garden Challenge inspired thousands of people across Sonoma County to complete 2,304 actions to grow food, save water, and conserve energy; and

WHEREAS, Sonoma County can achieve its climate goals by growing and eating fresh, local garden produce and creating energy and water-efficient homes, businesses, and communities; and

NOW, THEREFORE, BE IT RESOLVED that the City of Sonoma commits to actively support the 350 Home and Garden Challenge and its goal to inspire 3,500 actions to grow food, conserve water, and save energy, and as a partner pledges to:

- Support the 350 Home and Garden Challenge activities within the City of Sonoma and promote the growing, eating and sharing of healthy food and energy and water-efficiency
- Support City programming (recreation programs, parks, and open spaces) that encourages the growing, eating and sharing of healthy food and energy and water-efficiency
- Take steps to improve the opportunities for food gardening by assessing community infrastructure and looking for ways to facilitate the growing, eating and sharing of healthy food
- Take steps to improve the opportunities for energy and water-efficiency in community planning by supporting the programs that facilitate home retrofits

NOW, THEREFORE, I, Ken Brown, Mayor of the City of Sonoma, do hereby proclaim the weekend of May 18-19, 2013 **350 HOME AND GARDEN CHALLENGE WEEKEND** in the City of Sonoma as we work together for a healthier, more vibrant and viable future.

IN WITNESS WHEREOF, I hereby set my hand and cause the seal of the City of Sonoma to be affixed this 6th day of May 2013.

KEN BROWN, MAYOR

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: **4C**

Meeting Date: **05/06/13**

Department	**Staff Contact**
Administration	Gay Johann, City Clerk/Assistant to the City Manager

Agenda Item Title

Proclamation declaring May 9, 2013 Bike to Work Day.

Summary

The Sonoma County bicycle coalition requested that a proclamation be issued recognizing May 9, 2013, as Bike to Work Day in the City of Sonoma. Jeffrey Montague will receive the proclamation on behalf of the Sonoma County Bicycle Coalition.

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

Recommended Council Action

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

Alternative Actions

Council discretion.

Financial Impact

n/a

Environmental Review

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

Status

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

Attachments:

1. Proclamation

Copy via email:
Wendy Atkins, Associate Planner
Jeffrey Montague, Sonoma County Bicycle Coalition

City of Sonoma

Proclamation

BIKE TO WORK DAY 2013

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

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

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

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

WHEREAS, National Bike Month (May) and Bike to Work Day (May 9, 2013), coordinated throughout Sonoma County by Sonoma County Bicycle Coalition in partnership with dozens of local government, business, and organizational partners, is increasingly successful in its efforts to encourage local residents to try biking for transportation; and

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

NOW, THEREFORE, I, Ken Brown, Mayor of the City of Sonoma do hereby proclaim the City of Sonoma's support for National Bike Month, and do hereby proclaim Thursday, May 9, 2012

BIKE TO WORK DAY

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

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Sonoma to be affixed this 6th day of May 2013.

KEN BROWN, MAYOR

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: **4D**

Meeting Date: **05/06/2013**

Department	**Staff Contact**
Police	Chief Bret Sackett Carol Giovanatto, City Manager

Agenda Item Title

Presentation of the Police Department's 2012 Annual Report

Summary

In accordance with the Agreement for Law Enforcement Services between the City and the County, the County is required to provide the City with an annual report. The report will be presented in two phases as follows:

1] Brief executive summary presented by City Manager

2] Police Department Annual Report to include an overview of police operations, along with results of the Performance Objectives identified in the agreement.

Recommended Council Action

Receive presentation of Police Department's 2012 Annual Report

Alternative Actions

N/A

Financial Impact

None

Environmental Review

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

Status

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

Attachments:

City Manager Executive Summary on Background of Sheriff's Contract History

Sonoma Police Department's 2012 Annual Report

cc:

EXECUTIVE SUMMARY
POLICE SERVICES CONTRACT
PREPARED BY CITY MANAGER GIOVANATTO

The following is provided as an overview of the Police Services Contract concept and process. The history illustrates the detailed analysis and public process which was undertaken.

SUMMARY

The concept of outsourcing Police Services to Sonoma County Sheriff was initiated as a budgetary consideration in 2003. At that time, the City Council was facing a large budget deficit and dire fiscal projection. Projected expenditures were increasing at a much larger rate [6% annually] than projected revenue [3% annually]. The City had already cut $400,000 from the 2003-2005 General Fund operating budget. Because the issue of contracting for law enforcement services as a means to save money came up fairly frequently Council directed staff to conduct a feasibility study and cost analysis of the concept of contracting for law enforcement services with the County to determine if there would be a more cost-effective way of delivering high quality police services in Sonoma. This concept ultimately resulted in a Contract for Police Service which became effective in July 2004. Since that transition, the City has maintained the highest in quality law enforcement coverage. The Contract has continued to be structured in a cost-effective manner while providing the service levels mandated by the Council.

While financial issues were the main focus of the contracting option, of equal importance were two additional considerations of [1] maintaining or improving the level and quality of police services for the City and [2] maintaining a stable workforce for law enforcement. Between 2000 and 2003 the Police Department experienced an average annual turnover rate of 18% for sworn officers and 21% for the professional non-sworn staff. Due to the lengthy and complex process necessary to hire a police officer, coupled with the time spent in the academy and field training program, it could take over a year to fill vacancies in the sworn ranks. This can be very detrimental to the city both in terms of the financial cost and the impact the staffing shortage has on existing staff.

CHRONOLOGY OF EVENTS

- June 18, 2003: Sonoma City Council directed staff to conduct a feasibility study and cost analysis with the Sonoma County Sheriff's Department (SCSD) on the concept of contracting for law enforcement services.

- July 2, 2003: Sonoma City Manager, Mike Fuson, Accounting Manager Carol Giovanatto and Sonoma Police Chief John Gurney, met with the Sheriff to discuss how the analysis would be conducted.

- August 20, 2003: Sonoma City Council directed staff to deliver preliminary cost figures to determine if contracting for police services was a viable

consideration. It was projected that the City would save approximately $446,000 the first year of the contract.

- September 17, 2003: Sheriff and his staff presented to the Sonoma City Council two possible models for the provision of police services to the City of Sonoma. Both models were designed with a level of service at least equal to that of the existing Sonoma Police Department.

- September 25, 2003: Sheriff met with the staff of the Sonoma Police to discuss employee concerns.

- October 15, 2003 : Sheriff and City staff presented to the Sonoma City Council a more detailed analysis of costs for contracting out police services for the City of Sonoma. Staff's analysis concluded that in addition to savings in direct out-of-pocket expenses, a contract with the Sheriff's Department would lessen the City's exposure to liability actions and expand access to specialty services provided by the Sheriff's Department. It was projected that the City would save approximately $446,000 the first year of the contract.

- November 5, 2003: A public meeting was held at the Sonoma Vets building to discuss the possibility of the City of Sonoma contracting with the Sonoma County Sheriff's Department for police services. The City Council directed City staff to pursue negotiations with the Sheriff's Department for contracting police services.

- December 2, 2003: A committee consisting of the Sonoma City Manager, Assistant City Manager, Sonoma City Prosecuting Attorney, the Sonoma Police Chief, other City Police staff, the criminal justice analyst from the County Administrator's Office, the Assistant Sheriff, and other Sheriff staff began meeting once a week for half day sessions to begin negotiations for a possible contract.

- March 17, 2004: On a three to two vote, the City Council directed staff to move ahead with preparation of the contract documents, which included a transition agreement, a basic agreement and memorandums of understanding with effected bargaining groups.

- April 21, 2004: The first contract for services and service plan were approved. As directed in the final contract model, the City Council determines the level and quality of service and the programs it wants for the community. Effectiveness measures also became a part of the service contract and budget control measures.

- July 1, 2004: Sheriff's Department began service as the Sonoma Police Department for a five year term.

  July 1, 2009: Contract was renewed for a ten-year period; contract will be reconsidered in July 2019.

2012
Annual Report

Sonoma Police Department

Sonoma Police Department

175 First Street West, Sonoma, Ca 95476

Message from the Chief

On behalf of the Sonoma Police Department, I am pleased to present our annual report for 2012. This report reflects the hard work, dedication, and tireless effort of the men and women of the Sonoma Police Department, and is representative of their commitment to the core values of our department.

The men and women of the Sonoma Police Department are committed to making our city a safe place to live, work, and visit, and on behalf of our dedicated staff of professionals, I would like to thank you for the support you've provided this past year. The department looks forward to proactively build and strengthen community partnerships through the delivery of high quality, efficient, and professional law enforcement services.

Mission Statement and Core Values

In partnership with our communities, we commit to provide professional, firm, fair and compassionate law enforcement and detention services with integrity and respect.

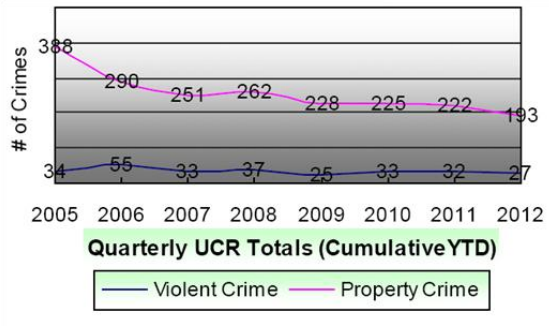
Principles of Excellence	***Effective Enforcement of the Law*** ***Sense of Team*** ***Community Oriented Philosophy*** ***Organizational Efficiency*** ***Commitment to Duty and Tradition***

Community Oriented Policing

Community Oriented Policing is a philosophy, management style, and organizational design that promotes proactive problem solving and police-community partnerships to address the causes of crime and fear, as well as other community issues. Community Oriented Policing redefines the roles and relationships between the community and the police by recognizing that the community shares responsibility with the police for social order. Both must work cooperatively to identify problems and develop proactive community-wide solutions.

Year in Review

Over the past several years, we've enjoyed a downward trend in our overall crime rate based upon data available from the FBI's Uniform Crime Reporting program. In 2012, we again saw a decrease in both our violent crime and property crime rate; 16% and 13% respectively. Although crime rates provide a quick "snapshot" of our community, they often provide a very simplistic view the community and don't take into consideration the many factors that influence crime. However, I think this snapshot reflects what we all know – Sonoma is a safe place to live, work, and raise a family.



The School Resource Officer organized the Every 15 Minutes Program at Sonoma Valley High School. Unique in its design and powerful in its impact, "Every 15 Minutes" is an educational experience that reminds us all of the dangers associated with driving while impaired and texting while driving. The crash is staged, the emotions are real!

If you recall, the police department was awarded a grant from the California Alcoholic Beverage Control to address the perils of underage drinking and youthful access to alcohol. We focused our efforts on both education and enforcement operations with our licensed establishments. We provide free LEADS training to nearly 100 employees of licensed establishments. Working collaboratively with ABC investigators, we conducted minor decoy operations in both the city and valley region, which resulted in a violation rate of 20%. In essence, one in five youth are able to purchase alcohol from a licensed establishment or have an adult purchase it for them on a fairly regular basis. While this was an improvement, I think it tells us that alcohol is still fairly easy for minors to obtain.

The City Council instituted a diversion fee to help off-set the cost of providing our local Youth and Family Diversion program. In light of recent budget cuts at the county's probation department, local diversion programs are more valuable than ever. This diversion fee can be reduced or waiver based upon set criteria and additional community service hours will be assessed for any fee waivers. In essence, no referral will be turned away due to financial limitations.

The City Council adopted a much-needed update to the City's animal regulations. Notable changes include a vicious and potentially dangerous dog ordinance, changes to the city's leash law, and a better process to handle barking dog complaints.

We also rolled out a new animal licensing software program, which replaces an antiquated database. This new program allows for monthly – as opposed to yearly – dog license renewals, quick searches by field personnel, and access by dispatch for 24 hour retrieval.

Deputy Robert "Rocky" Seffens was selected to receive the local VFW's "Law Enforcement Officer of the Year" award. In addition, Deputy Seffens was then selected by all the California VFW Posts as the "California Law Enforcement Officer of the Year", which earned him national recognition as well. His selection was fitting tribute to someone who has spent nearly 30 years providing exemplary law enforcement service to the Sonoma Valley.

Deputy Eric Smith was selected to receive the 2012 Mothers Against Drunk Driving (M.A.D.D.) Award for his efforts to combat drunk driving. Deputy Smith arrested 28 people for impaired driving.

We've continued our strong tradition of community outreach and have participated in a variety of community events. Some of those events include tours of our facility, neighborhood watch meetings, as well as participation in events such as the Farmer's Market, Vintage Festival, and the Independence Day celebration.

Special Programs and Partnerships

School Resource Officer

The School Resource Officer continues to be an integral part of our community oriented policing philosophy. While initially funded by a grant from the US Department of Justice, the Sonoma County Sheriff's Office and the Sonoma Valley Unified School District entered into a subsequent 5 year partnership to continue funding for the program. The Sheriff, understanding the vital role the SRO plays in his crime prevention efforts, along with his commitment to keep costs down for the City of Sonoma, agreed to fund the SRO position through his patrol budget since the SRO serves the entire Sonoma Valley.

Deputy Matt Regan, our School Resource Officer, monitors campus activity and provides security at various school functions, such as sporting events and dances. He sits on the district's Student Review Team, provides instruction for driver's education, and speaks at numerous school functions.

Animal Control

The police department provides animal control services for the City, which includes annual licensing, permit review, enforcement of city, county, and state laws, animal related investigations, and care of impounded animals. Our Community Services Officers primarily fill this role, but in their absence, the patrol staff responds to animal related calls. Working closely with Pet's Lifeline, our community partner, and Sonoma County Animal Care and Control, we strive to provide exemplary service in terms of enforcement, reunification of stray pets, and appropriate adoption services. In 2012, we saw a decrease in the number of animal related calls for service, but an increase in the number of impounded animals. In response to on-going complaints regarding dog in Plaza Park, the animal control officers

made a concerted effort to address the problem through education and enforcement activities.

Explorers and Volunteers in Police Service

The police department is proud to have such a strong cadre of volunteers to assist us in the service to our community. Our Explorer Program, which is designed for youth from the ages of 14-21 years old, is a career-oriented program that gives young adults the opportunity to a career in law enforcement. Under the guidance of sworn personnel, they meet on a regular basis to discuss the law enforcement profession, participate in the ride along program, and to assist with community events.

We continue to have strong Volunteers in Police Service (VIPS) program to better serve our community. Currently seven (7) volunteers donate their time on a weekly basis, assisting with office work, parking enforcement, security checks, Plaza patrols, and traffic control for parades. During 2012, our volunteers donated well over 2,000 hours to the police department in an amazing sign of community service and community spirit.

Sonoma Valley Youth and Family Services

Under the auspices of the Sonoma Police Department, Sonoma Valley Youth and Family Services (SVYFS) provides an alternative to juvenile probation for youth who are cited for criminal activity. The program provides services for families who live within the boundaries of the Sonoma Valley Unified School District (SVUSD), although they may be attending schools out of this District.

SVYFS also works with families and youth who have not yet committed a crime, but are at risk of being involved in criminal behavior, to redirect them through meaningful alternatives.

In 2012, SVYFS provided services to 103 youthful offenders. As in prior years, the majority of the referrals were for substance abuse violations. However, it's interesting to note that alcohol – not marijuana – accounted for the vast majority of substance abuse referrals. Theft related violations accounted for the second largest number of referrals, followed by Skate Park violations. In 2012, youthful offenders completed over 2,000 hours community service at various Sonoma Valley non-profits as a way to compensate to community for the harm caused by their actions.

According to Cynthia Ashmore, the program coordinator, *"There continues to be a significant trend in younger youth involved in substance abuse, particularly in middle school grades. The substance abuse increase in the middle schools indicates to this agency a continued need for prevention and early intervention programs geared towards middle and elementary school aged youth."* The complete annual report of Sonoma Valley Youth and Family Services program is available upon request at the City Prosecutor's Office.

City Prosecutor's Office

The City Prosecutor's Office continues to prosecute misdemeanor offenses and municipal code infractions that occur within the City limits, and mitigate conflicts within the City of Sonoma through cooperation with the Sonoma Police Department.

The police department refers all appropriate misdemeanor and municipal code violations to the City Prosecutor's Office. DUI and traffic related cases continued to account for the largest majority of referrals, followed by domestic related crimes, drug violations, and city ordinance violations.

The police department feels this program has been beneficial, since the City Prosecutor has a clear understanding of quality of life issues occurring within Sonoma. In addition, the ability to interact with the local prosecutor on specific cases has been invaluable.

The complete annual report of City Prosecutor's Office is available upon request at the City Prosecutor's Office.

Performance Objectives and Statistics

It is incumbent upon the Sonoma Police Department to provide a safe community and a sense of security to the citizens of the City of Sonoma. This will be accomplished by providing professional law enforcement services with the highest degree of integrity and respect, while adhering to the Sheriff's Office Mission Statement, Core Values, and Principles of Excellence of Sheriff's Office.

There are four primary Performance Objectives identified in the law enforcement services contract. Performance measures, when conceived as part of a broad management perspective, can provide an increased level of understanding that can result in more effective and efficient services. These Performance Objectives are intended to provide insight that can be used to make improvements to individual programs and initiatives, and to improve the effectiveness of our department's overall operations. The four primary Performance Objectives are:

Deter and Prevent Crime

Apprehend and Prosecute Offenders

Maintain and Resolve Conflict

Promptly Respond to Incidents Requiring Immediate Attention

Each of these Performance Objectives is measured by statistical data that relate directly to primary Performance Objective. While these Performance Objectives have the potential to provide a "snapshot" of the impact of our policing efforts, it is important to remember these statistics can be influenced by a wide variety of factors. For instance, a rise in reported crime may not necessarily reflect a decrease in public safety, but an instead it could reflect a strong working relationship between the community and the police department which results in the community feeling comfortable reporting criminal behavior.

Objective 1: Deter and Prevent Crime

This performance objective shall be measured by comparing the following data:

a. Uniform Crime Reporting data will be used to determine crime patterns occurring in the City.

b. State of California crime rates will be compared with crime rates for the City of Sonoma.

UCR Summary Data[1]	2009	2010	2011	2012	% Change[2]
Homicide	0	2	0	1	100%
Rape	2	3	1	0	-100%
Robbery	5	1	0	3	-300%
Aggravated Assault	18	27	31	23	26%
Simple Assault[3]	58	50	43	33	-23%
Total Violent Crime[4]	25	33	32	27	-16%
Burglary	63	61	57	51	-11%
Larceny	148	159	158	142	-10%
Auto Theft	17	5	7	0	-100%
Total Property Crime[5]	228	225	222	193	-13%

California Crime Rates[6]		Violent Crime	Property Crime
	Area	Rate per 100,000	Rate per 100,000
2012	State	N/A	N/A
	Sonoma	253	1,810
2011	State	413	2,594
	Sonoma	299	2,073
2010	State	422	2,528
	Sonoma	327	2,232
2009	State	454	2,616
	Sonoma	250	2,284

[1] UCR data per California Department of Justice Table 11

[2] From prior year

[3] Simple assault not included in Violent Crime total

[4] Violent crime includes homicide, forcible rape, robbery, and aggravated assault

[5] Property crime includes burglary, larceny-theft, motor vehicle theft, and arson

[6] California Department of Justice Table 1

Objective 2: Apprehend and Prosecute Offenders

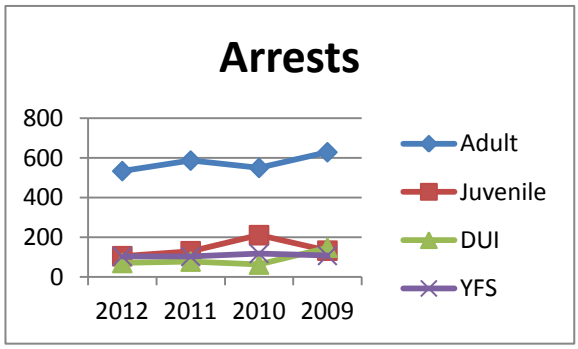
This performance objective shall be measured by comparing the following data:

a. The number of arrests for adults and juveniles will be compared to determine arrest patterns.

b. The number of DUI arrests will be compared to determine DUI arrest patterns.

c. The number of referrals to the Sonoma Valley Youth and Family Services Program will be compared to determine juvenile crime patterns.

d. Clearance rates for the City of Sonoma and the Pacific Region (Uniform Crime Reporting) will be compared to determine number of crimes solved.



Arrest Data	2009	2010	2011	2012	% change
Adult	628	549	586	533	-9%
Juvenile	132	210	129	104	-19%
Total Arrests	760	759	715	637	-11%
DUI Arrests[7]	147	62	77	70	-9%
Referrals to YFS[8]	107	117	102	103	1%

UCR Clearance Data[9]	Area	Violent Crime	Property Crime
2012	Pacific Region[10]	Data not available	
	Sonoma	86%	29%
2011	Pacific Region	45%	15%
	Sonoma	89%	20%
2010	Pacific Region	44%	15%
	Sonoma	64%	25%
2009	Pacific Region	45%	15%
	Sonoma	64%	25%

[7] Included in the figure for total arrests

[8] These figures are reported on a fiscal calendar and are included in figure for total arrests

[9] Clearance rates indicate the percent of crimes that are solved or otherwise cleared and are calculated by dividing the number of crimes cleared by the total number of crimes. The FBI's UCR program considers a crime cleared when at least one person is arrested, charged with a crime, and turned over to the court for prosecution or referred to juvenile authorities. In certain circumstances, a crime can be cleared by "exceptional means."

[10] Pacific region includes California, Oregon, Washington, Alaska, and Hawaii. FBI Table 26

Objective 3: Maintain Order and Resolve Conflict

This performance objective shall be measured by comparing the following data:

a. Traffic accident data in the Statewide Integrated Traffic Records System (SWITRS) for fatal, injury, and non-injury accidents will be compared to determine the effectiveness of the Agreement's Traffic Enforcement Program.

b. Parking citation data will be compared to determine the effectiveness of the Agreement's Parking Enforcement Program.

c. Animal Control statistics (animal complaints and impounds) will be compared for the previous 3 years to determine patterns.

Traffic Accident Data[11]				
	2009	2010	2011	2012*
Fatal	0	0	0	1
Injury	27	32	28	31
Non-injury	82	71	59	94
Total	109	103	87	126[12]
*Unofficial data from internal source				

Parking Citations				
Year	2009	2010	2011	2012
Citations Issued	3,043	2,639	2,703	2,726

Animal Control				
	2009	2010	2011	2012
Calls for service	441	510	628	596
Impounds (Dogs and Cats)	72	83	87	109

[11] Data provided by the California Statewide Integrated Traffic Reporting System (SWITRS) Report #3.

[12] Due to delays in State reporting, 2011 or 2012 SWITRS data is not available.

Objective 3: Maintain Order and Resolve Conflict, cont

d. Citizen perception of safety and the maintenance of order as reported in citizen surveys shall be compared when such survey data is available.

Periodically, the Sheriff's Office will commission a private company to conduct a Community Survey to assess the community's perceptions of services, and develop communication and collaborative problem-solving approaches to address concerns surfaced in these evaluations.

In 2008, the Sonoma Police Department was included in this survey. The survey results were provided to the City Council when the original Law Enforcement Services contract was due for renewal. Overall, the survey revealed strong community support, a feeling of safety within our community, and satisfaction with our service. Some of the survey responses include:

- *87% of respondents rate our overall performance as Good or Excellent*
- *95% feel Safe or Very Safe*
- *Compared to a year ago, 76% feel our community is as Safe or Safer*
- *Of those who victims of crime, 93% were Very Satisfied or Satisfied*
- *97% felt our crime prevention programs were Effective or Very Effective*

In addition, the community identified gangs, violent crime, and drugs/alcohol as our most pressing concerns, while indicating more crime prevention programs as a possible area of improvement.

Overall, the survey revealed the police department has the "ear" of the community and has established a solid partnership with our citizens.

Objective 4: Promptly Respond to Incidents Requiring Immediate Attention

This performance objective shall be measured by comparing the average response time to "Priority 1" calls over the previous 3 years.

Median Response Time to Priority 1 Calls for Service		
Year	**Number of calls**	**Response Time**
2012	**286**	**4 min 41 secs**
2011	**212**	**4 Min 55 secs**
2010	**224**	**5 Min 0 secs**
2009	**204**	**4 Min 34 secs**

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: **4E**

Meeting Date: **05/06/13**

Department	**Staff Contact**
Planning and Community Services	David Goodison, Planning Director

Agenda Item Title

Presentation by the Weston A. Price Foundation opposing the concept of a water fluoridation program

Summary

At its meeting of April 15, 2013, the City Council heard a presentation by the County Department of Health Services on its programs to address the oral health problems in Sonoma County, including a proposal, now under study, to fluoridate the County water supply system. A representative of the Weston A. Price Foundation has requested an opportunity to make a presentation in opposition to this concept.

Recommended Council Action

Receive presentation and ask questions of the Weston A. Price Foundation representative and City staff.

Alternative Actions

N.A.

Financial Impact

Whether or not a water fluoridation project would have a financial impact on the City is unknown at this time. (Cost and funding issues are being addressed as part of an on-going feasibility study.) However, if the project were to be funded through increased SCWA water rates or require locally-managed facilities to optimize fluoridation levels, the City could experience significant costs.

Environmental Review

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

Status

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

Attachments:

cc: Lauren Ayers, Weston A. Price Foundation
Dan Takasugi, City Engineer
Matt Winkelman, GHD

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: **4F**

Meeting Date: **05/06/2013**

Department	**Staff Contact**
Administration	Carol E. Giovanatto, City Manager

Agenda Item Title

Presentation by Sonoma County Waste Management Agency on the Status of a Carryout Bag Ordinance [Requested by Councilmember Barbose]

Summary

Henry Mikus, General Manager of the Sonoma County Waste Management Agency will present an update on the Countywide Carryout Bag ordinance. The final EIR for the CEQA analysis on a carryout bag ordinance was presented at the April 17 Board of Supervisor's meeting, and the Board agreed to the following preliminary schedule:

Subsequent steps towards enactment of the carryout bags and administrative penalties ordinances are proposed as follows:

- April/May: Staff revisits those member jurisdictions' governing bodies that wish to do a final review and discussion supporting approval.
- May or June Board Meeting: Certify the Final EIR, introduce via the "First Reading" the carryout bag ordinance and the administrative penalties ordinance.
- June or July Board Meeting: "Second Reading" (adoption) of the carryout bag ordinance and the administrative penalties ordinance.
- January 1, 2014: Effective date of the carryout bag ordinance and administrative penalties ordinance.

This timeline would provide nearly six months "transition time" between ordinance adoption and implementation. The intervening time would be used both for a concentrated outreach and education program, and for affected merchants to use up existing stocks of single-use bags and prepare for ordinance implementation.

Recommended Council Action

Receive presentation and ask questions of Mr. Mikus

Alternative Actions

N.A.

Financial Impact

Financial impact on the City is unknown at this time.

Environmental Review

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

Status

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

Attachments: none

CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: **5B**

Meeting Date: **05/06/2013**

Department	**Staff Contact**
Administration	Gay Johann, City Clerk/Assistant to the City Manager

Agenda Item Title

Approval of the Minutes of the April 15 and April 22, 2013 Meetings.

Summary

The minutes have been prepared for Council review and approval.

Recommended Council Action

Approve the minutes.

Alternative Actions

Correct or amend the minutes prior to approval.

Financial Impact

N/A

Environmental Review

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

Status

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

Attachments:

Minutes

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, April 15, 2013
5:00 p.m. Closed Session (Special Meeting)
6:00 p.m. Regular Session
****

City Council
Ken Brown, Mayor
Tom Rouse, Mayor Pro Tem
Steve Barbose
David Cook
Laurie Gallian

MINUTES

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

CALL TO ORDER

At 5:00 p.m., Mayor Brown called the meeting to order. No one from the public was present to provide public testimony on the closed session item. The Council recessed into closed session with all members present. City Manager Giovanatto and City Attorney Walter were also present.

CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to Cal. Gov't Code section 54956.9(d)(2): One potential case involving the claims of the County of Sonoma that the County's cities are liable for the costs of closing and monitoring the closure of the County's central landfill.

6:00 P.M. – REGULAR MEETING

The City Council reconvened in open session and Mayor Brown called the meeting to order at 6:00 p.m. Toni Castrone led the Pledge of Allegiance.

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

ALSO PRESENT: City Manager Giovanatto, City Clerk Johann, City Attorney Walter, and Planning Director Goodison.

REPORT ON CLOSED SESSION – Mayor Brown stated that no reportable action had been taken.

1. COMMENTS FROM THE PUBLIC

Harry Blum commended City workers and the Film Festival team for a job well done.

Wendy Peterson announced the April 26, 2013 Arbor Day Celebration in the Plaza.

Matt Metzler stated that the bike path pavement at West Napa and Fifth West was in need of repair. He also stated that if the Fryer Creek bike path were completed, it would increase ridership.

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers' Comments and Announcements

Clm. Gallian called for a moment of silence for those impacted by the bombing at the Boston Marathon. She announced that the mission would hold a children's day on May 4 and that she attended the Valley of the Moon Water District Board meeting.

Mayor Brown and Councilmembers Gallian and Barbose commented on the success of the Sonoma International Film Festival.

Mayor Brown dedicated the meeting to the memory of Diana Beebe and Martha Singleton McCullough.

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

City Manager Giovanatto announced that the Sonoma Police Department and the Identity Theft Council were holding a seminar regarding identity theft at Vintage House on May 15. She reported that the April 17 Responsible Beverage Service Training seminar offered by the Police Department was full with a waiting list. The City Finance Department would be implementing the new financial software at the end of the month.

4. PRESENTATIONS

Item 4A: Proclamation declaring the Fourth Friday in April 2013 Children's Memorial Day

Mayor Brown read aloud the proclamation declaring the fourth Friday in April Children's Memorial Day and noted that the City would fly the Children's Memorial Flag at City Hall on April 17. John Goehring and Steve Berry received the proclamation on behalf of Minimize Occurrences of Violence in Everyday Society (MOVES) and thanked the Council for the recognition.

4. PRESENTATIONS, Continued

Item 4B: Proclamation declaring April 14-20 The Week of the Young Child

Mayor Brown read aloud the proclamation declaring April 14-20 The Week of the Young Child. Kathy Vaughn received the proclamation on behalf of the Child Care Planning Council of Sonoma County and thanked the Council for its recognition.

Item 4C: Proclamation declaring April 2013 Autism Awareness Month

Mayor Brown read aloud the proclamation declaring April 2013 Autism Awareness Month. Ashley, a Sweetwater Spectrum resident, and Deirdre Sheerin accepted the proclamation and

thanked the City Council. Ms. Sheerin stated that nine residents had moved into the facility since its opening two months ago. Another Sweetwater resident, Christopher, stated that he had become more independent and had learned to cook since moving in.

Item 4D: **Presentation by the Sonoma County Department of Health Services on strategies to improve the oral health of Sonoma County, including a potential water fluoridation program.**

Lynn Chalfin, Sonoma County Health Officer, reported that as part of its mandate to promote good health, the Sonoma County Department of Public Health (DHS) had engaged in a multi-pronged approach to address oral health problems in Sonoma County. While access to dental care, tooth sealants, fluoride varnishes and oral health education had all expanded, DHS has found that untreated dental decay continued to be a significant problem, disproportionately affecting lower income and Latino children. In light of this finding, the Board of Supervisors directed DHS to conduct a study of the County's water delivery system and the feasibility of community water fluoridation. On February 26, 2013, DHS presented an updated status report on oral health within Sonoma County, along with the results of the water system study, which included a preliminary cost/benefit assessment of fluoridation as well as proposed next steps in developing more detailed information. Acting on the recommendations of DHS, the Board of Supervisors voted unanimously to authorize the preparation of a "Preliminary Engineering Design Report and Cost Estimate" that would identify and evaluate alternative methods of retrofitting the Sonoma County Water Agency's (SCWA) delivery system to provide for the fluoridation of the SCWA water supply. While waiting on the completion of the report, DHS is embarking on a process of community and stakeholder outreach that includes the formation of an advisory committee. The advisory committee's charge, in addition to reviewing the preliminary design plan and cost estimate, is to develop a funding plan. The outreach process, which has already started, is expected to continue through June 2015. In addition, all of the other DHS oral health strategies will continue to be expanded, with outcomes monitored through an updated county-wide survey.

Clm. Rouse inquired if other approaches to improving dental health were being taken and what were other counties doing in that regard. Ms. Chalfin stated there were some tooth brushing training at schools but mostly through the WIC program. She said that the Safe Water Act required counties to fluoridate only if and when funding became available; she thought that Marin, San Francisco, and Contra Costa were fluoridating.

Clm. Gallian inquired what data had been utilized in analyzing the significance of the problem. Ms. Chalfin stated they used a sampling of a population base of California schools. Clm. Gallian stated it was important to understand what the need was and to properly inform the citizens.

Clm. Barbose inquired if it was possible to introduce fluoride by other means such as tablets. Ms. Chalfin stated that fluoridation was the most cost-effective means. She noted that fluoride was obtained through toothpaste and other sources.

Clm. Cook inquired what percent of the fluoride would hit its target. Ms. Chalfin responded that the percent was very low but said that was true of chlorination as well. An advantage was that the fluoride would reach every person every day.

Mayor Brown invited comments from the public. Rosemary Pedranzini stated that it would be ridiculous for the County to spend money on fluoridation and pointed out that there were cautions on toothpaste tubes not to swallow the paste because it was toxic.

Lauren Ayers stated that Council needed to look at both sides and invited everyone to a fluoride forum at the Grange on April 29.

Regina Baker stated there were many other nutrients necessary for healthy skin teeth and bones and said fluoride was on the bottom of the list.

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 March 25 Goal Setting, March 25 Ethics Training, and April 1, 2013 Meetings.** (Removed from Consent, see below)

Item 5C: **Approval and Ratification of the Reappointment of Matthew Tippell to the Planning Commission for a four-year term.**

Item 5D: **Approval of agreement for Economic Development Project Management services with Laurie Decker.**

Item 5E: **Approval of a temporary exception to Sonoma Municipal Code §8.06.070 allowing dogs in the Plaza Park Horseshoe Lawn in conjunction with Pets Lifeline Bark in the Park event on July 27, 2013.**

Clm. Barbose removed Consent Item 5B. The public comment period was opened and closed with none received.

It was moved by Clm. Rouse, seconded by Clm. Gallian, to approve the items remaining on the Consent Calendar. The motion carried unanimously. Clm. Cook thanked Mathew Tippell for his service on the Planning Commission.

Item 5B: **Approval of the Minutes of the March 25 Goal Setting, March 25 Ethics Training, and April 1, 2013 Meetings.**

Clm. Barbose requested a revision to the April 1 minutes. It was moved by Clm. Rouse, seconded by Clm. Cook, to approve the minutes as revised. The motion carried unanimously.

Clm. Rouse thanked Laurie Decker for her service as the Economic Development Program Manager and said she was doing a great job.

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

Item 6A: **Approval of the portions of the Minutes of the April 1, 2013 City Council / Successor Agency Meeting pertaining to the Successor Agency.**

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

7. PUBLIC HEARING – None Scheduled

8. REGULAR CALENDAR – CITY COUNCIL

Item 8A: **Discussion, Consideration and Possible Action to Increase Parking Limits on the Plaza from 2 hours to 3 hours.**

City Manager Giovanatto reported that pursuant to direction provided by City Council at the March 18 meeting, staff had analyzed the potential impacts of increasing the parking limits around the Plaza from 2 hours to 3 hours. Councilmember Cook had requested Council support for this analysis. Giovanatto reported that staff completed an analysis of the impacts and costs and the Chamber and the Economic Development Steering Committee had discussed the issue. The Economic Development Manager and Chamber Executive Director communicated with business owners in the Plaza area. Staff estimated the cost to replace parking signs would be between $1,300 and $5,200 depending on the areas targeted for change.

Giovanatto reported that of the twenty-nine businesses that responded to the downtown parking survey, 72.4% agreed that the time limit should be increased to three hours.

Clm. Rouse questioned the need to spend $5,000 and asked about a potential downtown parking study. Planning Director Goodison responded that the General Plan Circulation Element would be updated in the near future and as part of that update, Council may wish to include a downtown parking assessment and management plan. Clm. Rouse asked Laurie Decker what her opinion was. She reported that the majority of business owners she spoke to supported the change and felt it would encourage shoppers to stick around longer.

Clm. Barbose stated that when Clm. Cook first presented the idea he had suggested that instead of replacing the signs, that stickers be placed over the number 2 on the signs. He asked if staff had explored the possibility of using metallic decals. City Manager Giovanatto stated that Public Works crew did consider that alternative but were not supportive of it. Clm. Cook inquired how long the signs usually last. Giovanatto responded that they were replace about every two years.

Mayor Brown invited comments from the public. Rosemary Pedranzini stated that a $40 ticket was not enough deterrent so the Council might as well change it to three hours.

Charlene Hunter suggested surveying other Sonoma County towns and to be consistent with them.

Lynn Clary stated that the longer time limit would leave time on the hands of traffic patrol officers and they could spend more time patrolling the Plaza.

Clm. Cook stated that he supported the change which would allow tourists ample time to shop, eat and get back to their car without worrying about getting a ticket. He said he did not want to wait for completion of the parking assessment and management plan.

Clm. Gallian supported the change and wanted the time limit to be consistent in all areas. Clm. Rouse said he would go along with it if it was the will of the Council but he did not want to spend $5,000. Clm. Barbose agreed and suggested staff obtain high quality decals and a good

cleaning solution. Mayor Brown agreed and added that there should be an outreach to local businesses.

It was moved by Clm. Cook, seconded by Clm. Gallian, to change the parking time limit from two to three hours for all areas effective May 20, 2013 and to direct staff to look into the use of decals to change the signage. The motion carried unanimously. City Manager Giovanatto stated that she would take a frugal approach and would report the cost of changing the signage to the Council.

Item 8B: **Receive and File Report on Initiative Procedures and Discussion Concerning Individual Council Members Commenting Thereon.**

City Attorney Walter reported that a notice of intent to circulate a petition which proposed an ordinance governing hotels containing more than 25 rooms had been submitted to the City Clerk. He presented the ballot title and summary which he had prepared pursuant to the law. Walter explained the timeline and procedural steps involved when processing a ballot initiative. If the initiative petition was signed by 15% of the registered voters, when it is presented to the Council, the Council must (1) adopt the measure, (2) order a special election 88 to 103 days thereafter, or (3) order the preparation of a report. If the petition is signed by less than 15%, but not less than 10%, upon its presentation to the Council, the Council must (1) adopt the measure, (2) order it placed on a regular election not less than 180 days thereafter, or (3) order preparation of a report.

Attorney Walter reported that the report that the Council could order be prepared could analyze the initiative measure's fiscal impact, its effect on the internal consistency of the City's general and specific plans, its effect on the use of land, its impact on funding for infrastructure of all types, its impact on the community's ability to attract and retain business and employment, and any other matters the City Council requests to be in the report. The report would have to be presented to the Council no later than 30 days after the Elections Official certifies to the Council that the petition had been signed by the requisite number of voters. Once the report was completed and returned to the Council for consideration the Council must either adopt the initiative measure within 10 days after the report was submitted or order an election. Should the measure be placed on the ballot, the Council would have the opportunity to prepare an argument in favor of or against the measure and the City Attorney would prepare an impartial analysis which would be included in the ballot pamphlet. If the measure was approved by a majority of the voters voting on it, it would become effective. The substantive portions of the measure which impose conditions precedent to the filing of and approving an application for a hotel containing more than 25 rooms may not be amended or repealed except by a subsequent vote of the registered voters.

Attorney Walter stated that Councilmembers were free to say or do anything they wish regarding the petition as long as they were acting on their own. He cautioned them that making comments about a proposed hotel on West Napa Street could indicate an actual bias and could preclude them from participating in a decision should that project come before the City Council.

Clm. Rouse confirmed with the City Attorney that it was okay for him to state he did not like the arbitrary 80% occupancy requirement contained in the initiative and that he felt there were ulterior motives behind it. Clm. Cook confirmed with the City Attorney that a special town hall meeting could be held to discuss the initiative. Clm. Gallian confirmed with the City Attorney that it was okay for individual Councilmembers to contribute money, speak at meetings and host a meeting as long as it was on their own time and with their own money.

Mayor Brown invited comments from the public. Larry Barnett, former Mayor and initiative proponent, stated his agreement with the City Attorney's opinion regarding the Councilmembers' freedom to speak about and take a position regarding the initiative. He stated that he did not believe; however, that if a Councilmember were sued that the City would pay for his defense. Attorney Walter responded that he felt the City would defend the City Council if one or more were challenged as being biased.

Joanne Sanders, former Mayor, questioned the motive behind the initiative and said she believed it was a vendetta against Darius Anderson, the developer proposing a hotel on West Napa, and that they were trying to limit the competition. She said she had concerns about the proposed hotel project but that the process the City had in place would provide citizens plenty of opportunity to express their opinions. She stated that Barnett helped write the General Plan and that a large development went in on First Street West during his watch and noted that a ban had not been mentioned until Anderson's project came along. She urged citizens to not sign the petition.

Tine Shone, real estate broker, said she did not believe a moratorium would be good for business.

Regina Baker stated that if Anderson would keep the existing buildings and put his hotel behind them, no one would object to his proposal.

Jennifer Yankovich stated that the Sonoma Valley Chamber of Commerce Board unanimously voted to oppose the initiative. She said there was a process in place to allow discussion and input about development proposals.

Rosemary Pedranzini agreed with Baker's comment. She said it was too big of a project and would cause traffic chaos.

Mayor Brown stated that speakers should keep their comments to the issue as listed on the agenda.

Doug Graham stated that the City needed revenue and that some argued the proposed hotel would ruin the character of the City. He said that the people were what gave Sonoma its small town character, not the buildings.

Doreen Proctor said she did not agree with initiative's 80% occupancy requirement and opposed the initiative.

Item 8C: **Discussion, consideration and possible action authorizing City Manager to solicit proposals and retain qualified consultant(s) to assist staff in commencing and prosecuting the analysis and investigation concerning the impacts described in Elections Code section 9212 (and any others identified by the Council) of the proposed Hotel Limitation Measure.**

City Manager Giovanatto reported that the initiative process allowed for the preparation of a report which would analyze the effects and potential impacts of the ballot measure. The report must be presented to the Council within 30 days after the City Clerk certifies the sufficiency of the petition. Giovanatto stated that due to the restricted timeframes, staff was requesting authorization to solicit proposals and retain a consultant (s) to assist in preparation of the report.

Extending this authorization will give clear direction to staff to fully vet the options available to either prepare the report in-house or secure the services of an outside firm. She added that the report would not be initiated until the petition had been certified and the Council called for the report to be prepared. Giovanatto stated that the Council could request a report now if it so desired.

Clm. Rouse stated he was not in favor of spending staff time or money until the initiative proponents gathered enough signatures to qualify the measure for the ballot. Clm. Cook stated he would support staff's request for authorization to do some preliminary preparations.

Mayor Brown invited comments from the public. Larry Barnett stated he was sorry to have heard the inaccurate personal assault against him. He stated he had been firmly against the referenced project on First Street West. He said the Preserving Sonoma members felt their initiative was easy to understand and there was no need for the City to hire a consultant to prepare a report.

Joanne Sanders supported the City Manager's request for authorization to explore what consultants were out there and what kind of information was available. She added that property owners and deserved to know what was at stake.

Clm. Barbose commented that thirty days was not much time and he felt it prudent for the City Manager to look around to see who was available and what such a report would cost.

It was moved by Clm. Barbose, seconded by Clm. Gallian, to authorize the City Manager to evaluate the options for preparing a report, solicit proposals and/or evaluate other such actions as necessary to meet the 30-day timeframe should the Council call for the report. The motion carried four to one, Clm. Rouse dissented.

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. Barbose reported on the North Bay Watershed Association meeting.

Clm. Gallian reported on meetings of the Sonoma County Transportation Authority and the Mayors and Councilmembers Association.

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

Clm. Rouse reported that he missed the Mayors and Councilmembers meeting to attend a Tokaj Sister City meeting. He stated that would be traveling to Tokaj in May at his own expense. His trip included a tour of Parliament and attendance at their wine festival.

11. COMMENTS FROM THE PUBLIC

Joanne Sanders stated she was happy to read of the recent apprehension of guns and arrest of gang members by law enforcement. She reiterated her previous comments about the initiative and stated that the hotel industry was what Sonoma has and that we want people to come here. She stated she was very concerned about a proposed ban on hotels. Ms. Sander reported that her son Calvin had been selected to represent Sonoma Valley High at Boys State.

Larry Barnett stated that the initiative was not a ban or a moratorium on hotels; it was a limitation designed to slow the pace and scale of hotel development. The initiative process was part of the democratic process and people can vote yes or no.

Regina Baker stated that that the initiative process allowed people to vote on what was dear to their hearts and was good for a small town.

12. ADJOURNMENT

The meeting was adjourned at 8:44 p.m. in the memory of Dianna Beebe and Martha Singleton McCullough.

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 _____ 2013.

_____
Gay Johann, MMC
City Clerk/Assistant to the City Manager

SPECIAL MEETING OF THE SONOMA CITY COUNCIL

Depot Park Museum
270 1st St W Sonoma, CA 95476

Monday, April 22, 2013
3:00 p.m.
****

MINUTES

City Council
Ken Brown, Mayor
Tom Rouse, Mayor Pro Tem
Steve Barbose
David Cook
Laurie Gallian

1. CALL TO ORDER

Mayor Brown called the meeting to order at 3:00 p.m. All members of the City Council were present. Also present were City Manager Giovanatto and City Clerk/Assistant to the City Manager Johann.

2. COMMENTS FROM THE PUBLIC - None

3. TOUR OF DEPOT PARK MUSEUM

Councilmembers and members of the Board of Directors of the Sonoma Valley Historical Society and Depot Museum sat in a circle and discussed recent improvements that had been made to the museum as well as future museum needs. Board members then led Councilmembers on a tour of the museum.

4. ADJOURNMENT

The meeting adjourned at approximately 4:00 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 May 2013.

_____
Gay Johann, MMC
City Clerk/Assistant to the City Manager

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: **5C**

Meeting Date: **05/01/2013**

Department	**Staff Contact**
Administration	Gay Johann, City Clerk/Assistant to the City Manager

Agenda Item Title

Approval and Ratification of the Appointment of Antoinette Kuhry to the Cultural and Fine Arts Commission for a two-year term.

Summary

The Cultural and Fine Arts Commission (CFAC) consists of seven members and one alternate. A minimum of five of the regular members and the alternate must be City residents. Appointments are made when a nomination made by the Mayor is ratified by the City Council.

This appointment will be to fill the position vacated by Gerry Simmel upon his completion of six years on the Commission and decision to not seek reappointment.

Mayor Brown has nominated Antoinette (Toni) Kuhry, the current CFAC Alternate, for appointment to an initial two-year term ending.

Recommended Council Action

Approve and ratify the appointment.

Alternative Actions

Council discretion.

Financial Impact

N/A.

Environmental Review

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

Status

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

Attachments:

None

cc:

Antoinette Kuhry via email

City of Sonoma

City Council

Agenda Item Summary

City Council Agenda Item: **5D**

Meeting Date: **5/6/13**

Department	**Staff Contact**
Building	Wayne Wirick, Development Services Director/Building Official

Agenda Item Title

Rejection of Bid for Fire Station Painting and Repair Project

Summary

On April 24, 2013 the City received and opened one bid for the Fire Station Painting and Repair Project. The proposed project consisted of repainting most of the interior and all of the exterior of the Fire Station as well as the replacement of flooring in designated areas and the replacement of a sliding door and landing on the south side of the building. Twelve potential bidders attended the pre-bid conference but only one bid was received. The City's estimated contract cost for the project was $95,000 and the bid amount (from Thomas Anderson and Company) was $274,000.

Recommended Council Action

Given the significant difference between the contract estimate and the bid amount and the lack of competing bids, staff recommends the following actions be taken by the City Council:

1. Reject all bids; and
2. Direct staff to revise the project scope, plans and specifications for the work to lower the construction costs for the project by:
    a. Obtaining informal bids for the replacement of the Dayroom, Kitchen, Dining and Stairway flooring.
    b. Obtaining informal bids for the replacement of the existing sliding glass door in the Break Room with a new storefront door and landing complying with disabled access requirements.
    c. Limiting the areas to be repainted to only those areas of the building that are in immediate need of repainting due to weathering or high use such as exterior wood work or interior stairways. Rebid the project and limit selective repainting costs to $100,000.

Alternative Actions

1. Approve the plans and specifications for the Fire Station Painting and Repair Project and award the bid from Thomas Anderson and Company in the amount of $274,000.

Financial Impact

The current balance in the Long-Term Building Maintenance (LTBM) Fund is approximately $1.5 Million. Approximately $150,000 has been set aside over the last 10 years within the LTBM Fund for repainting and re-flooring of the Fire Station. By rejecting the bid and revising the project scope to align with the funds set aside, no significant impact to the City's General Fund will occur.

If the bid is awarded, it is recommended that staff be directed make future budget adjustments to the Long-Term Building Maintenance Fund to make up the difference between the $274,000 award amount and the $150,000 currently set aside in the LTBM Fund for this work.

Attachments:

cc:

Tom Anderson, Thomas Anderson and Company, Inc.

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: **5E**

Meeting Date: **05/06/13**

Department	**Staff Contact**
Public Works	Debra Rogers, Management Analyst

Agenda Item Title

Approve the use of City streets by the Sonoma Community Center for the City Party on Tuesday, July 30, 2013.

Summary

Special event permit applications that include requests for the closure of City streets in conjunction with the event must obtain City Council approval of the related street closure.

The Sonoma Community Center has requested temporary closure of Spain Street from First St. West to First St. East in conjunction with the City Party and Farmers Market on Tuesday July 30, 2013 at 5:00 p.m. This arrangement worked well in 2012: reduced impact on the Plaza: crowds used the Plaza lawn and Spain Street; dancing occurred on Spain Street where the band was located; avoided disrupting the Farmers' Market vendors now using the back parking lot.

Recommended Council Action

Approve the use of City streets subject to the following conditions:

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

Alternative Actions

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

Financial Impact

This is a City-supported event. Contract with SPD for Spain St. Closure.

Environmental Review

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

Status

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

Attachments:

1. Application

cc:

Tom Montan and Toni Castrone - Email
Sonoma Community Center

City of Sonoma
No. 1 The Plaza
Sonoma CA 95476
(707) 933-2229

PLAZA PERMIT APPLICATION

Name of Event: CITY PARTY 2013 Today's Date: 1/25/2013

Sponsoring Organization: SONOMA COMMUNITY CENTER

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

Event Contact Person: TOM MONTAN Title: EVENT MANAGER

Mailing Address: 276 E. NAPA ST SONOMA CA 95476
Street or PO Box City State Zip

Daytime phone: 707-939-4626 x 4 Evening phone:

Cell Phone: E-mail: tom@SonomaCommunityCenter.org FAX: 707-939-4792

Plaza Area(s) Requested

☐ SE Section ☒ ~~NW Section~~ ☒ Amphitheater ☐ Horseshoe Pavement
☒ NE Section ☐ SW Section ☐ Rear Parking Lot ☐

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

EVENT DATES: YEAR: 2013	Start Time - Set-Up:	Event Start Time:	Event End Time:	End Time – Tear Down & Clean-up:	Estimated Attendance:
Date: 7/30/13	3P	6:30P	9PM	10P	6000
Date:					

THIS SECTION TO BE COMPLETED BY STAFF:

Rental Fees Per Day: For each section and area.		Maintenance Fees: Based on total hours of event.		Refundable Deposits: For each section and area.	
#____ of Days x Fee =	$	____ # of Sections X Fee		#___ of Days x Fee x # Sec.	$
____ X SE Section $200	$_____	____ X $75 (1- 12 hrs)	$_____	___ X $100 (X ___# Sections)=	$_____
____ X SW Section $150		____ X $150 (12-24 hrs)	$_____		
X NE Section $150	$_____	____ X $250 (24-36 hrs)	$_____		
~~____ X NW Section $150~~	$Closed - __2013__	____ X $400 (36-48 hrs)	$_____	____ X $100 Amphitheater	$_____
____ X $100 - Amphitheater	$_____	____ X $600 (> 48 hrs)	$_____	____ X $100 Horseshoe	$_____
____ X $100 - Horseshoe	$_____	PARKING: $200/DAY + $20 PER SPACE= _____	_____	____ X $100 Rear Parking-Lot	$_____
____ X $150-Rear Parking Lot	$_____				
$ 50 - Barricades	$_____	PARKING:	$		
TOTAL RENTAL FEES:	$ NA	MAINTENANCE +	$ NA	TOTAL DEPOSIT:	$ NA

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

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

☐ Port-O-Potties required: _____

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

_____

_____

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

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

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

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

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

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

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

SECURITY PLAN: Please describe your Security Plan (final will be approved by the Police Chief).

Group of 'Plaza Monitors' policing NE + W quadrant from 7am to 9pm

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

All booths located in accessible areas, accessible potties ordered

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

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

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

Toni Castrone	Toni Castrone	4/11/13
Signature	Print Name	Date

Approved: _____

Event Summary

ADDITIONAL PERMITS REQUIRED:

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

STAFF COMMENTS OR CONDITIONS:

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

Public Works Comments: MEET WITH PARKS SUPERVISOR 2 WEEK PRIOR
meet with street supervisor (2) week prior (DS)

~~Police~~ FIRE Department: PROVIDE VOLUNTEERS TO MOVE BARRICADES IN AN EMERGENCY, PROVIDE 20' EMERGENCY VEHICLE ACCESS. EVENT DAY INSPECTION REQUIRED

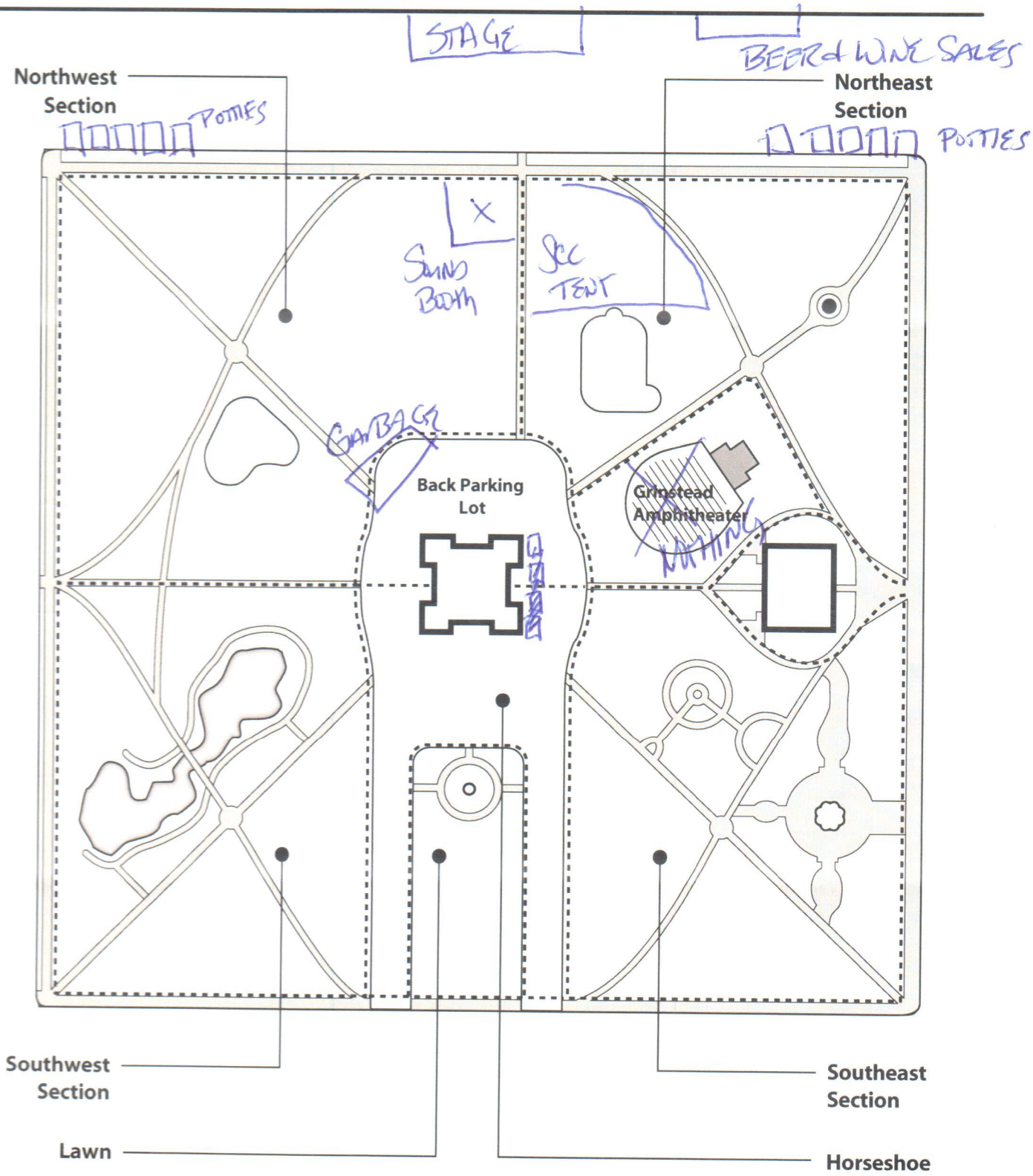
~~Fire~~ POLICE Department: CONTRACT WITH SPD FOR 1 SGT. AND 1 DEP. 5PM-10PM.

Date CSEC Approved: 4/

Post Event CSEC Meeting must take place no more than 90 days after the event.

2013

Please indicate the location of all major features and activities associated with this event.



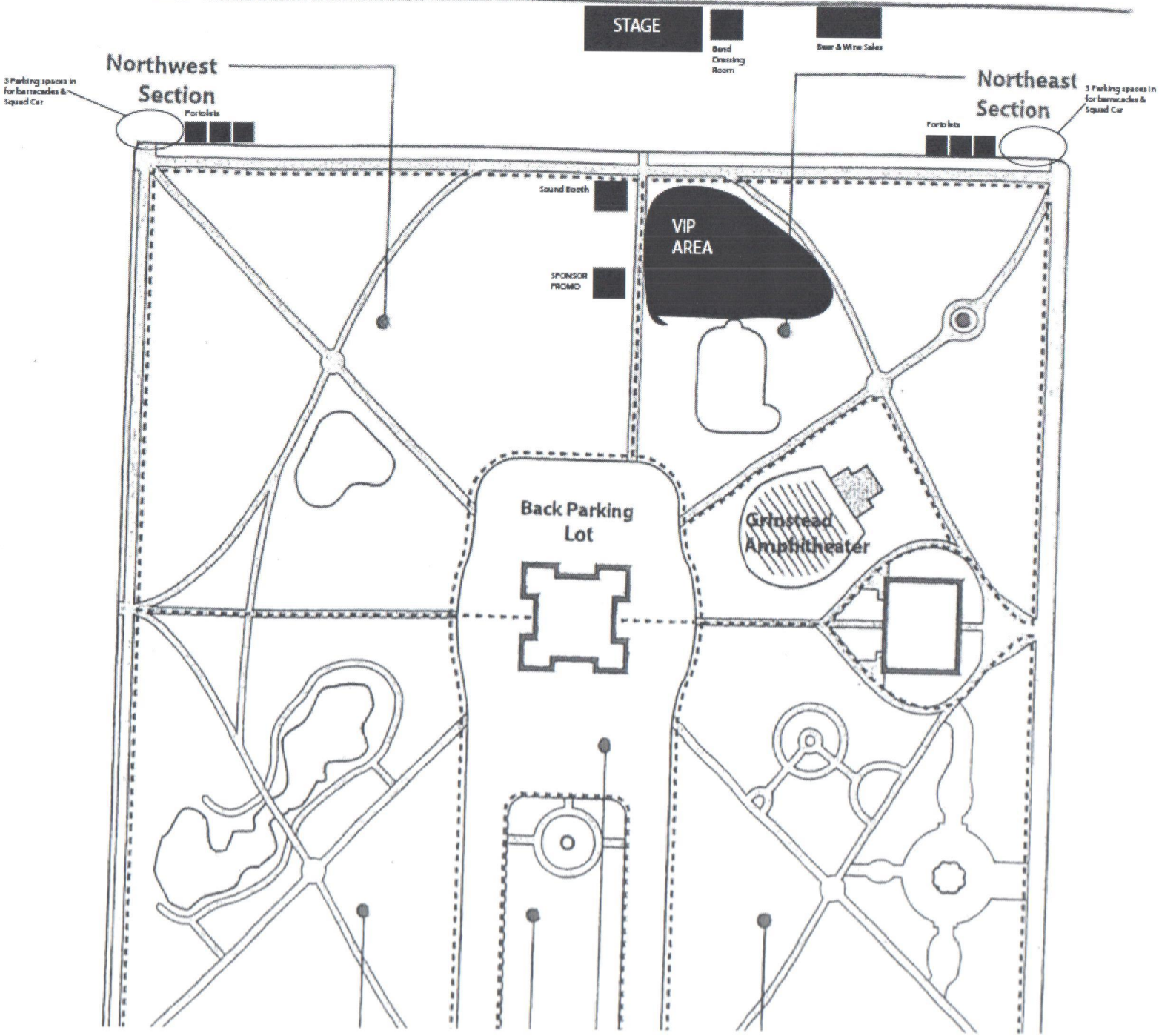
CITY PARTY 2013

Plaza Event Map

N

2012

Please indicate the location of all major features and activities associated with this event.



City of Sonoma
No. 1 The Plaza
Sonoma CA 95476

PERMIT APPLICATION FOR USE OF CITY STREETS

Application Fee: $373.00
(Encro 100 30203)

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

Name of Applicant: Toni Castrone

Name of Sponsoring Organization: Sonoma Community Center

Address: 276 East Napa Street Sonoma

Telephone Numbers: Day: 938-4626 Night: _____ Fax: _____ Email: toni@sonomacommunitycenter.org

Name of Event: City Party 2013

Type of Event – Mark Appropriate Box

☐ Run or Walk ☐ Rally or Assembly ☐ Parade

☑ Other Concert

Date(s) of Event: 7/30/13

Street Closure(s) Requested:

Spain Street between 1st East and 1st West from 5 am/pm to 10 am/pm

_____ between _____ and _____ from _____ am/pm to _____ am/pm

_____ between _____ and _____ from _____ am/pm to _____ am/pm

Complete Description of Event. Using additional sheets if necessary, describe the number of participants; duration of the event; the number, type, size and material of all entries including any floats or banners; the number and type of animals and a plan for cleaning up after them; any seating being provided; and Judges Tables. Attach a map of the route to be used and indicating the location of the staging area, announcer's stand, barricade placement, vendors, banners, signs and booths, etc.: City Party sponsored by Redwood Credit Union is an annual free Concert in the Plaza, open to the public.

Estimated Daily Attendance: 5000

If a Sound Amplification is be used, describe the type, location, purpose and hours of use: Sound for band performing on asphaut on Spain street, facing South, toward City Hall.

General Conditions of Approval:

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

* * * * *

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

Toni Castrone 4/11/13

Applicant's Signature **Date**

For City Use Only

POLICE DEPARTMENT RECOMMENDATION: ☐ Approve ☐ Deny

Amount of Deposit Required _____

COMMENTS:

Authorized Signature Date

PUBLIC WORKS DEPARTMENT RECOMMENDATION: ☐ Approve ☐ Deny

Amount of Deposit Required _____

COMMENTS:

Authorized Signature Date

Date Approved by CSEC _____

Date Approved by City Council _____

City Party 2013
Budget

expenses			
	entertainment		
		crossfire	$ 1,800.00
		hoop dance troop	$ 200.00
	permits/fees		
		ABC	$ 193.00
		Application fee	$ 253.00
		rental fee	$ 100.00
		security deposit	$ 100.00
		insurance	$ 150.00
	logistics		
		garbage	$ 284.00
		potties	$ 552.00
	supplies		
		banner	$ 300.00
		publicity/printing	$ 150.00
		other/misc	$ 300.00
	personnel		
		event manager	$ 475.00
		event workers	$ 600.00
		maintenance worker	$ 240.00
		misc/administration	$ 400.00
		total expenses	**$ 6,097.00**
income			
	sponsorship		$ 6,000.00
		total income	**$ 6,000.00**
		net income	**$ (97.00)**

POST EVENT SUMMARY

STAFF: Parks Department Supervisor Melberg

DATE: August 1, 2012

EVENT: City Party
Post Event Comments for the July 31, 2012 Event

Location: Plaza: X

Event Dates 7-31-12 Event Time 3pm till 10pm

Small Scale Event
OK to return deposit: Yes_____ No_____

Large Scale Event: Hold Deposit till CSEC Post Event Meeting

The area rented for and impacted by the event was left in a neat and clean condition. Extra work was not required of Parks staff for post event clean-up.

Observation:

- This year the stage was placed on Spain Street which helped with the impact on the Plaza. There were no issues as far as accommodating this event in conjunction with the Farmers Market.
- The volunteers did an excellent job of patrolling the area prior to the event for blankets, tarps and roping off of areas.
- There was a lot of trash left after the event; the event representatives did an excellent job of empting the garbage cans and picking up the litter.
- There was a post event meeting with Parks staff.
- The Plaza turf suffered minor damage due to heavy foot traffic. The impacted turf should recover with minimal efforts such as regular scheduled aeration and fertilization. The contributing impact to deeper soil compaction will be monitored for future comments.

cc

Public Works Director
Debra Rogers
Planning Administrative Assistant

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: **5F**

Meeting Date: **05/06/13**

Department	**Staff Contact**
Public Works	Debra Rogers, Management Analyst

Agenda Item Title

Adoption of Resolution approving and consenting to the use of City streets by the Sonoma Community Center for the 4th of July Parade on Thursday, July 4, 2013.

Summary

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

The Sonoma Community Center has requested temporary closure of portions of East Napa Street, Broadway (Highway 12), Spain St and First St West in conjunction with the July 4, 2013, 4th of July Parade. Details of the requested street closures are specified in the attached resolution.

Recommended Council Action

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

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

Alternative Actions

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

Financial Impact

This is a City-supported event. Public Works Costs $8,866

Environmental Review	**Status**
☐ Environmental Impact Report	☐ Approved/Certified
☐ Negative Declaration	☐ No Action Required
☐ Exempt	☐ Action Requested
☒ Not Applicable	

Attachments:

1. Resolution
2. Application

cc:

Tom Montan and Toni Castrone - Email
Sonoma Community Center

CITY OF SONOMA

RESOLUTION NO. __ - 2013

RESOLUTION APPROVING AND CONSENTING
TO THE USE OF CITY STREETS
2013 4th of July Parade

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

WHEREAS, the 4th of July Parade will temporarily impede and restrict the free passage of traffic over State Route 12 on July 4, 2013 between First St. East and First St. West and State Route 12 between MacArthur and Napa Street and between the hours of 9:00 a.m. and 12:00 noon.

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

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

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

The foregoing Resolution was duly adopted this 6th day of May 2013, by the following vote:

Ayes:
Noes:
Absent:

_____
Ken Brown, Mayor

ATTEST:

_____
Gay Johann, City Clerk

City of Sonoma
No. 1 The Plaza
Sonoma CA 95476
(707) 933-2229

PLAZA PERMIT APPLICATION

Name of Event: 4th of July Parade & Celebration Today's Date: 1/25/13

Sponsoring Organization: Sonoma Community Center

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

Event Contact Person: TOM MONTAN Title: Events MANAGER

Mailing Address: 276 E. NAPA St (Street or PO Box) Sonoma (City) CA (State) 95476 (Zip)

Daytime phone: 707 939-4626 x4 Evening phone: _____

Cell Phone: _____ E-mail: tom@sonomacommunitycenter.org FAX: 707-938-4792

Plaza Area(s) Requested

☐ SE Section ☐ ~~NW Section~~ ☐ Amphitheater ☐ Horseshoe Pavement
☐ NE Section ☐ SW Section ☐ Rear Parking Lot ☐ _____

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

EVENT DATES: YEAR: 2013	Start Time - Set-Up:	Event Start Time:	Event End Time:	End Time – Tear Down & Clean-up:	Estimated Attendance:
Date: 7/03/11	NOON	N/A	N/A	DARK	N/A
Date: 7/04/11	6:00 AM	9:00 AM	5:00 PM	DARK	3-10,000
Date: 7/05/11					6-9A

THIS SECTION TO BE COMPLETED BY STAFF:

Rental Fees Per Day: For each section and area.		Maintenance Fees: Based on total hours of event.		Refundable Deposits: For each section and area.	
#____ of Days x Fee =	$	____ # of Sections X Fee		#___ of Days x Fee x # Sec.	$
____ X SE Section $200	$_____	____ X $75 (1- 12 hrs)	$_____	___ X $100 (X ___# Sections)=	$_____
____ X SW Section $150		____ X $150 (12-24 hrs)	$_____		
X NE Section $150	$_____	____ X $250 (24-36 hrs)	$_____		
~~____ X NW Section $150~~	$Closed - __2013__	____ X $400 (36-48 hrs)	$_____	____ X $100 Amphitheater	$_____
____ X $100 - Amphitheater	$_____	____ X $600 (> 48 hrs)	$_____	____ X $100 Horseshoe	$_____
____ X $100 - Horseshoe	$_____	PARKING: $200/DAY + $20 PER SPACE= _____	_____	____ X $100 Rear Parking-Lot	$_____
____ X $150-Rear Parking Lot	$_____				
$ 50 - Barricades	$_____	PARKING:	$		
TOTAL RENTAL FEES:	$ N/A	MAINTENANCE +	$ N/A	TOTAL DEPOSIT:	N/A

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

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

☐ Port-O-Potties required: _____

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

SEE ATTACHED. PLEASE NOTE USE OF CITY FLAGS!

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

- ☒ Use of City Streets *
- ☐ Publicity Banners or Signs
- ☒ Alcohol Served **
- ☐ Canopies or Tents (stakes) ***
- ☒ Barricades Needed 2 Sets
- ☐ Booths or Other Temporary Structures
- ☐ Food Vendors
- ☐ Admission Charge
- ☐ Electricity Needed
- ☐ Amplified Sound or Music
- ☐ Food cooked on site
- ☐ Staff review: Mandatory****

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

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

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

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

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

SECURITY PLAN: Please describe your Security Plan (final will be approved by the Police Chief).

See attached

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

See attached

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

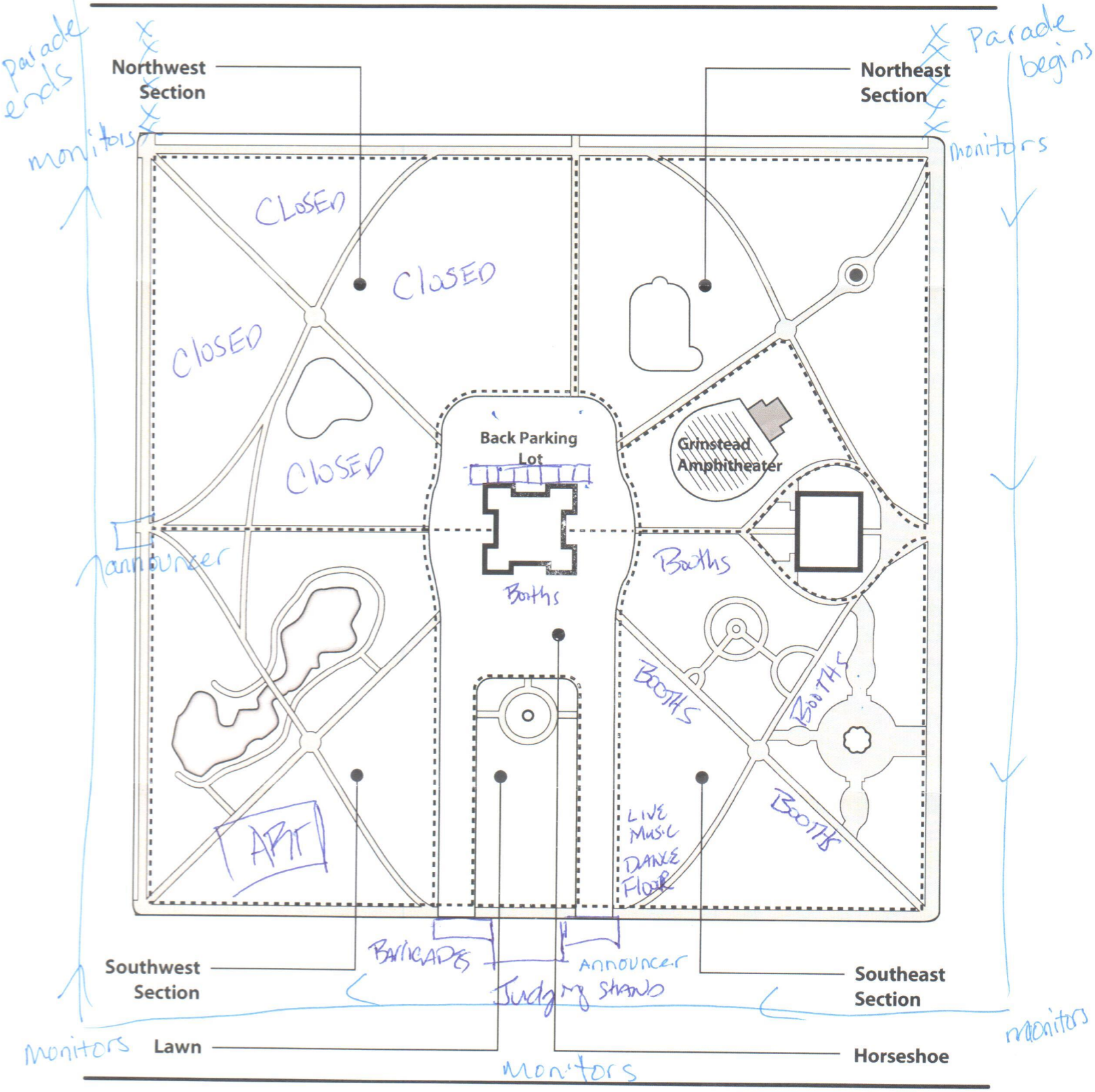
PLAZA EVENT MAP: On the attached map of the Plaza indicate the location of all major features and activities associated with the event Include the location of fencing, barricades, first aid facilities or ambulances, stages, platforms, canopies, tents, portable toilets, booths, beer gardens, cooking areas,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

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

Toni Castrone	Toni Castrone	4/11/13
Signature	Print Name	Date

Approved: _____

Please indicate the location of all major features and activities associated with this event.



Plaza Event Map

N

Event Summary

ADDITIONAL PERMITS REQUIRED:

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

STAFF COMMENTS OR CONDITIONS:

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

Public Works Comments: MEET WITH PARKS SUPERVISOR 2-WEEKS PRIOR
meet with street supervisor (2) weeks prior to event

Police Department: ALL HANDS ON DECK. MORE PARADE MARSHALLS NEEDED. 5-10
NO BLOCKING SIDEWALKS, DRIVEWAYS B4 EVENT.

Fire Department: Maintain 20' emergency vehicle access around entire horshoe, provide volunteers to remove barricades in event of emergency. Follow special event instructions, EVENT DAY INSPECTION REQUIRED.

Date CSEC Approved: _____

Post Event CSEC Meeting must take place no more than 90 days after the event.

CITY OF SONOMA PERMIT APPLICATION
4TH OF JULY PLAZA CELEBRATION 2013

Event description

Local non-profit organizations will be selling food and drink to the public using booths and tents. Some of these non-profits will be preparing food on-site.

Event components

- Use of city streets (see attached permit application)
- Canopies or tents (these will be used by the non-profit booths to be set up on the plaza and horseshoe lawn)
- Alcohol served (permit application will be obtained)
- Barricades requested (see map)
- Booths/food vendors (see map)
- Electricity and amplified sound to be used by all receptacles on the southeast quadrant and Grimstead Amphitheater
- Food cooked on-site (health & fire codes distributed to vendors)
- Porta-Potties will be located behind City Hall or along the east and/or west side of City Hall

Security Plan

City will provide services of the Sheriff's police department to handle street traffic prior to, during, and after parade.

City will provide services of the Sheriff's police department to handle security around the plaza throughout the celebration until 5:00pm.

Applicant will provide volunteers to restrict the drinking of purchased wine and beer to the southeast quadrant of the plaza. Applicant acknowledges that it cannot control such consumption of beer, wine or liquor purchased outside the plaza and carried into the plaza area.

Accessibility Plan

We will have two Porta-Potties that are ADA compliant. All booths will be located along accessible sidewalks.

City of Sonoma
No. 1 The Plaza
Sonoma CA 95476

PERMIT APPLICATION FOR USE OF CITY STREETS

Application Fee: $373.00
(Encro 100 30203)

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

Name of Applicant: TONI CASTRONE

Name of Sponsoring Organization: Sonoma Community Center

Address: 276 EAST NAPA ST. SONOMA CA 95476

Telephone Numbers: Day: 938-4626 Night: _____ Fax: _____ Email: toni@SonomaCommunityCenter.org

Name of Event: 4th of July PARADE & Celebration

Type of Event – Mark Appropriate Box

☐ Run or Walk ☐ Rally or Assembly ☐ Parade

☒ Other PARADE

Date(s) of Event: 07/4/13

Street Closure(s) Requested: SEE ATTACHED

_____ between _____ and _____ from _____ am/pm to _____ am/pm

_____ between _____ and _____ from _____ am/pm to _____ am/pm

_____ between _____ and _____ from _____ am/pm to _____ am/pm

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

Estimated Daily Attendance: 10-12K

If a Sound Amplification is be used, describe the type, location, purpose and hours of use: Sound System located @ NAPA ST (in front of Horseshoe) & 1st St West, btwn NAPA St & Spain St (PARADE announcements)

TIME 10AM - 12:30pm

General Conditions of Approval:

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

* * * * *

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

_____ _____

Applicant's Signature **Date**

For City Use Only

POLICE DEPARTMENT RECOMMENDATION: ☐ Approve ☐ Deny

Amount of Deposit Required _____

COMMENTS:

_____

Authorized Signature Date

PUBLIC WORKS DEPARTMENT RECOMMENDATION: ☐ Approve ☐ Deny

Amount of Deposit Required _____

COMMENTS:

_____

Authorized Signature Date

Date Approved by CSEC _____

Date Approved by City Council _____

Sonoma Community Center
4th of July operating budget
2013

Income			
	Parade contributions	$	1,500.00
	Wine/Beer/T-shirt sales	$	8,000.00
	Booth fees	$	600.00
	Total income	**$**	**10,100.00**
Expenses			
	Promotion	$	600.00
	Setup supplies	$	1,000.00
	Entertainment	$	1,400.00
	Potties	$	1,300.00
	Garbage	$	800.00
	Beverage concessions	$	2,510.00
	Parade expenses	$	2,300.00
	T-shirts	$	600.00
	License/permit fees	$	30.00
	Total expenses	**$**	**10,540.00**
	Net income	**$**	**(440.00)**

POST EVENT SUMMARY

STAFF: Parks Department Supervisor Melberg

DATE: July 5, 2012

EVENT: July 4th Parade and Celebration
Post Event Comments for the July 4, 2012 Event

Location: Plaza: X

Event Dates 7-4-12 Event Time 7am till 6pm

OK to return deposit: Yes_____ No_____

Large Scale Event: Hold Deposit till CSEC Post Event Meeting

The area rented for and impacted by the event was left in a neat and clean condition. Extra work was not required of Parks staff for post event clean-up.

Observation:

- The Community Center did an excellent job of cleaning their area. The restrooms were left cleaned and stocked. The trash receptacles were emptied and the litter was picked up.
- I would recommend for next year we look into how we could eliminate the issue of the chairs. On July the third there were people dropping off chairs and in some cases cabling the chairs together, this started very early the morning of the third. It was observed throughout the day that people were struggling to get through the chairs to get to and from their vehicles.
- There was a post event meeting with Parks staff.
- The Plaza turf suffered minor damage due to heavy foot traffic. The impacted turf should recover with minimal efforts such as regular scheduled aeration and fertilization. The contributing impact to deeper soil compaction will be monitored for future comments.

cc

Public Works Director
Event Manager
Accounting

Recommended Commission Action:

Review post event evaluation for the 2012 4th of July Celebration

Review event information provided by the event organizer

Ask questions of staff and/or the event representative

Provide comments.

Attachments:

2012 Post Event Evaluation – 4th of July Celebration

Issues to Discuss:

- Had staff level post meeting following the event
- Excellent job of clean-up
- Public Works Costs $8,866
- Address private parties on sidewalk
- Chairs being set-up and roping off of areas the morning before event
- Furniture issues similar to City Party

City of Sonoma

City Council

Agenda Item Summary

City Council Agenda Item: **5G**

Meeting Date: **5/6/2013**

Department	**Staff Contact**
Public Works	Wayne Wirick, Development Services Director / Building Official

Agenda Item Title

Resolution Authorizing the City Manager to Execute a Grant Agreement and Other Documents Pertaining to the Napa Road/Leveroni Road at Broadway Intersection Signal Improvement Project

Summary

Caltrans has approved a City requested $133,870 Federal Highway Safety Improvement Program (HSIP) grant for the long awaited Intersection Signal Improvement Project for Napa Road/Leveroni Road at Broadway. The project includes the installation of a protected left-turn traffic signal phasing in both the east- and west-bound directions of the intersection; overlay of the existing intersection to create a uniform surface for the addition of guidance markings and striping; and the existing signal standards will be replaced with a new signal standard, foundation, mast arm, vehicle pedestrian signals, pedestrian pushbutton, signal-mounted signage and luminaires on the northwest and southwest corners of State Highway 12.

Recommended Council Action

Approve Resolution 16-2013 authorizing the City Manager to execute the HSIP grant agreement and other documents pertaining to the Napa Road/Leveroni Road at Broadway Intersection Signal Improvement Project.

Alternative Actions

None recommended.

Financial Impact

$200,000 has been budgeted in the City's 2012-13 Capital Improvement Program for this project. Project funding sources include $133,870 from the Federal HSIP grant with the remaining $66,000 derived from the City's General Fund (Special Projects Fund). Originally, it was planned to use Community Development Agency Tax Allocation Bond proceeds to fund the City's portion of this project, but with the state-wide dissolution of redevelopment agencies, the use of City General Fund monies is necessary. The HSIP grant agreement requires that the City provide a local match of not less than $14,874.

Environmental Review	**Status**
☐ Environmental Impact Report	☐ Approved/Certified
☐ Negative Declaration	☒ No Action Required
☒ Exempt	☐ Action Requested
☐ Not Applicable	

Attachments:

- Draft Resolution
- Caltrans HSIP Grant Agreement

cc:

CITY OF SONOMA

RESOLUTION NO. 16 - 2013

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS PERTAINING TO THE NAPA ROAD/LEVERONI ROAD AT BROADWAY INTERSECTION SIGNAL IMPROVEMENT PROJECT

WHEREAS, 20 accidents were reported at the intersection at Napa Road/Leveroni Road at Broadway (State Route 12) between January 1, 2004, and December 30, 2008; and

WHEREAS, the Napa Road/Leveroni Road at Broadway Signal Improvement Project has been approved by the City Council in the City's 2012-13 Capital Improvement Program with a projected probable project cost of $200,000; and

WHEREAS, the project includes the installation of a protected left-turn traffic signal phasing in both the east- and west-bound directions of the intersection; overlay of the existing intersection to create a uniform surface for the addition of guidance markings and striping; and the existing signal standards will be replaced with a new signal standard, foundation, mast arm, vehicle pedestrian signals, pedestrian pushbutton, signal-mounted signage and luminaires on the northwest and southwest corners of State Highway 12; and

WHEREAS, the California Department of Transportation (Caltrans) is the administering agency for Federal Highway Safety Improvement Program (HSIP) grant program for local agencies; and

WHEREAS, The purpose of the HSIP program is to achieve a significant reduction in traffic fatalities and serious injuries on all public roads, including non-State-owned public roads and roads on tribal land; and

WHEREAS, the City has applied for and received approval for $133,870 of federal HSIP grant funds for the Intersection Signal Improvement Project at Napa Road/Leveroni Road at Broadway [Project Number: HSIPL-5114(015)]; and

WHEREAS, the grant agreement requires that the project include a local match of not less than $14,874; and

WHEREAS, the California Department of Transportation, Division of Local Assistance, requires that a resolution be adopted by the local agency authorizing a local official to execute the grant agreement.

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the City Manager to execute the HSIP grant agreement for the Intersection Signal Improvement Project at Napa Road/Leveroni Road at Broadway [Project Number: HSIPL-5114(015)], as well as all other documents including, but not limited to, applications, agreements and payment requests which may be necessary for the completion of the aforementioned project.

ADOPTED this 6th day of May, 2013 by the following vote:

AYES:
NOES:
ABSENT:

_____
Ken Brown, Mayor

ATTEST:

_____
Gay Johann, City Clerk

PROGRAM SUPPLEMENT NO. N010
to
ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO 04-5114R

Adv Project ID 0413000271
Date: April 8, 2013
Location: 04-SON-0-SON
Project Number: HSIPL-5114(015)
E.A. Number: 04-925899
Locode: 5114

This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 03/20/08 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. approved by the Administering Agency on (See copy attached).

The Administering Agency further stipulates that as a condition to the payment by the State of any funds derived from sources noted below obligated to this PROJECT, the Administering Agency accepts and will comply with the special covenants or remarks set forth on the following pages.

PROJECT LOCATION:

Napa-Leveroni Road at intersection

TYPE OF WORK: Turning Lane

LENGTH: 0.0(MILES)

Estimated Cost	Federal Funds		Matching Funds		
	MS30	$133,870.00	LOCAL		OTHER
$148,744.00			$14,874.00		$0.00

CITY OF SONOMA

By _____

Title _____

Date _____

Attest _____

STATE OF CALIFORNIA
Department of Transportation

By _____
Chief, Office of Project Implementation
Division of Local Assistance

Date _____

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer _____ **Date** 4/9/13' $133,870.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT

STATE OF CALIFORNIA. DEPARTMENT OF TRANSPORTATION

PROGRAM SUPPLMENT AND CERTIFICATION FORM

PSCF (REV. 01/2010)

TO: STATE CONTROLLER'S OFFICE Claims Audits 3301 "C" Street, Rm 404 Sacramento, CA 95816	DATE PREPARED: 4/8/2013	PROJECT NUMBER: 0413000271
	REQUISITION NUMBER / CONTRACT NUMBER: 041300000893	

FROM:

Department of Transportation

SUBJECT:

Encumbrance Document

VENDOR / LOCAL AGENCY:

City of Sonoma

CONTRACT AMOUNT:

$133,870.00

133870

Local Assistance

CHAPTER	STATUTES	ITEM	YEAR	PEC / PECT	TASK / SUBTASK	AMOUNT
21	2012	2660-102-890	2013	20.30.010.550	2620/0420	$133,870.00

ADA Noti For individuals with sensory disabilities, this document is available in alternate formats. For information, call (915) 654-6410 of TDD (916) -3880 or write Records and Forms Management, 1120 N. Street, MS-89, Sacramento, CA 95814.

SPECIAL COVENANTS OR REMARKS

1. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).

2. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

   ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

3. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.

4. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract.

   Failure to do so will cause a delay in the State processing invoices for the construction phase. Please refer to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

5. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations for Federal aid projects, or encumberances for State funded projects, as well as to suspend invoice payments for any on-going or future project by ADMINISTERING AGENCY if

SPECIAL COVENANTS OR REMARKS

PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

6. The Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

7. As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Excluded Parties List System (EPLS).

CITY OF SONOMA
City Council/Successor Agency
Agenda Item Summary

City Council Agenda Item: **6A**

Meeting Date: **05/06/2013**

Department	**Staff Contact**
Administration	Gay Johann, City Clerk/Assistant to the City Manager

Agenda Item Title

Approval of the portions of the Minutes of the April 15 and April 22, 2013 City Council / Successor Agency Meeting pertaining to the Successor Agency.

Summary

The minutes have been prepared for Council review and approval.

Recommended Council Action

Approve the minutes.

Alternative Actions

Correct or amend the minutes prior to approval.

Financial Impact

N/A

Environmental Review

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

Status

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

Attachments:

See Agenda Item 5B for the minutes

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: **8A**

Meeting Date: **05/06/13**

Department	**Staff Contact**
Planning and Community Services	David Goodison, Planning Director

Agenda Item Title

Continued discussion, consideration and possible action on the recommendations of the Planning Commission concerning the possible regulation of wine tasting facilities.

Summary

In light of the increasing number of wine tasting facilities in the downtown area, the Planning Commission has held discussion on the possible increased regulation of such facilities at their meetings. In the second of those discussions, which took place on March 14, 2013, the Commission voted to forward a series of recommendations to the City Council for the increased regulation of wine tasting facilities, which were discussed at the City Council meeting of March 18, 2013. While the Council held a preliminary discussion of the item, ultimately it was decided to continue the matter as only four Councilmembers were present and as the Council wanted to obtain input from the Vintners and Growers Association. Since that time, staff has heard from the Vintners and Growers only informally and it appears that they and other potentially interested parties would prefer to weigh in on a draft ordinance as that would provide greater clarity as to what is proposed. In order to move this matter forward, staff recommends that direction be given to the Planning Commission to prepare a draft ordinance with the following elements:

1. Establish definitions in the Development Code for wine tasting facilities that clearly distinguish between tasting rooms and wine bars.
2. Create a two-tiered permitting system in which tasting facilities with limited hours would be permitted as of right, while facilities with extended hours and wine bars would be subject to use permit review.

This direction would not commit the City Council to any particular outcome, but having a draft ordinance would provide opportunities for additional outreach and consultation and would give interested persons and organizations something concrete to review and respond to. Once a draft ordinance has been completed it would be brought to the City Council for further review and direction.

Recommended Council Action

1. Direct the Planning Commission to prepare a draft ordinance as discussed above.
2. Direct the Planning Commission to prepare a draft ordinance with reflecting an alternative approach.
3. Decline to further consider the additional regulation of wine tasting facilities.

Alternative Actions

N.A.

Financial Impact

While updated regulations concerning wine tasting facilities could have financial implications with respect to staff time, this will be evaluated further once a draft ordinance has been prepared.

Environmental Review	**Status**
☐ Environmental Impact Report	☐ Approved/Certified
☐ Negative Declaration	☒ No Action Required
☐ Exempt	☐ Action Requested
☒ Not Applicable	

Attachments:

1. City Council minutes of March 13, 2013
2. Planning Commission staff report, March 14, 2013

cc: Robert Felder, Chair of the Planning Commission
Bret Sackett, Police Chief
Laurie Decker, Economic Development Coordinator
Jennifer Yankovich, Executive Director, Sonoma Valley Chamber of Commerce

Item 8B: Discussion, consideration and possible action on the recommendations of the Planning Commission concerning the possible regulation of wine tasting facilities.

Planning Director Goodison reported that the Planning Commission had made note of the increasing number of wine tasting facilities in the downtown area and at their meeting of December 12, 2012 held a preliminary discussion of the issues raised by these facilities and possible options for increased regulation. The Planning Commission held a follow-up discussion on the matter at its March 14, 2013 meeting and identified the following the recommendations for consideration by the City Council:

1. Use Permit Requirement. A majority of the Planning Commission felt that use permit review should be required for any new wine tasting facility. One Commissioner felt that a two-tier system would be used (in which a use permit would only be required for facilities that wanted to go beyond specified operating standards) and one Commissioner felt that the use permit requirement should only be applied within the Plaza area.

2. Operating Standards. The Commission agreed that that operating standards should be developed and applied to wine tasting facilities, addressing such issues as limitations on pourings, limitations on food service, hours of operation, training requirements, and compliance with ABC regulations.

3. Applicability to Existing Business. With respect to wine tasting facilities already in operation, the Commission recommended that they be considered legal non-conforming, except that a use permit would be required in compliance with any new regulations under the following circumstances: 1) change/transfer in ABC license; 2) violation of ABC license (one Commissioner suggested that two violations should be the threshold); and 3) any expansion or intensification of the use.

Goodison also summarized a memo from Police Chief Sackett, which included a description of the process for obtaining liquor licenses.

Clm. Barbose inquired if the issue of how to deal with future businesses while the matter was under consideration came up. Goodison responded that one Planning Commissioner had mentioned a moratorium; however, it was not ultimately included in their recommendations.

Mayor Brown invited comments from the public. Larry Barnett stated his general agreement with the Planning Commission's recommendations. He stated that wine tasting had completely morphed into something else and many establishments had evolved into bars and that most locals did not want to come to the downtown anymore. Barnett also stated his agreement with a moratorium.

Robert Ryan, Eric James Tasting Room, stated they produce and sell their wines locally and that they enjoy patronage of an equal mix of residents and tourists. He stated that a few years ago there were a lot more empty storefronts and with the new tasting rooms the City was strong competition for tourists with Healdsburg and Yountville.

Gina Cuclis spoke about the importance of education for both the consumers and servers.

Les Waller stated the town was founded on wine and questioned why the Council would be trying to control an industry that was bringing tax dollars into town. He stated the Council needed to also consider all the other businesses related to the wine tasting rooms that could be affected.

Danny Fay, Boardmember of the Vintners and Growers Association, stated that many wineries used downtown locations to grow their business. He said it was obvious that the tasting facilities had increased tourism, thus bringing in additional taxes. Fay added that action to control or limit tasting rooms would be a hit to those who could not afford large acreage locations.

Clm. Barbose stated he would like those in the industry to offer some solutions; ideas of what they want.

Scott Peterson, Rumpus Cellars, stated he was in negotiations for lease of a site on the Plaza and he planned on employing between five and nine people. He said he did not see a problem and pointed out that the industry was highly regulated by the Alcohol Beverage Control.

Item 8B: **Wine Tasting Facilities, Continued**

Fred Allebach stated that the Sonoma Valley Mediterranean climate was perfect for growing grapes and making wine. He pointed out that the Valley was also founded on mixed agriculture and suggested the Council look at generalizing the economy of the town to make it more sustainable.

Jenny Irving stated Sonoma was Wine Country and questioned why anyone would have a problem with tourists coming here rather than Napa.

Jeanette Sung, local retail owner, stated that sixty percent of her business was locals. She stated the loss of the mom & pop stores downtown had changed the character of the town and said there needed to be a balance.

Clm. Cook stated he did not see a problem and felt the business could regulate itself.

Clm. Barbose stated that his emails were twenty to one indicating that the City did have a problem and many felt the City was out of balance. He said the Council needed to do something. He would not propose a moratorium but felt the need for a measured and thorough approach to addressing the issue. Clm. Barbose stated he would like to see a definition, operating standards, a training requirement, exemption of all existing businesses, and a use permit requirement.

Clm. Gallian agreed. She added that the feedback she had received from constituents also indicated there was a need for some type of action. She would like to explore this and provide an opportunity for additional public input.

Mayor Brown stated he was sorry Clm. Rouse was not present as this was a topic that needed the attention of the full City Council. He stated that through the years, citizens had complained of too many banks, art galleries and real estate offices but the reality was that Sonoma was an ever-changing town and tourism had become a big part of that reality. He added that people also visit because of the eco agriculture, farmers' markets, history and organic foods. Mayor Brown noted that empty storefronts were pretty much a thing of the past.

City Manager Giovanatto suggested continuing the discussion to a subsequent meeting to allow Clm. Rouse and other members of the public opportunity to weigh in. Clm. Barbose stated his agreement with continuation of the discussion but that he wanted the level of dialog to engage people's critical thinking skills. He wanted to hear from the wine industry people concerning the specific recommendations of the Planning Commission. He questioned how people would feel if there were twice as many tasting rooms and what they would do about it. The other Councilmembers agreed that they wanted to continue the discussion and desired more input from the public and wine industry people.

Item 8C: **Discussion and Consideration to Increase Parking Limits on the Plaza from 2 hours to 3 hours.**

City Manager Giovanatto reported that Clm. Cook requested the discussion and was primarily looking to see if there was support among the Councilmembers to consider an increase to parking limits and to direct staff to provide background information on impacts to costs of replacing signage and potential impacts on local Plaza businesses. She said, if so directed, staff would recommend seeking input from Chamber and Economic Development Steering Committee.

Clm. Cook stated that he had been contacted about this issue by a few individuals. He stated he would only vote to move ahead with the idea if decals could be placed on the signs because he did not want to spend a lot of money to change signage.

Clm. Gallian confirmed with staff that the City's lease for the State-owned Casa Grande parking lot had expired. She stated that if the parking time limits were increased, the City would need to focus on alternative parking locations.

Clm. Barbose wondered if an increased time limit would encourage those who work on the Plaza to park on the street. He added he had no problem asking staff to look into the issue but he did have some concerns about unintended consequences; that it might not benefit the local businesses.

March 16, 2013
Agenda Item #8B

M E M O

To: Carol Giovanatto, City Manager

From: David Goodison, Planning Director

Re: Planning Commission recommendations on the regulation of wine tasting facilities

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As an update on this City Council agenda item, when the Planning Commission held their follow-up discussion on wine tasting facilities at their meeting of March 14th, they identified the following the recommendations for consideration by the City Council:

1. Use Permit Requirement. A majority of the Planning Commission felt that use permit review should be required for any new wine tasting facility. One Commissioner felt that a two-tier system would be used (in which a use permit would only be required for facilities that wanted to go beyond specified operating standards) and one Commissioner felt that the use permit requirement should only be applied within the Plaza area.

2. Operating Standards. The Commission agreed that that operating standards should be developed and applied to wine tasting facilities, addressing such issues as limitations on pourings, limitations on food service, hours of operation, training requirements, and compliance with ABC regulations.

3. Applicability to Existing Business. With respect to wine tasting facilities already in operation, the Commission recommended that they be considered legal non-conforming, except that a use permit would be required in compliance with any new regulations under the following circumstances: 1) change/transfer in ABC license; 2) violation of ABC license (one Commissioner suggested that two violations should be the threshold); and 3) any expansion or intensification of the use.

March 14, 2013
Agenda Item #2

M E M O

To: Planning Commission

From: Planning Director Goodison

Re: Continued discussion of issues and options associated with the regulation of wine tasting facilities

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Background

At its meeting of December 13, 2012, the Planning Commission reviewed and discussed background information on wine-tasting facilities, including their presence in the downtown area, current regulations, and various issues associated with them. Wine and wine-making is part of the identity of Sonoma and wine sales have long been an element of the downtown community. However, in recent years, the City has seen a growing number of wineries establishing a wine-tasting presence in the Plaza and, more recently, an increase in tasting rooms not affiliated with a particular winery. In the database of businesses located within the Plaza Retail Overlay zone maintained by the Economic Development Coordinator, a total of 135 ground-floor businesses are identified within the Overlay Zone, of which 15 are purely wine-tasting and 4 are a combination of wine tasting and other retail which represents 15.5% of the ground-floor businesses within the zone. Adding the Roche facility, Hawkes, Walt, and the recently approved Three Sticks and JAQK facilities (all of which are outside of the Plaza Retail Overlay zone, brings the number of wine-tasting facilities in the Plaza area to 24. This number does not include restaurants and bars, which represent 18.6% of businesses within the Plaza Retail Overlay zone.

Existing Regulations

As previously reported to the Planning Commission, although wine-tasting is not specifically defined as a use in the City's Development Code, it is considered to fall under the definition of "general retail," which is a permitted use in the Commercial zone. However, in order to be considered as "general retail", it has been staff's interpretation that food preparation and food service (except for bread, crackers, etc.) may not be a component of use as otherwise it would be classified as a restaurant, for which a use permit is required. In addition, staff has made the interpretation that outdoor seating associated with a wine-tasting facility falls under the definition of "outdoor retail sales and activities," for which use permit review is required.

Wine-tasting facilities are also regulated by the State Office of Alcohol and Beverage Control (ABC). The ABC licensing process makes a distinction between venues that are owned and operated by a specific winery and venues that are operated by a third-party business person that may be offering wines or beer from several sources. In the first instance, there is no local review of the ABC license, as the facility as allowed to operate under parent winery's Type 02 license. But in the second instance, the license application is subject to a process that includes a referral to the Police Chief, who must make a finding of "public convenience or necessity" if the license is to be issued. Another important consideration is that the ABC license (Type 42) associated

with this type of business allows activities that go beyond how the City defines wine tasting and is the same type of license required to operate a bar or tavern.

Issues

Issues identified by staff with respect to wine tasting facilities and by the Planning Commission in its discussion on December 12th include the following:

- Wine tasting facilities increase the number of establishments at which alcohol is served and downtown Sonoma has a high concentration of such uses. The Police Department has become increasingly concerned about the number of establishments in the downtown that serve alcohol. They note that of drunk driving arrests of first-time offenders, 55% have come from ABC-licensed public venues. The Department's concern in this regard is not specifically about wine-tasting facilities, but rather the total number of alcohol-serving establishments. (See the attached memo from the Police Chief.)

- Although considered as retail, the intensity of a wine-tasting business is expressed in seating, rather than square feet, which can lead to some challenges in how staff interprets whether or not parking requirements are being met.

- Wine-tasting facilities have the potential to evolve into de facto bars or taverns, a process known as "morphing". This problem is related to the fact that the ABC license for a wine-tasting facility operated by a business other than a winery is the same license that a bar would need to obtain. Therefore the City cannot rely on the ABC permit as a method of control with respect to hours of operation or limitations on the type of service (i.e., limiting service to tastings as opposed to selling wine or beer by the glass.).

- While the Police Chief must make a finding of finding of "public convenience or necessity" in order for an ABC license to be issued for a non-winery wine-tasting facility, there needs to be a rational and equitably-applied basis for denying a license.

- The increasing number of wine-tasting facilities may ultimately have an adverse effect the character of the Plaza. Wine tasting facilities are less likely than many types of retail and restaurants facilities to attract a local presence. That said, the density of wine-tasting businesses in certain settings have been positive, such as in Sonoma Court Shops.

- Because there is no definition of wine tasting facilities in the Development Code, there is potential for inconsistent interpretations as to what does and does not constitute a wine-tasting use that can be considered falling within the category of "general retail."

Observations of the Economic Development Coordinator

In discussing this issue with the Economic Development Coordinator, she notes that few of the tasting rooms that have opened in recent years (or are in the process of opening) have replaced retail shops. Some have opened in what were previously office locations (e.g. Hawkes, Roessler, R2, Sojourn), some have co-located with retail (Highway 12, Spann), and some have gone into long-vacant spots and/or spots that have proven very difficult for retail (e.g. vine alley: Hay-

wood, Two Amigos, Bryter; also Eric K James in the back of the Mercado). In her view, displacement of other retail uses by wine-tasting businesses has been limited. She also points out that the addition of these businesses has benefitted the Plaza by reducing the overall vacancy rate, including in tenant spaces that have traditionally been slow to fill. Lastly, she notes that at the same time that the number of wine-tasting businesses has increased, there has been a reduction in real estate offices as they consolidate and move off-plaza to reduce costs.

Regulatory Options

Permitting Requirements

The basic option is this area is whether or not to require use permit review.

1. *Two-Tier (Permitted/Use Permit)*

   Establish a land use definition for wine tasting facilities along with basic operating standards (see example below). A use permit would not be required unless a change from the basic operating standards was sought.

2. *Use Permit*

   Require a use permit in all instances where wine-tasting is proposed. Any use permit approval is subject to the Planning Commission making the basic findings of General Plan consistency, zoning consistency, and compatibility with neighboring uses. If a use permit requirement is established for wine-tasting facilities, additional findings specific to that use could be required. Possibilities in this area include:

   - Concentration of similar uses within a specified area or distance from the proposed site. (A finding in this regard would be difficult to craft given the number of wine tasting facilities that already exist in the downtown area).
   - Hours of operation. (A finding related to hours of operation would give the Planning Commission and business owners greater flexibility than an across-the-board standard.)
   - Design features that promote security and the control of the premises.

The Planning Commission may have other suggestions for possible findings.

General Operating Standards

Whether or not a use permit is required to authorize a wine tasting facility, it would be useful to establish basic operating requirements for such uses. The following suggestions are mainly drawn from a draft ordinance Sonoma County ordinance (attached) that was intended to address facilities serving alcoholic beverages:

- Limitations on hours of operation (e.g., 11 a.m. to 7 p.m.)
- Limitations on service (e.g., tastings only, no wine by the glass).
- Requirements for staff training in responsible beverage service.
- On-going compliance with ABC and County Health Department requirements.

- Limitations on food service (e.g., no charge for food, no cooking on premises).

On the matter of parking standards, it is staff's view that the simplest approach would be to apply the retail parking ratio of 1 space per 300 square feet of building area, while controlling the number of seats associated with an individual business through use permit review. Alternatively, the restaurant parking ratio of one space for every four seats could be applied. However, this option would likely result in the creation of a great many non-conforming uses.

Note: This discussion is focused on wine tasting facilities, but the City could consider adopting operating standards that apply more broadly to business that sell alcoholic beverages as contemplated in the draft Sonoma County Ordinance). In staff's view, this may be less of a zoning issue and more of a broader policy question for the City Council to address.

Applicability to Existing Business

If new regulations are adopted, consideration needs to be given as to how or whether they would be applied to existing business. Options in this regard in the following:

- Existing wine-tasting facilities are considered legal non-conforming uses. New regulations do not apply except in the case of a proposed expansion or intensification of use.

- Existing wine-tasting facilities are considered legal non-conforming uses; however a use permit under the updated regulations would be required under the following circumstances: 1) change/transfer in ABC license; 2) violation of ABC license; 3) any expansion or intensification of the use.

- Existing wine tasting facilities that do not comply with whatever basic operating standards are adopted are required to obtain a use permit under the new regulations and are given a grace period in which to do so.

It is important to recognize that the wine-tasting business that are operating in Sonoma are doing so in good faith under the current rules and to the extent that new regulations are adopted that will be applied to such businesses, the City needs to reach out early on in the process to obtain their input and work cooperatively to achieve compliance.

Recommendation

Staff is seeking direction from the Planning Commission on the regulatory options identified in the staff report. These recommendations will be forwarded to the City Council for review and discussion at its meeting of March 18, 2013.

Attachments:
1. Plaza Retail Overlay Zone Business Inventory
2. Minutes of the Planning Commission meeting of December 12, 2012
3. Memo from Bret Sackett, Chief of Police, dated December 12, 2012
4. Draft Sonoma County Ordinance establishing standards for the service of alcoholic beverages
5. Policy Briefing on "Morphing" (Community Prevention Initiative)

PLAZA RETAIL OVERLAY ZONE (PROZ): Business Database (Ground Floor)
Updated: October 5, 2012

	ADDRESS	BUSINESS NAME	FORMULA?	BUSINESS TYPE
1	476 1st St E	Sebastiani Theatre	N	Culture/Entertainment
2	551 Broadway	Sonoma Valley Museum of Art	N	Culture/Entertainment
3	110 W Spain	Sonoma Hotel	N	Lodging
4	480 1st St E	Ledson Hotel & Harmony Lounge	N	Lodging
5	405 1st W	El Dorado Hotel	N	Lodging
6	18 W Spain	Swiss Hotel (hotel)	N	Lodging
7	405 1st St. W	El Dorado Kitchen	N	Restaurant/Food Service Retail
8	18 W Spain	Swiss Hotel (restaurant)	N	Restaurant/Food Service Retail
9	531 Broadway	Top That Yogurt	N	Restaurant/Food Service Retail
10	110 W Spain	Girl and the Fig	N	Restaurant/Food Service Retail
11	8 Spain	Mary's Pizza Shack	YES	Restaurant/Food Service Retail
12	403 1st W	El Dorado Corner Café	N	Restaurant/Food Service Retail
13	421 1st W	Sunflower Caffe Espresso & Wine Bar	N	Restaurant/Food Service Retail
14	487 1st W	Harvest Moon Café	N	Restaurant/Food Service Retail
15	529 1st St W	The Red Grape	N	Restaurant/Food Service Retail
* 16	522 Broadway	Restaurant Rudy Sonoma	N	Restaurant/Food Service Retail
17	101 E Napa St	Maya	N	Restaurant/Food Service Retail
18	139 E Napa St	Rins Thai	N	Restaurant/Food Service Retail
19	133 E Napa St	Della Santina's	N	Restaurant/Food Service Retail
20	140 E Napa St	Café La Haye	N	Restaurant/Food Service Retail
21	Place des Pyrenees	Murphy's Pub	N	Restaurant/Food Service Retail
22	Place des Pyrenees	Taste of the Himalayas	N	Restaurant/Food Service Retail
23	460 1st St East	Basque Boulangerie Café	N	Restaurant/Food Service Retail
24	Mercato paseo	La Salette	N	Restaurant/Food Service Retail
25	420 1st St E	Plaza Bistro	N	Restaurant/Food Service Retail
26	408 1st St E	Ben and Jerry's	YES	Restaurant/Food Service Retail
27	121 E Spain St	La Casa	N	Restaurant/Food Service Retail
28	100 W Spain	SummerVine	N	Retail
29	28 Spain	H Frank	N	Retail
30	134 Church	Red Wolf Gallery	N	Retail
31	38 Spain	Candlestick	N	Retail
32	14 Spain	Fleurtique	N	Retail
33	2 Spain	Sonoma Cheese Factory	N	Retail
34	423 1st W	Baksheesh	N	Retail
35	435 1st W	Sign of the Bear Kitchenware	N	Retail
36	447 1st W	Fairmont Gallery	N	Retail
37	457 1st W	Bella Vita	N	Retail
38	453 1st W	Kaboodle	N	Retail
39	461 1st W	The Loop	N	Retail
40	475 1st W	Eraldi's Menswear & Shoes	N	Retail
41	481-A 1st W	Large Leather	N	Retail
42	491 1st W	Sonoma Silver Co.	N	Retail
43	493 1st W	BRAM	N	Retail
44	476 1st W	Sonoma Home	N	Retail
45	103 W Napa St	Changing Seasons	N	Retail
46	107 W Napa St	Harvest Home	N	Retail

SUMMARY DATA:

Business type:	**#**	**%**
Retail	61	45.2%
Retail/Tasting Room combo	4	3.0%
Wine Tasting & Sales	15	11.1%
Tavern/Bar/Wine Bar	4	3.0%
Lodging	4	3.0%
Restaurant/Food Service Retail	21	15.6%
Services - Banking, Finance, Insur, RE	11	8.1%
Services - Personal	5	3.7%
Services - Other	6	4.4%
Culture/Entertainment	2	1.5%
Vacant	2	1.5%
TOTAL	**135**	100%

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

	47	117-B 1st W	Sisters	N	Retail
	48	539 1st St W	My Girlfriend's Closet	N	Retail
	49	526 Broadway	Three Dog Bakery	N	Retail
	50	530 Broadway	RiKa Optique	N	Retail
	51	546 Broadway	San Francisco Arts & Crafts	N	Retail
	52	536 Broadway	Wine Hardware	N	Retail
	53	11 E Napa St	Sole Desire	YES	Retail
	54	15 E Napa St	Sonoma Church Mouse	N	Retail
	55	29 E Napa St	Chico's	YES	Retail
	56	31 E Napa St	North Bay Gallery	N	Retail
	57	107 E Napa	Sox deVine	N	Retail
	58	109 E Napa St	Pandora's Box	N	Retail
	59	117 E Napa St	Bear Moon Clothing	N	Retail
	60	115 E Napa #A	Tiddle E Winks	N	Retail
	61	115 E Napa #B	French Nest	N	Retail
	62	127 E Napa St	Chanticleer Books	N	Retail
	63	148 E Napa St	La Haye Art Center	N	Retail
	64	140 E Napa St	Arts Guild Sonoma	N	Retail
	65	130 E Napa St	Reader's Books	N	Retail
*	66	122 E Napa St	J. James Sonoma	N	Retail
	67	126 E Napa St	Studio Collection Jewelry	N	Retail
	68	116 E Napa St	Corner Store Kids	N	Retail
	69	496 1st St E	Halem & Co.	N	Retail
	70	492 1st St E	Simplicity by i-elle	N	Retail
	71	Place des Pyrenees	The Briar Patch	N	Retail
	72	452 1st St East	Terra Firma Gallery	N	Retail
	73	452 1st St East	Lisa Kristine Gallery	N	Retail
	74	Mercato paseo	Eminent Design	N	Retail
	75	Mercato paseo	Chocolate Cow	N	Retail
	76	Mercato paseo	Foot Candy	N	Retail
	77	450 1st St East	Half Pint	N	Retail
	78	450-c 1st St East	Artifax Gallery	N	Retail
	79	Mercato paseo	The Total Look	N	Retail
	80	Mercato paseo	Angelique	N	Retail
	81	Mercato paseo	Venus Envy	N	Retail
	82	El Paseo	Sonoma Rock & Mineral	N	Retail
	83	El Paseo	Hipkiss Gallery	N	Retail
	84	El Paseo	Wine Country Chocolates	N	Retail
	85	El Paseo	Himalayan Bazaar	N	Retail
	86	El Paseo	La Bodega Cheese & Pasta	N	Retail
	87	416 1st St E	Filligree Estate Jewelers	N	Retail
	88	539 Broadway	Sonoma Gallery	N	Retail
*	89	19 W Napa St	Proof'd	N	Retail/Tasting Room combo
	90	5 E Napa St	South American Secrets/Rumpus Cellars	N	Retail/Tasting Room combo
	91	111 E Napa St	Saret Gallery / Spann Vineyards	N	Retail/Tasting Room combo
	92	498 1st St E	The Corner Store/Hwy 12 Winery	N	Retail/Tasting Room combo
	93	34 Spain	The Real Estate Company	N	Services - Banking, Finance, Insur, RE
	94	35 W Napa St	Bank of America	N	Services - Banking, Finance, Insur, RE
	95	501 Broadway	Chase Bank	N	Services - Banking, Finance, Insur, RE
	96	529 Broadway	State Farm	N	Services - Banking, Finance, Insur, RE
	97	500 Broadway	Union Bank	N	Services - Banking, Finance, Insur, RE

	98	552 Broadway	Alain Pinel Real Estate	N	Services - Banking, Finance, Insur, RE
	99	109 E Napa St	Coldwell Banker	N	Services - Banking, Finance, Insur, RE
	100	27 E Napa St	Sothebys (several suites in Court Shops)	N	Services - Banking, Finance, Insur, RE
	101	515 1st St E	Edward Jones	N	Services - Banking, Finance, Insur, RE
	102	470 1st St East	Wine Country Group	N	Services - Banking, Finance, Insur, RE
	103	428 1st St	Frank Howard Allen	N	Services - Banking, Finance, Insur, RE
	104	521-B Broadway	The Collection Event Studio	N	Services - Other
	105	520 Broadway	Sonoma Valley Bike Tours & Rentals	N	Services - Other
	106	548 Broadway	Sonoma Shipping	N	Services - Other
	107	525 1st St E	Sage Marketing/Odyssey Travel	N	Services - Other
	108	466 1st St East	Thomas Haeuser Atty at Law	N	Services - Other
	109	27 E Napa St	Rozanski Design	N	Services - Other
	110	539 1st St W	Catalina's Skin & Body	N	Services - Personal
	111	539 Broadway	Beautiful Nails salon	N	Services - Personal
	112	542 Broadway	Allen's Hair House	N	Services - Personal
	113	452 1st St E	Massage Envy	YES	Services - Personal
	114	Mercato paseo	En-er-gy Fitness	N	Services - Personal
	115	465 1st W	Steiner's Tavern	N	Tavern/Bar/Wine Bar
	116	524 Broadway	Leased	N	Tavern/Bar/Wine Bar
	117	127 E Napa St	Enoteca Della Santina	N	Tavern/Bar/Wine Bar
	118	482 1st St E	Town Square	N	Tavern/Bar/Wine Bar
*	119	147 E Spain St	Vacancy (prev. Anne Appleman Florist)		VACANT
	120	400 1st St E	Vacancy		VACANT
*	121	521 Broadway	Bump Wines **	N	Wine Tasting & Sales
	122	380 1st W	WALT Wines	N	Wine Tasting & Sales
	123	481 1st W	Adobe Road Winery Tasting Room	N	Wine Tasting & Sales
	124	483 1st W	Charles Creek	N	Wine Tasting & Sales
	125	11 E Napa St	Westwood Winery	N	Wine Tasting & Sales
	126	Vine Alley paseo	Glen Lyon/Two Amigos Wine Tasting	N	Wine Tasting & Sales
	127	Vine Alley paseo	Haywood Estate	N	Wine Tasting & Sales
	128	Vine Alley paseo	Bryter Estates Wine Tasting	N	Wine Tasting & Sales
	129	Vine Alley paseo	Envolve Wine Tasting	N	Wine Tasting & Sales
	130	35 E Napa St	Sonoma Enoteca	N	Wine Tasting & Sales
	131	111-B E Napa St	Kamen Estate Winery	N	Wine Tasting & Sales
	132	141 E Napa St	Sojourn Cellars	N	Wine Tasting & Sales
	133	Mercato paseo	Erik James Tasting Room	N	Wine Tasting & Sales
	134	412 1st St E	Sonoma Wine Shop	N	Wine Tasting & Sales
*	135	Vine Alley paseo	Sigh Sparkling Wine	N	Wine Tasting & Sales

State parks and Mission properties are not included in the PROZ.
Joseph Hooker House property is in the PROZ but excluded from the inventory.
** Reflects change since last quarterly report*
*** In process; not yet open*

Comm. Howarth confirmed that the building was built in 1997 and asked the applicant if there were any plans to address surface runoff from the site as part of the proposal, noting that there is an opportunity.

Vic Conforti, project architect, answered that the site is fully developed and already has a drainage design so they haven't considered further improvements in this regard.

Comm. Felder confirmed with the applicant that water use and wastewater generation would increase with the proposed change in use. He then confirmed with staff that the project would be subject to the requirement for a water demand analysis and will-serve letter from the City Engineer.

Comm. Edwards confirmed that the building currently has about 12 real estate offices inside and commented that the proposed hotel use would generate less traffic given the number of offices.

A discussion ensued on whether it would be appropriate for the Planning Commission to require drainage or groundwater recharge upgrades with the change in use.

Comm. Willers emphasized that the bigger issue is increased water use with conversion to hotel rooms and as a result, he would like the project to meet CAL Green requirements for water use/plumbing fixtures. Since the remodel project is exempt from CAL Green standards he suggested that the Planning Commission condition the approval to require compliance with CAL Green standards for water use/plumbing fixtures.

Planning Director Goodison suggested additional language to draft condition No. 6 to address Comm. Willers request.

Comm. Roberson supports adding the CAL Green provision.

Comm. Edwards pointed out that when people stay at a hotel they are not using water at home.

Comm. Roberson made a motion to approve the Use Permit with the amendment to condition No. 6 as suggested by staff. Comm. WIllers seconded. The motion was unanimously approved, 5-0.

Item #5 –Discussion of Wine Tasting Facilities

Chair Felder welcomes all input and explains this is an informal format as a discussion item.

Planning Director Goodison and Police Chief Sackett presented staff's report.

Comm. Edwards confirms with Chief Sackett that the majority of DUI citations are given in the evening hours.

Comm. Roberson wants to streamline the process and feels the discussion is informative. He believes that density of testing facilities can be good in certain settings but not at the cost of diversity in a community.

Comm. Howarth says this extension of use is confirmed with the Police Department. The Type 42 license is commonly used for winery based venues. The 02 license is more restrictive since it does not allow serving beer.

Comm. Edwards agrees with Chief Sackett that some places are turning into “bar like” settings which was not the initial intended use when the permit was granted to the business.

Comm. Willers is of the opinion that wine tasting facilities are very different than other uses and that the use permit requirement should review compatibility and change of use. In his view, wine tasting is not general retail.

Chair Felder opened the public hearing.

Pat Pulvirenti, resident, would like the Planning Commission to consider reviewing new tasting room proposals with a Use Permit application.

Vic Conforti, Architect, feels that having more tasting rooms (competition) decreases overall sales.

Chair Felder closed the public hearing.

Comm. Roberson appreciates the Chief’s efforts in exploring the many options with Planning Director Goodison. He does not support any additional requirements for establishing a new business and therefore would not endorse a Use Permit.

Comm. Edwards is of the opinion that wineries should not need another license to operate a secondary tasting room in Sonoma. He wants to maintain Sonoma’s reputation of being a diverse Town. However, he is interested in exploring further regulation on wine-tasting facilities that are not affiliated with wineries as these seem most prone to becoming bar-like environments. We would also like to see updated definitions in the Development Code for these uses and possibly standard conditions regulating hours and other issues.

Chair Felder disagrees about distinguishing between different business models and prefers the same standards apply to all types of businesses. He values the use of the Use Permit application to avoid potential problems and alleviate the concern of wine tasting establishments morphing into something else.

It was suggested that EDAC (Economic Development Advisory Committee) be consulted for additional input, with direction to staff to return to the Planning Commission with additional analysis and options once this had been accomplished.

Issues Update:

1. Peet’s Coffee and Tea was unanimously approved 5-0 by the City Council on 11-19-12.

2. The Planning Commissioners Conference was well attended (five Commissioners & Planning Director). Chair Felder thanked Cristina for organizing.

3. A Joint Session with the Planning Commission and City Council will be scheduled sometime in 2013.

4. Assistant City Manager Carol Giovanatto is the newly appointed City Manager.

5. There will be a new recruitment for a Public Works Director/City Engineer. In the interim, Matt Winkleman of GHD, is the City Engineer.

Sonoma Police Department
175 First St. West
Sonoma California 95476-6690
Phone (707) 996-3602 Fax (707) 996-3695
E-Mail: sonomapd@sonomacity.org

Date: December 10, 2012
To: David Goodison, Planning Director
From: Bret Sackett, Chief of Police
RE: Wine Tasting Facilities

Alcohol is an important contributor to the unique culture and vitality of Sonoma. However, alcohol can also impact the health and safety of our youth and adults – and play a role in a range of community problems, such as driving under the influence, underage drinking and alcohol related crimes. A recent survey of DUI drivers from Sonoma revealed that 56% obtained their final drink at an ABC licensed establishment, while youth focus groups routinely cite that alcohol is "fairly easy" to obtain from ABC licensed establishments.

According to criteria established by the California Department of Alcoholic Beverage Control, the City of Sonoma has a higher number of off-sale alcohol establishments than recommended (greater than 1 per 2,500 population). As such, each new license application for a retail outlet – such as liquor stores, convenience stores, and bars – require the local jurisdiction to make a determination that the new alcohol license will serve a "public convenience or necessity." In Sonoma, the police chief makes that determination, but denials can be appealed to the City Council.

In order to obtain such a license, the applicant must obtain a "Letter of Public Convenience or Necessity" from the police chief. Unfortunately, the term "Public Convenience or Necessity" is not clearly defined by ABC, but the police chief considers some of the following criteria when making such a finding:

- The proposed use will not be detrimental to the character of immediate neighborhood
- Proximity to sensitive land use issues
- There are no conflicts with zoning regulations
- The economic benefit outweighs the negative impacts to the community
- The license will provide a needed service not currently being met in the community
- Unique and unusual circumstances to justify a new retail alcohol outlet when there are already similar alcohol uses existing nearby (this is much more difficult to establish)

While ABC has a wide variety of license types, it does not offer one specific to "wine tasting." ABC allows a winery, which operates with Type 02 license, to operate an off-site tasting room under their existing Type 02 license. However, a wine tasting business that is not associated with a specific winery and wishes to provide tastings from multiple wineries – and subsequent purchase for on or off site consumption – must obtain a Type 42 license. It's important to note that a Type 42 license authorizes the sale of beer and wine for consumption on or off the premise and is not limited to just "wine tasting." In essence, a Type 42 license authorizes a business to operate like a bar or tavern, although they may call themselves a "tasting facility."

The police chief would like to make the Planning Commission aware of the potential for a wine tasting business to morph into a "wine and beer bar" absent other regulatory criteria. In essence, we cannot rely on the ABC license to regulate wine tasting businesses without other local zoning regulations. In addition, the police chief respectfully requests the Planning Commission's opinion as to what constitutes "Public Convenience or Necessity", so he can take those opinions into consideration as he reviews additional requests for new ABC licenses.

ORDINANCE NO._____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 26 OF THE SONOMA COUNTY CODE TO ESTABLISH PERMIT REQUIREMENTS AND STANDARDS FOR ALCOHOLIC BEVERAGE RETAIL SALES

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I. Findings

The Board finds and declares that the adoption of this Ordinance is necessary to implement the Sonoma County 20202 General Plan and make changes, clarifications, and minor corrections related to the sales of alcoholic beverages at outlets throughout the County. The Board hereby makes the following findings to support the adoption of this ordinance:

1. The proposed ordinance helps implement General Plan Policy PF-3d to avoid negative impacts to youth serving facilities from the sales and serving of alcohol in the neighborhood of the alcoholic beverage sales outlets.

2. The proposal to amend the current Zoning Ordinance will serve to reduce sales to minors, drunk driving, littering, loitering, drunkenness, criminal activity, vandalism, and violence associated with excessive alcohol consumption related to easy availability and access to alcoholic beverages; and

3. There continues to be expressed support from community coalitions and residents representing both municipal and unincorporated jurisdictions, to broaden the scope of the current Ordinance in order to mirror ordinances in other parts of the County and create countywide consistency. In the six jurisdictions with alcohol Conditional Use Permits, all include operating standards for both on-premise and off-premise alcohol establishments. In addition, several of the six jurisdictions also include provisions in their ordinances that place nuisance abatement standards on all alcohol outlets existing before the adoption of their ordinance; and

4. Adoption of the proposed amendment to the Zoning Ordinance will help prevent new retail businesses from locating in the unincorporated areas of the County to avoid more stringent regulations on the sales and service of alcoholic beverages in surrounding municipalities.

5. Academic research has established a link between the number, types and concentration of alcohol beverage sales outlets in a given area or neighborhood, and higher levels of alcohol consumption. Youth surveys indicate that Sonoma County youth believe that alcohol continues to be easy to get. Seventy eight percent (78%) of Sonoma County 11th graders believe alcohol is fairly easy or very easy to get (California Healthy Kids Survey 2008). And,

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nearly half of the students participating in focus groups in both the West County and Sonoma Valley report that alcohol is easy to get from stores.

6. Research also shows that over-concentration of alcohol establishments in a community can lead to high-levels of consumption which contribute to increased rates of crime, violence, and nuisance activities that threaten the health, safety, and general well-being of the public. In 2009, the Sonoma County Sheriff's Office documented 9,563 alcohol-related crime reports requiring law enforcement response. Twenty-seven (27%) of those crimes occurred in unincorporated areas of the county close to where there exists higher concentrations of both on-premise and off-premise alcohol outlets.

SECTION II. Chapter 26 of the Sonoma County Code is amended as follows:

(a) Article 02, In General, Section 26-02-140, Definitions, is amended to add the following definitions to read:

Alcoholic beverage sales means the sale or serving of alcoholic beverages either on-premise or off premise, including tasting rooms that serve alcoholic beverages.

Alcoholic beverage sales, off-premise means the sale of alcoholic beverages at a liquor store, convenience store, market, tasting room, or other retail outlet or business that sells alcoholic beverages for off-premise consumption, including, but not limited to, any business that has obtained or intends to obtain a California Department of Alcoholic Beverage Control license such as Type 20 or 21 or Duplicate Type 02, or similar license types that may added from time to time.

Alcoholic beverage sales, on-premise means the sale of alcohol beverages at a bar, restaurant, night club, lounge, or any other public venue or outlet, which sells or serves alcoholic beverages for consumption on the premises and which is applying for or has obtained a California Department of Alcoholic Beverage Control license type such as 40, 41, 42, 47, 48, 51, 61, 68, and/or 75, or similar license types that may be added from time to time.

Alcoholic beverage sales outlet means a place where alcoholic beverages are served or sold for consumption either on-premise or off premise, including tasting rooms that serve alcoholic beverages.

Alcoholic beverage sales, responsible beverage service training or "**RBS training**" means an educational course in responsible beverage sales and service methods and practices certified by the California Department of Alcoholic Beverage Control, or a program such as Licensee Education on Alcohol and Drugs conducted by the California Department of Alcoholic Beverage Control, which provides a certificate upon completion.

Restaurant, Full Service means a restaurant in which the primary purpose of the operation is food service and which has all of the following characteristics:

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a. Premises contain a commercial kitchen licensed by the County Environmental Health Division; provide the necessary cookware, tables, seating, place settings, and condiment dispensers with which to serve meals to the public; and display and maintain a printed menu and/or a menu board.

b. Serves at least two meals a day (lunch and breakfast, or lunch and dinner) to guests for compensation; serves meals to guests at least seventy percent (70%) of the time the business is open; and two-thirds of the items offered on the menu for a particular meal (i.e. breakfast or lunch or dinner) are available at any given time the meal is served.

c. Sixty-seven percent (67%) or more of gross receipts are from the sale of food.

The sale or service of sandwiches, appetizers, pastries, or snack foods (whether made elsewhere and heated up on the premises or prepared onsite) shall not constitute a full-service restaurant.

(d) In Article 02, In General, Section 26-02-140, Definitions, is amended to delete in their entirety the definitions of "**Alcoholic beverage retail establishment**," **"Large alcoholic beverage retail establishment,"** and "**Small alcoholic beverage retail establishment."**

(e) In Article 30, C1 Neighborhood Commercial District, Section 26-30-010, Permitted Uses, is amended to read:

(a) Neighborhood retail businesses which supply household commodities on the premises such as groceries, meats, dairy products, baked goods or other foods, drugs, notions or hardware; ~~large alcoholic beverage retail establishments~~; personal service establishments which perform services on the premises for persons residing in adjacent residential areas such as shoe repair, dry cleaning shops, tailor shops, beauty parlors, barber shops and the like. All retail sales and service uses shall be conducted entirely within a building;

(f) In Article 30, C1 Neighborhood Commercial District, subsections (e) and (u) of Section 26-30-020, Uses Permitted with a Use Permit, are amended to read:

(e) ~~Restaurants serving alcohol,~~ Takeout food~~; bars, cocktail lounges~~
(u) ~~Small alcoholic beverage retail establishments~~ Alcoholic beverage sales outlets, subject to the standards in Section 26-88-195;

(g) In Article 32, C2 Retail Business and Service District, subsections (a) and (c) of Section 26-32-010, Permitted Uses, are amended to read:

(a) Retail stores supplying commodities for residents of the county such as bakeries, ice cream stores, grocery stores, ~~large alcoholic beverage retail establishments,~~ newsstands, furniture, hardware and appliance stores, department stores, stationery stores, sporting goods stores, pet shops, florist shops, retail nurseries,

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automobile accessory stores, and the like.

(c) Restaurants;~~ serving alcohol, bars, cocktail lounges;~~

(h) In Article 32, C2 Retail Business and Service District, subsections (h) and (v) of Section 26-32-020, Uses Permitted with a Use Permit, are amended to read:

(h) Takeout food, live entertainment, amplified ~~live music~~ sound;

(v) ~~Small alcoholic beverage retail establishments:~~ alcoholic beverage sales outlets, subject to the standards in Section 26-88-195;

(i) In Article 34, C3 General Commercial District, subsections (cc) and (ff) of Section 26-34-020, Uses Permitted with a Use Permit, are amended to read:

(cc) Amplified ~~live music~~ sound or , ~~Bars, cocktail lounges,~~ live entertainment,

(ff) ~~Small alcoholic beverage retail establishments~~ Alcoholic beverage sales outlets, subject to the standards in Section 26-88-195;

(j) In Article 36, LC Limited Commercial District, subsection (a) of Section 26-36-010, Permitted Uses, is amended to read:

(a) Neighborhood retail businesses which supply household commodities on the premises such as groceries, meats, dairy products, baked goods or other foods, drugs, notions or hardware; ~~large alcoholic beverage retail establishments;~~ personal service establishments which perform services on the premises for persons residing in adjacent residential areas such as shoe repair, dry cleaning shops, tailor shops, beauty parlors, barber shops and the like. All retail sales and service uses shall be conducted entirely within a building;

(k) In Article 36, LC Limited Commercial District, subsections (e) and (ff) of Section 26-36-020, Uses Permitted with a Use Permit, are amended to read:

(e) ~~Restaurants serving alcohol, t~~ Takeout food; ~~bars, cocktail lounges,~~ live entertainment, amplified ~~music~~ sound;

(ff) ~~Small alcoholic beverage retail establishments~~ Alcoholic beverage sales outlets, subject to the standards in Section 26-88-195;

(l) In Article 42, K Recreation and Visitor-Serving Commercial District, subsection (v) of Section 26-42-020, Uses Permitted with a Use Permit, is amended, and subsections (cc) and (dd) are added, to read:

(v) Amplified ~~live music~~ sound, live entertainment;

(cc) Alcoholic beverage sales, subject to the standards in Section 26-88-195;

(dd) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section:

(m) **In Article 88, General Use and Bulk Exceptions - Building Lines, Section 26-88-195**, Alcoholic Beverage Retail Establishments, is deleted in its entirety and replaced with the following to read:

Sec. 26-88-195. Alcoholic Beverage Sales Outlets.

This section establishes standards for all alcoholic beverage sales outlets engaged in alcoholic beverage sales, where allowed by the base zoning district.

A. Permit Requirement and Findings. All alcoholic beverage sales shall require a use permit. In granting a use permit for an alcoholic beverage sale and in addition to making the findings required for use permit approval by section 26-92-080, the decision maker shall consider the following:

1. The number of alcohol licenses per capita within a one-half mile radius of the premises as compared to the county-wide average.
2. The numbers of law enforcement calls for service, crimes, and arrests at the premises, in the immediately surrounding neighborhood or business district, and within a one-half mile radius of the premises as compared to the county-wide average.
3. The density distribution and type of alcohol beverage sales outlets within a one-half-mile radius.
4. Whether the site plan and floor plan for the premises incorporate design features to assist in reducing alcohol-related problems. These features may include, but are not limited to, openness to surveillance and control of the premises, the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage objectionable activities.
5. The proposed hours of operation.
6. Whether the operating characteristics are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding area.

B. Operating Standards. All alcoholic beverage sales outlets shall comply with the following operating standards. In granting a use permit for alcoholic beverage sales, the decision maker may impose additional operating standards as conditions of approval. Existing legally established alcoholic beverage sales outlets shall be subject to the Operating Standards of this Subsection B.

1. Staff training. All owners/operators, managers, and employees who sell

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or serve alcoholic beverages at the alcoholic beverage sales outlet shall complete responsible beverage service (RBS) training ~~a certified training program in responsible methods and skills for selling alcoholic beverages~~ within 90 days from issuance of a certificate of occupancy, or if no building permit is required, within 90 days of issuance of the use permit, and every third year thereafter. The ~~certified program~~ RBS training shall meet the standards of the California Department of Alcoholic Beverage Control or other certifying/licensing body which the state may designate. New owners/operators, managers, and employees who sell or serve alcoholic beverages shall complete the training course within 30 days of the date of ownership or employment, and every third year thereafter. Records of successful completion for each owner, manager, and employee shall be maintained on the premises and shall be presented upon request by a representative of the county.

2. Trash, litter, graffiti.

a. At least twice a week, the operator of the business shall remove all trash, litter, and debris from the sidewalks or pedestrian pathways adjoining the premises plus 10 feet beyond property lines as well as any parking lots under the control of the operator.

b. The operator of the business shall install and maintain a minimum of one permanent, non-flammable trash container with at least a sixty (60)-gallon capacity on the exterior of the premises.

c. The operator of the business shall remove all graffiti from the premises and parking lots under the control of the operator within 72 hours of its application.

3. Customer and site visitor management. The operator of the alcoholic beverage sales outlet ~~business~~ shall take all reasonable steps, including contacting law enforcement in a timely manner, to prevent customers or other persons from engaging in objectionable activities on the premises, parking areas under the control of the operator, highways, roads, streets, sidewalks, lanes, alleys, and other public areas surrounding the premises, and adjacent properties during business hours.

4. Compliance with other requirements.

a. The operator of the alcoholic beverage sales outlet ~~business~~ shall comply with all local, state, and federal laws, regulations, or orders, including those of the California Department of Alcoholic Beverage Control, as well as any conditions imposed by permits issued in compliance with those laws, regulations, or orders.

b. The operator of the alcoholic beverage sales outlet ~~business~~ shall

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comply with all provisions of this code and conditions imposed by county-issued permits.

5. **Signs, postings and security.** This subsection for signs, posting and security shall not apply to tasting rooms located in an agricultural or resource zoning district.

   a. Premises identification shall comply with Article V, Division C of Chapter 13 of this code and the county's adopted road naming and addressing procedures and standards.

   b. A copy of the operating standards and any conditions of approval for the use permit shall be posted in a conspicuous and unobstructed place visible from the entrance of the business or at the cash register for public review. The operating standards and/or use permit conditions shall be kept on the premises and shall be presented to any peace officer or any authorized county official upon request.

   c. Signs shall be posted on the inside of the premises stating that drinking in public or outside the premises is prohibited, unless allowed by use permit.

   d. An 18 inch x 24 inch sign prohibiting loitering shall be posted on the exterior of the business and be visible from the parking lot.

   e. A monitored robbery alarm system shall be installed and continually maintained in good working condition on the premises.

6. **Annual Fee.** An annual monitoring fee may be established by the Board of Supervisors to cover the costs of administration, training, monitoring and enforcement. Each operator of an alcoholic beverage sales outlet, whether on-premise or off-premise shall pay the annual fee.

C. Additional Standards for On-premise Alcoholic Beverage Sales Outlets. In addition to the standards set forth in Subsection B above, on-premise alcoholic beverage sales are subject to the following standards, requirements, and limitations, where allowed by the base zoning district. The standards of this Subsection C shall not apply to tasting rooms.

1. **Location requirement.** An on-premise alcoholic beverage sales outlet shall be separated by a minimum of **500** ~~1,000~~ feet from all public or private schools, public park and recreation facilities, day care centers, places of religious assembly, and other off-premise and on-premise alcoholic beverage sales outlets.

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An exception to this provision may be allowed for an on-premise alcoholic beverage sales outlet when the decision maker finds that the alcoholic beverage sales outlet is a full service restaurant as defined in Section 26-02-140. To enable such a finding, business receipts or records shall be made available within seven business days of an official request from the county.

2. **Limitations on sales and promotional activities.**

a. The promotion of activities and games geared towards heavy alcohol use or over consumption are prohibited. Such activities and games include but are not limited to, beer pong, bar golf, case race, beat the bartender, boat races, and beer relay.

b. "Happy hours" offering **discounts on drinks** shall be limited to the hours of 4:00 p.m. – 7:00 p.m. daily and food shall be made available.

c. Alcoholic beverage sales to restaurant patrons shall be terminated within two hours after meal service has ceased.

D. Additional Standards for Off-premise Alcoholic Beverage Sales In addition to the standards set forth in Subsection B above, off-premise alcoholic beverage sales are subject to the following standards, requirements, and limitations, where allowed by the base zoning district. The standards of this Subsection D shall not apply to tasting rooms.

1. Location requirement. An off-premise alcoholic beverage sales outlet shall be separated by a minimum of ~~1,000~~ **500** feet from all public or private schools; publicly-owned park and recreation facilities; day care centers; places of religious assembly; and other alcoholic beverage sales outlets that are not full service restaurants as defined herein.

a. An exception to this provision may be allowed for alcoholic beverages sales outlets outside an urban service area as designated in the General Plan when the decision maker makes both of the following findings:

(1) The proposed use is located in an area where the number of calls for service, crimes, and arrests within a one-half mile radius of the premises is less than the county-wide average; and

(2) There is adequate separation from the other uses specified in Subsection D.1 above to deter loitering and exposure to alcohol sales.

b. An exception to this provision also may be allowed for off-premise alcoholic beverage sales outlets with a floor area exceeding 10,000 square feet.

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2. **Staffing, surveillance, and security**

a. Signs and displays shall not obstruct the sales counter, cash register, and customers from view from the exterior of the premises at retail alcoholic beverages sales outlets smaller than 10,000 square feet in size.

b. The operator of the off-premise alcoholic beverage sales outlet ~~business~~ shall install and continually maintain in working order, interior and exterior surveillance cameras and monitors. At a minimum, the external cameras shall monitor the entrance to the premises and vicinity of at least 20 feet beyond the entrance to the premises. At a minimum, the interior camera shall monitor the cash register area. The tapes or digital recording medium from these cameras shall be retained for at least 30 days from the date of recording before destruction or reuse. The tapes or digital recording medium shall be made available to the Sheriff's Department, or any other laws enforcement agency, upon request. An exception to the requirement for exterior surveillance cameras and monitors may be allowed for businesses outside an urban service area as designated in the General Plan when the decision maker makes both of the following findings:

(1) The proposed operation is located in an area where the number of calls for service, crimes, and within a one-half mile radius of the premises is less than the county-wide average; and

(2) There is adequate visibility of the exterior of the premises from the area of the cash register.

c. At off-premise alcoholic beverages sales outlets smaller than 10,000 square feet in size, restrooms on the premises shall remain locked and under the control of the cashier. The premises shall be staffed with at least one person during hours of operation who shall not be responsible for dispensing fuel or auto servicing.

E. Grounds for Modification or Revocation. In addition to the grounds in Section 26-92-120, the decision maker may require modification or revocation of use permits for any permitted alcoholic beverage sales outlets if the decision maker finds that the use is operated or maintained in a manner that:

1. Adversely affects the health, peace, or safety of persons living or working in the surrounding area;

2. Contributes to a public nuisance;

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3. Has resulted in repeated objectionable activities;

4. Violates any provision of this code or condition imposed by a county-issued permit, or violates any provision of any other local, state, or federal law, regulation, or order, including those of the California Department of Alcoholic Beverage Control, or violates any condition imposed by permits issued in compliance with those laws, regulations, or orders; or

5. Is contrary to the conditions of approval of the use permit.

F. Existing Alcoholic Beverage Sales Outlets. Alcoholic beverage sales outlets that were legally operating prior to the adoption of this section may continue to operate without obtaining a use permit unless the use is expanded or the intensity of the use is changed, provided that the use conforms to the performance standards of this section.

1. Performance standards for existing alcoholic beverage sales outlets. In addition to adherence to the operating standards of Subsection B of this section, all alcoholic beverage sales outlets shall take all reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and the areas surrounding the alcoholic beverage sales outlet and adjacent properties under the control of the subject alcoholic beverage sales outlet. Reasonable steps shall include calling law enforcement in a timely manner, continually maintaining preventive design features, and requesting those engaging in such activities to cease those activities, unless personal safety would be threatened in making that request. Failure to correct these conditions may result in revocation of the existing status and requiring application for a new use permit in the manner provided by this Chapter. Such conditions include, but are not limited to:

a. Disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sexual harassment or sexual battery, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises (especially in the late night or early morning hours), traffic violations, curfew violations, lewd sexual conduct in public, or police detentions and arrests.

b. Violations to any applicable provision of any other city, county, state, or federal regulation, ordinance, or statute including but not limited to sale or service of alcohol to minors, service of intoxicated patrons, failure to adhere to state ABC license conditions or other permit restrictions.

2. Changes to an existing alcoholic beverage sales outlet. If any of the

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following changes are made to an existing alcoholic beverage sales outlet, a use permit for alcoholic beverage sales shall first be obtained.

a. The alcoholic beverage sales outlet's liquor license is suspended for more than 30 days or revoked, whether enforcement action is stayed or not, by the California Department of Alcoholic Beverage Control.

b. The alcoholic beverage sales outlet, abandons, closes, quits or permanently surrenders its licensed premises.

c. Any change in the character of the use or the premises.

d. Any new construction, renovation, or remodeling that increases the overall physical size of the business, i.e. additional square footage for an office or cooler.

e. Any change to the use or premises of the alcoholic beverage sales outlet that causes the licensee to make a new application to the California Department of Alcoholic Beverage Control.

SECTION III. Notification to Alcoholic Beverage Sales Outlets. Within sixty (60) days of the date the ordinance takes effect the Permit and Resource Management Department of the County of Sonoma shall notify the owner/operator of each alcoholic beverage outlet within County jurisdiction of the operating requirements under the provisions of this code.

SECTION IV. The Board of Supervisors finds and determines that this ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the State CEQA Guidelines as it can be seen with certainty that there is no possibility that this ordinance may have a significant effect on the environment. This finding and determination is based on an environmental determination by the Permit and Resource Management Department. The Director of the Permit and Resource Management Department is directed to file a notice of exemption in accordance with CEQA and the State CEQA Guidelines.

SECTION V. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION VI. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

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In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this ___ day of _____, 2012, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

BROWN_____ RABBITT _____MCGUIRE _____ CARRILLO_____ ZANE _____

AYES _____ NOES _____ ABSTAIN _____ ABSENT

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED.

_____
Chair, Board of Supervisors
County of Sonoma

ATTEST:

_____
Veronica A Ferguson,
Clerk of the Board of
Supervisors

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COMMUNITY PREVENTION INITIATIVE (CPI)

POLICY BRIEF

Restaurants that "Morph" into Bars and Nightclubs in California Communities: What's the Problem and What Can Be Done About It?

By Friedner D. Wittman, CLEW Associates

October 2012

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Restaurants that "Morph" into Bars and Nightclubs in California Communities: What's the Problem and What Can Be Done About It?

SETTING THE SCENE: AN INSIDE LOOK AT MORPHING IN SAN LUIS OBISPO, CA.

At about 10:00 pm, downtown San Luis Obispo (SLO) changes dramatically from its daytime uses—shopping, tourism, dining, city government, professional offices—to a nighttime bar scene of large drunken crowds surging between a dozen or so establishments in a six-block area. A lively music scene and drink specials encourage the crowd—mostly between the ages of 18 and 25, many of them Cal Poly students —to stay longer and drink more. Some have "pre-loaded" or had drinks before coming downtown. ID checking is difficult with noisy and impatient crowds, and many patrons continue to be served despite their apparent drunkenness. At 2:00 am closing time, patrons from these establishments transition to the street, many of them inebriated and some falling-down drunk. (Figs. 1-6)[i]

The scene described here is a pressing issue in cities across California. According to research by CLEW Associates, the problems stem primarily from restaurants that shift or "morph" their main operations from food consumption during the day to alcohol sales at night. According to the Chief of Police for SLO, for many years this scene went on night after night, intensifying on weekends. After years of allocating police resources aimed at problematic intoxicated patrons, city leadership embarked on a planning process directed toward working with restaurant owners and managers to reduce these problems through land-use planning and zoning laws in combination with law enforcement. SLO now offers a model for other cities seeking to mitigate these problems using local tools readily available to all California municipalities.[1]

While the need for public attention to problems with morphing may not be immediately apparent, tracking of police logs and close monitoring of these events illuminate the negative impacts on public safety and drains on community/municipal resources. In SLO, a study of annual police calls-for-service revealed that of nearly 1,000 police incidents occurring at the city's 85 on-sale outlets, three-fifths of the incidents (nearly 600) occurred at just 10 Downtown establishments. According to the Chief of Police, four police officers were assigned to manage these late-night crowds. The officers contended with under-age drinkers, fights, unwanted sexual advances among patrons, violence, property damage, disturbances to neighbors, and DUIs. The cost for extra police support was borne by the city, not by establishments where the problems originated.

When morphing is concentrated and unregulated, the consequences run deep. Individual drinkers and their families, bystanders and neighbors all feel the impact. Treatment for medical emergencies and harm falls on health providers and on public health services. Costs of property damage fall on neighboring property owners and insurance companies. The legal and economic aftermath falls on the judicial system and on employers.

This Policy Brief looks at the issue of restaurant morphing in depth. What is morphing and how does it lead to problems? Where does morphing occur? How did morphing begin and how does it spread? Who is responsible for preventing and reducing problems related to morphing? What actions are being taken by the California Department of Alcoholic Beverage Control (ABC) and local communities to prevent and reduce (mitigate) these problems? What more can be done? A case example explores one city's efforts to develop an effective preventive approach.

1 Comments and images presented by Chief Deborah Linden, San Luis Obispo Police Dept, at the Alcohol Policy XV Conference held in Washington, DC on December 7, 2010: Session C-28 *How California restaurants morph into bars and what the state ABC and cities are doing about it.*

What is morphing and how does it contribute to problem behaviors and unlawful practices?

In California, far more drinking occurs at establishments licensed by the Alcoholic Beverage Control (ABC) as "restaurants" than at those licensed as "bars." Significant problems occur at some restaurants that serve meals during the day, then morph into bar/nightclub operations at night. Most restaurants make this shift, which is permitted by ABC regulations, without creating visible problems. However, a small number of outlets licensed as "restaurants" generate high levels of police events. Research shows that about ten percent of restaurants in a given community create about 50 to 60 percent of total police events out of all restaurants in that community, mostly between 10:00 pm and 2:00 am (ABC mandatory closing hours for alcohol sales).[2]

According to analysis of police events and on-site observations[3] of bars and restaurants, problematic morphing occurs especially when patrons engage in high levels of drinking and drunkenness in the context of large crowds and/or an overcrowded premise. Excessive drinking and drunkenness lead to noise, fights and confrontational behavior, unwanted sexual advances, and other behavior. High levels of drinking in highly crowded conditions are especially difficult to control and are likely to disturb neighbors and damage nearby property. Venues that include dancing, live DJs and on-stage entertainment may be especially susceptible. Taken together these conditions pose major challenges for even the most capable management and most diligent oversight agencies.

Where does morphing occur?

A recent survey of Alcoholic Beverage Control (ABC) district offices[4] revealed problems associated with morphing to be pervasive throughout the state. District office respondents confirmed studies of local police events showing that a small number of outlets create a di sproportionate number of police events in each local jurisdiction.[5] Respondents reported that morphing has been a troublesome part of restaurant operations for many years in all regions of the state, in large and small cities, in suburbs, and in rural areas. Some respondents reported that morphing has remained relatively steady over the past several years while others said it has been increasing.

Studies using local police data provide a more prescriptive view, defining problematic morphing as more likely to occur in high-density locations. Most often these locations are downtown entertainment districts or suburban shopping malls, where multiple restaurant-bar establishments are clustered in a relatively confined area. Some of these areas catch on as late-night destinations that attract patrons from other cities. Marketing of special promotions and the use social networking through electronic media attract large crowds. Restaurants offering entertainment venues near large college campuses and in "hospitality" zones attract young people from out of town along with nearby college students and local youth.[6]

2 F. D. Wittman, "Lessons from Three Orange County Cities: Municipal Responses to Rapid Growth of Problems at On-Sale Retail Alcohol Outlets," California Prevention Collaborative Annual Meeting, Napa, California, March 8-10, 2009. Prepared under Orange County Health Care Agency Contract MA-042-10010415 to CLEW Associates, Berkeley, California

3 K. Graham and H. Morel, Raising the Bar: Preventing aggression in and around bars, pubs, and clubs. Willan Publishing, Portland, Oregon, 2008.

4 F.D. Wittman and F. Latcham, Survey Report and Findings: ABC District Office Experiences with Restaurants that Morph into Bars and Nightclubs. Prepared for the Center for Applied Research Solutions, Sacramento, under contract to the California Dept of Alcohol and Drug Programs. Prepared by CLEW Associates, Berkeley, California. July 6, 2011.

5 F.D. Wittman and J. Harding, ASIPS/GIS Community Tour reports prepared for the Orange County Health Care Agency ADEPT (Alcohol Drug Education Prevention and Training) by CLEW Associates, Berkeley, California, for three cities:
City of Fullerton (CY 2007-2010); City of Newport Beach (CY 2008-2010); City of Garden Grove (CY 2007-2010).

6 Comments by Police Chief, San Luis Obispo PD, during presentation to San Luis Obispo City Council October 20, 2009; and at meeting on May 23, 2011, hosted by Fullerton PD, to review ASIPS/GIS Community Tour data.

Suburban communities that look to restaurants as key downtown development projects often experience an unexpected and rapid rise in the density of bar-restaurants and nightclubs, rather than or in addition to traditional restaurants, in the development area. This increase is accompanied by a spike in late-night police events. Cities that offer "destination" entertainment and tourism districts, such as San Luis Obispo, Newport Beach, San Francisco, and Santa Barbara, attract large numbers of people that require a constant higher level of police supervision to protect public safety, manage large crowds and maintain public order.[7]

How has morphing grown to become a problem?

How has the shift from restaurant service during the day to night-time bar/nightclub activity become troublesome in so many California communities? Three sets of circumstances have evolved over the past fifty years that help explain the rise of problematic morphing.

(1) The restaurant industry has evolved from traditional dining, emphasizing meal service that includes alcohol only as an incidental part of the meal, to focus on a "hospitality" experience that blends dining, drinking and entertainment in an expanding environment of high-density community development and social networking.

(2) The California State ABC is struggling to keep pace with restaurant industry growth and oversight for the industry's evolution toward more drinking and entertainment. State licensing codes are out of date, staffing levels for monitoring and enforcement have decreased, and training resources have declined. These circumstances are putting pressure on local jurisdictions to participate more actively in oversight functions.

(3) Despite the industry shift and decline of State resources, most local jurisdictions have not stepped up their oversight at the community level. Cities and counties continue to rely on reactive law enforcement to address problems rather than make full use of their substantial land-use and zoning powers, which are designed to support preventive oversight of retail alcohol outlets (and all other land uses). However, a handful of municipalities are making promising, innovative use of local planning and zoning powers to address problems with morphing.

1. EVOLUTION OF THE RESTAURANT/HOSPITALITY INDUSTRY INCREASES FOCUS ON ALCOHOL SALES

The restaurant industry has evolved from locally-owned businesses to include regional and national chain operations. With this change, restaurants have expanded their functions to include socializing, sports, and entertainment. Restaurants are a popular venue for promotions by the alcoholic beverage / hospitality industry. They are also principal components of city development and redevelopment plans. Alcohol sales represent a profitable source of revenue in an increasingly competitive environment both for the restaurateurs and the cities that authorize them.

From mom-and-pop restaurant to hospitality enterprise. In the mid-1950s the restaurant industry began expanding from an enterprise comprised solely of locally-owned establishments serving a local clientele to include national and regional chains of restaurants serving a mass market under central corporate direction. Several chains have chosen to emphasize drinking and include entertainment and special events/community activities. For example, the Red Robin grew from a single tavern near the University of Washington in the 1940s to a multi-city chain brand in 1980 offering "gourmet burger and spirits." The chain grew to 150 restaurants nationwide by the year 2000. In addition to food, the chain offers an elaborate menu of alcoholic beverages. Other free-standing national chains such as Chili's, Applebee's, Red Lobster, and Dave & Buster's promote mixed drinks and offer a traditional bar built as part of the restaurant. These chains contrast with Denny's (a small percentage of the chain's outlets serve alcohol), Sizzler (which serves only beer and wine), and fast-food restaurants such as McDonalds, which do not serve alcohol.

7 The dedication of four police officers in San Luis Obispo to patrol of about a dozen late-night on-sales establishments in a high-concentration area exemplifies elevated police staffing levels required for entertainment zones in "destination" cities.

Beverages sales of all types, especially spirits-based mixed drinks, offer proven revenue growth and high profit margins as reported by top restaurant chains. With fewer people eating out in this latest recession, many restaurant chains looked to increased alcohol sales by bolstering nighttime activities, extending hours and marketing an "eatertainment" experience. Top restaurant chains have reported that late-night alcoholic beverages result in the largest increase in overall sales. For example, Applebee's chains reported the highest margin of alcohol sales, 14%, in its history for 2010 (DineEquity Inc.). An Applebee's franchise representative reported that

> "Our late night initiative has been really effective. It is centered on driving traffic from 9 p.m. to close. All [of our] Applebee's are staying open to midnight or later now. We've revamped some of our happy-hour offerings, and we've introduced a higher level of activity, with louder music and lower lights. Really refocusing on being a bar" (Ruggles, 2011).[8,9]

Proliferation of bar-restaurants and entertainment venues is part of a larger pattern of urban and suburban development to accommodate higher population densities, pedestrian living, and urban excitement throughout the US over the last two decades. Large cities rebuild downtown and core neighborhoods while suburban communities develop multi-use town centers and transit villages that include retail, residential, and entertainment activities along with day-time office uses. The hospitality industry and alcoholic beverage industry seek to include bars and restaurants as a major component of this development activity, working with local restaurant owners and real estate developers to advocate their joint interests. The Responsible Hospitality Institute (RHI), for example, funded in part by the alcoholic beverage industry, has a variety of programs and training sessions to support inclusion of recreational drinking and entertainment by "responsible" establishments in community development plans that create "vibrant" night-time economies in special entertainment districts and hospitality zones.[10]

How the State of California distinguishes between "bars" and "restaurants."

The California Alcoholic Beverage Control Department (ABC) has licensing categories for "restaurants" and "bars." Despite these separate categories, the ABC licensing system allows "restaurants" – places devoted mainly to serving meals – to also function as "bars" – places devoted mainly to drinking. California ABC regulations include five main license categories that distinguish bars from restaurants based on meal service and the type of alcohol served. (See statewide frequencies in Table 1). *Restaurants* (where meals are served) are shown as Type 41 (Beer & Wine Restaurant License) or Type 47 (beer, wine and spirits, called a General Restaurant License). Note there are about twice as many Type 41 Beer & Wine licenses (22,500) as Type 47 General licenses (13,000). *Bars* (where meals are not served) are shown as Type 48 licenses. (The ABC technical term for a "bar" is "public premises.") There are about five times as many General license restaurants (Type 47) as General license bars (Type 48). Type 40 (Beer Bars) and Type 42 (Beer & Wine Bars) are shown here to present the full ABC inventory of on-sale retail alcohol outlets; however Type 40 and 42 licenses are few and do not contribute to problems with morphing.

Table 1. Description of ABC On-Sale License Types

Type	On-Sale License Description	No. of licenses in CA (2010)
40	On-Sale Beer (no meals)	1,064
41	On-Sale Beer & Wine **Restaurant** (bona-fide meals)*	22,450
42	On-Sale Beer & Wine Public Premises (**Bars**) (no meals)	1,348
47	On-Sale General **Restaurant** (bona-fide meals)	13,006
48	On-Sale General Public Premises (**Bars**) (no meals)	2,842

*"Bona-fide meals" are regular meals (breakfast-lunch-dinner) prepared in a kitchen on premises

8 Ruggless, Ron (2011), "A new happy hour," Nation's Restaurant News. March 21. Retrieved from http://www.nrn.com/article/new-happy-hour.

9 For background discussion of the history of morphing and its control, see F.D. Wittman, "Restaurants that 'morph': Problems and prospects for prevention and mitigation." Berkeley CA: CLEW Associates, July 15, 2011 (unpublished).

10 See Responsibility Hospitality Website at www.rhiweb.org

Police events related to ABC License Types

Type 47s stand out. People usually think bars, rather than restaurants, are the primary source of drunkenness and other alcohol-related problem behaviors at on-sale outlets. When measured by police events, however, Type 47 licenses stand out as the ABC license type that receives the greatest number of police calls for AOD offenses, as well as total police events. In part, this occurs because there are more Type 47s than Type 48 bars in a given community. However, a detailed examination of community-level police data reveal troublesome outlets – measured by the frequency of calls for service and types of offenses – follow similar patterns for both Type 47 and Type 48. These patterns show up in types of calls-for-service, frequency of calls per outlet, and range of calls per outlet, illustrated below. These similarities indicate that troublesome Type 47 and Type 48 outlets are similar kinds of establishments, typically characterized as a loud or rowdy bar, associated with very high levels of alcohol consumption and unruly behavior by patrons.

Table 2 shows police events for a mid-sized California city (population 133,000) to illustrate these relationships.[11] The total rate of police calls per outlet is virtually the same for Type 47s and Type 48s. The rates per outlet for AOD-related events and for arrests are comparable, although somewhat higher for Type 48s. Also similar is the pattern of police events (relative number of alcohol law violations, drug offenses, assaults, disturbances, and other alcohol-related offenses). Note there are fewer calls for service to far more numerous Type 41 Beer &Wine restaurants (77 Type 41s compared to 49 Type 47s). Type 41s generate about one-fourth the rate of AOD calls per outlet, and less than one-sixth as many arrests, compared to Type 47s.

Table 2. Police Events at On-Sale Alcohol Outlets in a Mid-Sized, Middle-Class Calif City Calls for Service by ABC License Type, CY 2010

ABC Type	Nbr of Outlets in City	Total Calls for Service	Total Calls per Outlet	AOD Calls per Outlet	Arrests per Outlet
41	77	659	8.6	1.1	0.8
47	49	1,819	37.1	4.4	6.1
48	8	301	37.6	6.8	7.6

High levels of police activity at licensed outlets. Types 47s in this example city lead the alcohol outlets among the "Top Ten" outlets that generate ten or more AOD events annually (violations of alcohol/drug laws such as public drunkenness). The table below shows that four Type 47s, two Type 48s, and one Type 41 generate 10+ police calls for AOD-specific offenses during the year.

Table 3. On-Sale Outlets with 10+ AOD-Specific Events, Ordered by AOD Events and Total Events, with Arrests, by Address (Calendar Year 2010)

ABC Type	Establishment Type (Address not shown)	Total Events	AOD Events	Total Arrests
47	Café/Dancing*	152	39	32
41	Pizza Place*	115	28	6
47	Bar & Grill*	120	21	24
48	Bar*	100	16	22
47	Bar & Grill*	69	14	15

11 City of Fullerton ASIPS/GIS Community Tour Report (CY 2010), prepared by CLEW Associates, Berkeley, California, under support from Orange County Health Care Services Agency ADEPT, August 25, 2010.

Table 3. On-Sale Outlets with 10+ AOD-Specific Events, Ordered by AOD Events and Total Events, with Arrests, by Address (Calendar Year 2010)				
48	Bar	57	14	13
47	Cantina*	95	11	15
	Totals	708	143	127
* This address also showed 10+ AOD Events in reports for CY 2008 and CY 2009				

2. CALIFORNIA ABC IS CHALLENGED TO MAINTAIN UP-TO-DATE LICENSING FOR ON-SALE LICENSES

The current ABC system for licensing on-sales retail outlets, created as part of agency reform in 1956, has not kept pace with changes in the on-sale hospitality industry. The California State ABC processes on-sale licenses through nineteen District Offices located throughout the state. A recent survey of District Office experiences with morphing[12] identified four challenges faced by the ABC in managing problematic morphing in the burgeoning bar-restaurant industry: (1) Out-of-date ABC definitions for restaurants and bars; (2) Declining resources for licensee oversight, education and compliance; (3) Narrowly-focused and time-consuming policies for disciplinary action and license appeals; and (4) Dependence on local jurisdictions to participate in effective oversight of on-sale outlets.

Out-of-date ABC license definitions for restaurants and bars

The ABC Act definitions currently in force for restaurants and bars have not been updated since they were enacted in 1957. The Act defines restaurants and bars as two distinct types of on-sale establishments:

- Restaurants, or "bona-fide eating places," are defined by Business & Professions Code Section 23038;
- Bars, or "public premises," are defined by B&P 23039 (see Appendix).

Bona-fide eating places are required to offer meals at customary times of day (e.g., breakfast, lunch, or dinner) that have been prepared in a kitchen on the premises. Persons under 21 are allowed on the premises. **Public premises** regulations do not permit meals to be served (though snack foods are allowed) and do not permit persons under 21 on the premises. Neither ordinance makes any reference to live music, dancing, or entertainment. The California ABC Act contains no definitions or regulations regarding nightclubs, dance-halls, or cabarets with live entertainment. The ABC permits these activities at restaurants and bars, at the discretion of the licensee and subject to local zoning ordinances. Definition of these activities is the purview of local land-use planning and zoning ordinances as described below.

The distinction between these two definitions has become distorted and unclear, as bar-like functions have entered restaurant settings. California court decisions have determined that bar-like functions may occur *within* a licensed restaurant (for example, a separate bar-counter and lounge area), allowing a part of the larger "restaurant" facility to function like a bar.

Declining resources for ABC licensee oversight, education and compliance

The current ABC Restaurant and Bar definitions were written in 1957 as part of a newly-minted agency reform with up-to-date legislation, a new charter, and a staffing level designed to provide a high level of on-site inspection

12 Op. Cit., F.D. Wittman and F. Latcham, Survey Report and Findings: ABC District Office Experiences with Restaurants that Morph into Bars and Nightclubs.

and oversight for on-sale outlets. Over the last forty years, ABC staffing levels have steadily declined and other services for training, compliance and oversight have been challenged to keep pace with the steady growth of retail outlets. The decline in resources relative to industry activity imposes challenges along the entire continuum of ABC oversight from license application review, to education and monitoring for compliance, to enforcement of alcohol laws.

ABC staff resources have declined. The ratio of alcohol outlets per ABC investigator has increased almost five-fold, going from one investigator per 220 outlets in 1965 to about one investigator per 1,000 outlets today, according to ABC figures. Said another way, currently the ABC has about the same number of staff it had in the 1950s to oversee about four times as many retail alcohol outlets today. These reductions have led the ABC to place increasing reliance on self-supervision by the licensee, and to encourage greater involvement by local jurisdictions and local community groups in retail outlet licensing and enforcement.

Education and monitoring resources are voluntary, and meager. In response to community concerns, the ABC Central Office has developed well-regarded educational and monitoring resources to support self-supervision by licensees. ABC offers LEAD (Licensee Education on Alcohol and Drugs), a training program for both on-sale and off-sale operators. Help with bar-checks, surveillance, and Grants to Assist Police (GAP grants) also provide support for local jurisdictions. These services focus on techniques to prevent sales to minors and to inebriated persons, and on management practices to prevent disorderly operations.

These resources, offered at no charge on a voluntary basis, are popular with licensees, but the recent recession has led to cutbacks in the number of trainings offered. As a result, many licensees who want and need these services are not being reached. Among the licensees most in need of these services, and least likely to request them, are operators who create high levels of police problems and community disturbances.

- Responsible Beverage Service training. The ABC offers the Department's free LEAD training a few times each year in each District. ABC scheduled a total of 242 LEAD training sessions in 2012 to reach approximately 50,000 on-sale outlets.
- Grants to assist local law enforcement agencies. The state provides competitive Grant Assistance Program (GAP) contracts to local law enforcement agencies to assist retail operators with compliance and enforcement of alcohol laws. The availability of these highly popular grants (52 in 2012) is well below the demand from the State's nearly 500 cities and 58 counties.
- Bar-checks and covert surveillance. Unannounced site-visits by the police and ABC investigators to licensed establishments help remind operators of the duty to follow alcohol laws closely. ABC provides training for local jurisdictions and limited on-site support for more serious cases.

Narrowly-focused and time-consuming policies limit disciplinary action and license appeals

ABC procedures for case-level retail license enforcement and appeal are complex and demanding. ABC license enforcement follows a highly demanding complaint-driven process initiated by a "protestant" from the community. Enforcement starts with collection of evidence by sworn officers (ABC or local law enforcement) to support formal proceedings. Once sufficient evidence has been collected, the ABC files a charge ("accusation") against the licensee. The accusation is heard by an Administrative Law Judge (ALJ) who rules narrowly on the specific violation in relation to the specific outlet address. These procedures require considerable time and effort by the ABC and by the protestant. Appeals through the ABC Director and the courts can add years and considerable expense to the process.

Methods are available to pinpoint high-risk outlets and address certain high-risk practices among outlets at the community level. The California ABC has developed several well-respected enforcement methods to address chronic community-level problems such as sales to minors (Decoy Buys) and multi-agency inspection of high-problem premises (Impact Program). These measures complement police DUI checkpoints for violation of drinking-driving laws and "place of last drink" studies that identify high-risk bars and restaurants. These expensive labor-intensive methods are not applied on a frequent or routine basis, except when cities in metro areas combine to use DUI checkpoints during certain holiday weekends.

Impact of ABC shortfalls on operators of bars and restaurants. A bar-restaurant operator who participates on a county DUI task force laments the lack of RBS training and enforcement of ABC laws against over-serving. This operator has written a private memoir[13] that describes his experiences opening a bar-restaurant that offered dancing and entertainment to a young Southern California clientele at a location near beaches and resorts. He started his new business with great enthusiasm, learning on the job how to create a sound business plan and how to cooperate with neighbors and local officials. He also reports that during this period he received no guidance of any kind from the ABC or city agencies (nor did he think to ask) regarding responsible alcohol service, effective patron management and house security policies. He acquired his alcohol management skills the hard way following struggles with his partners that brought multiple citations, tumultuous operations, and forced closure of one establishment. His experiences made him highly critical both of the ABC's lack of training for individual operators and of city inaction that let several fellow-operators create a hyper-competitive, over-serving bar-restaurant environment that affected the entire community. This created challenges for profitable quiet operation and increased police/community problems but none of his competitors experienced any negative consequences from the ABC or local authorities for over-serving and poor patron management:

> *"I've been in the alcohol selling business for over twenty-one years and have not heard of a single violation for serving an intoxicated customer. I called several owners and managers who have worked in the hospitality business in Orange County for many years...Not one person could remember a single incident...*
>
> *"I then contacted the local ABC office and talked with a very helpful investigator ...(who)... informed me that in the prior year, 2011, a total of zero violations had been issued for serving an intoxicated customer ... in Orange County. Zero. There are over 3,400 active on-sales licensees (in the county). (p. 64)"*

The memoir calls for the State to pursue a balanced policy of prevention training and diligent enforcement at far greater levels than the author encountered. The author is adamant that the industry cannot reform itself without this oversight. Further, the author calls for cities to take greater responsibility for planning and land-use oversight to avoid over-concentration and to establish an appropriate business climate with written community operating standards for alcohol outlets. The author refers to an important division of labor shared between local planning and zoning authorities and the ABC for the oversight of retail alcohol outlets explained below.

ABC reliance on local jurisdictions.

The ABC shares authority with local jurisdictions (cities and counties) in the process of granting an ABC license and enforcing ABC laws per the California ABC Act (Business and Professions Code, Division 9). The ABC Act gives local jurisdictions opportunities to play vital roles in both licensing and enforcement to prevent problems

13 Greg Hanour, A Business Approach to Reduced Drunk Driving, 2012 (unpublished).

related to morphing. In general, the ABC has no formal programs or bulletins to inform local jurisdictions on best practices, precedents, and problematic aspects of the exercise of local powers vis-à-vis the ABC. The local jurisdiction decides for itself how vigorously its local public agencies will participate in these functions, particularly with respect to morphing, a matter on which the ABC is officially blind. Three specific sections of the ABC Act described below allow local jurisdictions to shape ABC actions regarding issuance and enforcement of retail alcohol outlet licenses. Section 3 reviews the current ways that local jurisdictions are utilizing this authority, and explores their potential to exercise greater local oversight.

Local planning and zoning (P&B S.23790 and 23791). These two sections of the ABC recognize that local jurisdictions' (cities and counties) powers to control alcohol outlets through land-use planning and zoning are determinative for retail alcohol outlet licensing and and cannot be not superseded by the ABC. (see Section 3 below for further discussion).

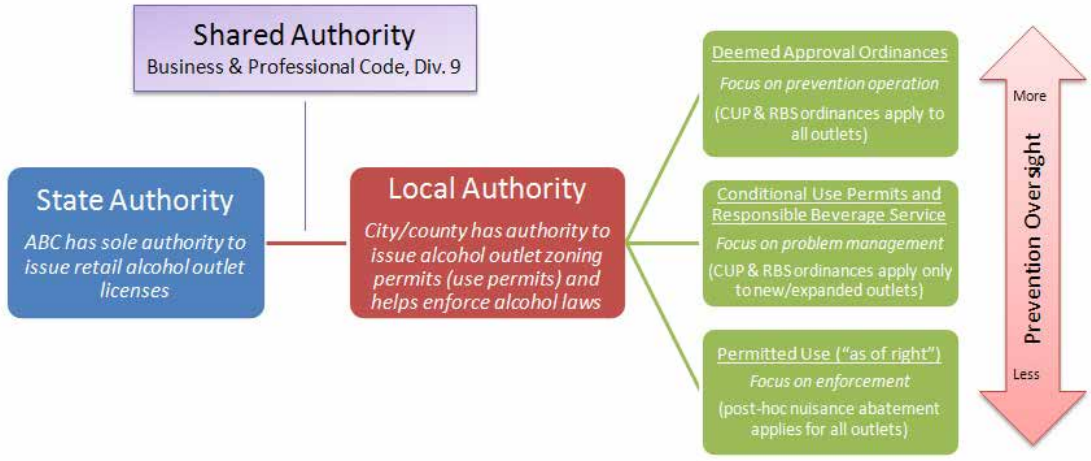
Public convenience or necessity (B&P 23958.4). This ABC "Undue Concentration" law allows a city or county to block a license for a bar, but not for a restaurant, by making a finding of "no public convenience or necessity" (PC or N) for retail alcohol outlets located in high-crime areas or in areas with a high density of alcohol outlets measured by population (census). The law allows the local jurisdiction (city or county) to stop the flow of more bars (Type 40, 42, 48 licenses) into an impacted area by making this finding on a case by case basis. However, the law includes a loophole for restaurants (Type 41 and 42 licenses) that allows the applicant, rather than the city or county, to determine whether "public convenience or necessity would be served by issuance of the license" for a "retail on-sale bona fide eating place" in the impacted area. The Act includes this language: "(b) Notwithstanding Section 23958, the department may issue a license as follows: (1) With respect to a... retail on–sale bona fide eating place license...if the applicant shows that public convenience or necessity would be served by the issuance."

That is, the ABC Act allows the applicant for a Type 41 or Type 47 license to make his or her own PC or N determination, rather than the city or county. California alcohol policy advocates view this loophole as being in conflict with prevention goals.[14]

Shared jurisdiction for enforcement of ABC laws (P&B 24202, 25619). Although the ABC has exclusive authority for issuing and revoking licenses, enforcement of ABC laws is a shared responsibility between ABC and local law enforcement. Because the ABC education and monitoring system is voluntary and enforcement is complaint-driven, the ABC depends heavily on local jurisdictions to monitor licenses and help with enforcement investigations.

14 The Redevelopment Committee, California Council on Alcohol Policy, explored this issue in 2009-2010.

Shared Authority for Regulation of California Retail Alcohol Outlets:
Powers of the State Alcoholic Beverage Control Department and Local Jurisdictions (Cities and Counties)



3. LOCAL JURISDICTIONS CAN DO MORE TO CONTROL AND REGULATE

How have California cities and counties responded as the ABC has shifted its regulatory model to include greater reliance on industry self-monitoring and local control? The following section reviews current responses to morphing problems, describes local powers available to cities to take effective action, and identifies actions cities can take to prevent and reduce morphing. Initiatives being undertaken by the City of San Luis Obispo, whose downtown bar-restaurant establishments provide the opening scene for this Policy Brief, illustrate these actions.

How problems with morphing take cities by surprise.

Most communities welcome new and expanded restaurants with open arms. Most local officials and other local stakeholders relish the prospect of positive contributions from restaurants, with seemingly little regard for the potential threats to public safety, health problems, and community disruption that are associated with unchecked growth and development. With respect to restaurants, cities tend to defer to the marketplace to determine outlet location, size of establishment, type of use, densities (number of outlets in a given area or per population), and operating requirements. Use permits are issued essentially as requested ("as of right") without special operating conditions or restrictions. This makes it relatively easy for an existing restaurant to expand to bar- and entertainment-oriented activities up to 2:00 am with few restrictions from the city or the ABC.

In the context of rapid local development or redevelopment, the number of restaurants operating under these circumstances can grow quickly in high-density, downtown and redevelopment areas. Growth occurs both for the number of outlets and for increased drinking and entertainment activities. In as few as three or four years, the number of restaurants seats in a downtown area can nearly double.[15] In such a rapidly growing area some restaurants begin promoting drink specials coupled with alcohol-related special events to stay competitive. Local officials (and sometimes the operators themselves) are often taken by surprise at rapid increases in public drunkenness, overcrowding, disturbances, violence and injuries, youth drinking and DUIs. They are also surprised at the extent to which these behaviors can overflow into the surrounding community.

A preventive approach is readily available to all local jurisdictions through local planning and zoning ordinances. As noted in the preceding section, the ABC relies on local jurisdictions to regulate land-use aspects and general business operations of retail alcohol outlets as part of the State licensing and enforcement procedures (B&P 23790). Yet, most local agencies and community groups do not realize the extent to which their local planning and zoning powers can deal effectively with morphing. Currently only a handful of cities and counties use their powers make full use of their powers to work with restaurants so problems can be managed as soon as they appear or can be avoided all together.[16]

ABC allowance for local zoning to regulate on-sale alcohol outlets. The ABC Act recognizes that the State cannot regulate on-sale and off-sale outlets without participation by the local jurisdiction. The State lacks capacity to regulate and manage the actual distribution and operation of retail alcohol outlets at the community (city or county) level. The Act accordingly relies on the local jurisdiction to address these issues through zoning and land-use ordinances: The ABC will not issue a retail alcohol license "contrary to a valid zoning ordinance of any city or county" (B&P S. 23790). This means the ABC District Office will not complete processing of a

15 Op. Cit., F. Wittman, Lessons from Three Orange County Cities. See discussion for City of Fullerton.
16 F.D. Wittman and M.E. Hilton, "Uses of planning and zoning ordinances to regulate alcohol outlets in California cities, in H. Holder (ed.), Control Issues in Alcohol Abuse Prevention: Strategies for States and Communities, Greenwhich CT: JAI Press, 1987, 337-366.

license application until the city or county certifies that the candidate outlet meets local planning and zoning requirements. The ABC thus sets the stage for the local jurisdiction to set limits on locations, numbers, and types of outlets that will receive use-permits, as well as to establish safe operating conditions for outlets.

The ABC provides this opportunity to each local jurisdiction but does not require it. The jurisdictions are left to decide for themselves how diligently to apply local planning and zoning ordinances to retail alcohol outlets on a scale that ranges from laissez-faire to local control. At the laissez-faire (looser) end of the scale, local jurisdictions allow on-sale outlets to operate as regular businesses "as of right." At the more tightly regulated end of the scale, cities and counties may impose "local control" – local oversight on a case-by-case basis that allows denial of a permit or conditional approval for each outlet through a local conditional use permit (CUP) written into the local planning and zoning code as described below.[17]

Local Control: City and county zoning for bars and restaurants.
"Local control" is a term for city or county adoption of CUP requirements written into the land-use plan and zoning ordinance specifically to prevent public safety and health problems, and to protect community well-being related to retail alcohol outlets. Local control allows cities and counties to monitor retail alcohol outlet operations closely and to take action on them quickly before they get out of hand. Cities that adopt "as of right" ordinances forego this level of oversight, and thus tend not to see the problems coming until they erupt into major community concerns.

Restaurants, bar-restaurants bars, and nightclubs as a local land-use issue. Although state law does not clearly distinguish between "traditional restaurants," "bars," and "nightclubs," local land-use and zoning ordinances are well suited to make such distinctions according to types of land-use and operational activities. Local jurisdictions can assign appropriate land-use zones (geographic areas) for each land-use category of ABC-licensed "restaurant" to assure operations do not disturb neighbors or create undue police problems. Each local jurisdiction can fine-tune its CUP to set operational requirements for service of alcoholic beverages and management of the premises to prevent high-risk alcohol-related behaviors. Cities that apply local control to all bars and restaurants – that is, to all local ABC License Types 40, 41, 42, 47, and 48 – can encourage an active restaurant / night-life community while avoiding conflicts with other land-uses, public safety problems, and unpleasant surprises and expenses.

Features of Local Control for on-sale alcohol outlets (all types of restaurant, bar, nightclub). A local alcohol outlet control ordinance includes the following features. Although few cities have adopted all six of the salient components of an ordinance shown below, a complete alcohol control ordinance combines all of these features working together:[18]

- Definition of on-sale land-use types. On-sale outlets are defined in clear land-use and behavioral terms ("restaurants", "bars," "nightclubs,") and are assigned to zones in the city land-use plan on the basis of compatibility with nearby uses and the community as a whole.
- Conditional use permits (CUPs) for each new / expanded alcohol outlet. CUPs set operational and design standards to protect health and safety through operating conditions such as RBS training, security management, alcohol promotion activities, physical design for surveillance and crime prevention, hours of operation, security, and business plan review.[19]
- Deemed-approved ordinances (DAOs) for existing outlets. DAOs bring problematic existing outlets "grandfathered" under previously-granted use-permits into conformity with new CUP requirements.
- Sensitivity to proximity and adjacency issues. Local zoning and land-use planning establishes spacing requirements and late-night hours restrictions to buffer the impact of bars and restaurants on nearby housing and other business.

17 F.D. Wittman and P. Shane, Manual for Community Planning to Prevent Problems of Alcohol Availability, prepared for California Dept of Alcohol and Drug Programs. Berkeley CA: Prevention Research Center, September, 1988.
18 F. D. Wittman, F. Latcham, Public Oversight for San Luis Obispo Retail Alcohol Outlets: Issues for Planning and Zoning. CLEW Associates. Berkeley, California, October 14, 2009.
19 "Best Practices in Municipal Regulation to Reduce Alcohol-Related Harms From Licensed Alcohol Outlets, With Model Ordinance and Bibliography," Center for the Study of Law and Enforcement Policy, Pacific Institute for Research and Evaluation (Ventura, CA: Ventura County Behavioral Health Department Publication, 2008).

- Density limits. Cities set limits on the density of alcohol outlets by geo-area and by proximity to outlets of similar types. These limits can help avoid conflicts between competing land-uses for non-alcohol businesses and housing; they can also reduce stresses on community services and groups due to crowding, and can reduce crime and community disturbances.
- Fee recovery component. The local ordinance includes a fee schedule charged to the alcohol outlets to cover public agency costs required to administer the ordinance.

Conditional use permits (CUPs) for on-sale alcohol outlets. Each city develops its CUP ordinance based on local needs and preferences, and on local customs and past experiences with alcohol. The CUP accommodates different kinds of outlets and different types of uses as shown in outline form in Table 5 (*See below*). The CUP can be fine-tuned based on needs for the specific kind of outlet. For example, the city can tailor security standards and responsible beverage service (RBS) training requirements according to establishment risk level (for example requiring more on-site security and higher-level RBS training for managers and servers at higher-risk establishments).

Table 5. Conditional Use Permits for On-Sale Alcohol Outlets

Permitted Uses for On-Sale Retail Alcohol Outlets Example City, California	Traditional Restaurants	Bars and Bar-Restaurants	Nightclubs
Architectural Features			
Bar seating for 10% or more of customers	No	Yes	Yes
Entertainment devices – Large-screen TV, jukeboxes	No	Yes	Yes
Games of skill, amusement devices, contests	No	No	Yes
Elevated stage, dance floor, sound board	No	No	Yes
Operating Features			
Responsible beverage training (RBS)	Low	Medium	High
Late-night operation after kitchen closes (no minors)	No	Yes	Yes
Promotions and advertising for special events	No	No	Yes
Alcohol advertising that encourages heavy drinking	No	No	No
Over-pours and self-serve practices	No	No	No
Zones where outlet is allowed			
Residential-commercial	Yes	No	No
Commercial-mixed use office & retail	Yes	Yes	No
Commercial-downtown & entertainment	Yes	Yes	Yes

Implementation of CUPs for problems related to morphing. An estimated 60 percent of California cities have adopted CUPs for bars and restaurants.[20] Although only limited formal research has been conducted to demonstrate the effectiveness of CUPs to reduce problems such as violence related to morphing,[21] evidence is accumulating to show that greater alcohol outlet density adversely affects public health and safety.[22] California cities are adopting alcohol CUP and DAO ordinances specifically to address problems with morphing after the problems attract widespread public attention.[23] Cities reporting considerable success using CUP ordinances link police departments and planning/zoning offices in an ongoing (routine) oversight process that includes the following components, described further in the case example below:

(1) Reliable documentation and monitoring of police events at all on-sale outlets to show clearly which outlets (or geographic districts or areas) generate high levels of police calls;

(2) Routine training and surveillance to help the operator maintain outlet performance to comply with CUP requirements;

20 Op. cit., F.D. Wittman and M.E. Hilton, "Uses of planning and zoning ordinances to regulate alcohol outlets in California cities."

21 R. Parker, "Alcohol and Violence: Connections, Evidence, and Possibilities for Prevention," (Parker), in *Journal of Psychoactive Drugs* (Eds. Rawson, Finnerty & Urada SARC Supp't No. 2, May 2004).

22 "Alcohol Outlet Density and Public Health," Alcohol Justice, see www.alcoholjustice.org/resources/fact-sheets/html

23 Op. cit., F.D. Wittman, Lessons from Three Orange County Cities. See discussion for cities of Fullerton and Newport Beach.

(3) Prompt enforcement to address problems as soon as they appear, rather than letting problems increase in visibility and difficulty before taking action;
(4) Sustained support and direction from local elected officials (e.g., city councils, planning commissions, zoning boards) for diligent use of public resources and continuing commitment to find the appropriate place for bars and restaurants in the long-range community plan.

Partnership with ABC for alcohol outlet oversight. Opponents of local control sometimes say "oversight of alcohol outlets is an ABCs responsibility, not a local obligation." The opposite is true. The ABC is solely responsible for the retail alcohol license, but the local jurisdiction bears primary responsibility for oversight of the place where the license is located. As noted above, ABC invites and encourages (but does not require) the local jurisdiction to activate effective community oversight within the regulatory shell provided by the ABC. Table 6 illustrates this relationship.

Table 6. Comparison of State ABC Licensing Requirements and Local Zoning Conditions

STATE ABC LICENSE REQUIREMENTS	LOCAL ZONING CONDITIONS
ABC licenses an individual operator	Zoning office issues a use-permit for a location
ABC definitions allow "restaurant" and "bar" to be merged at a single location; no "nightclub" definition.	City can distinguish between restaurants, bars, and nightclubs by their primary function, and define geographic parameters for each as distinct land-uses.
Bans sale of alcohol from 2:00 am to 6:00 am	Hours of outlet operation are set locally
LEAD-RBS training focuses on alcohol laws and general features of good practice	Local RBS training can be expanded to include high-risk sales practices of specific concern to community
Proximity issues covered by minimum distances from residences and sensitive uses (discretionary)	Proximity and spacing requirements can fit the local ecology and community concerns (can be mandatory)
Density requirements (crime, population) apply to restaurants only with consent of licensee (S. 23958.4)	Density requirements by geo-area and crime rate apply to all on-sales at discretion of jurisdiction
License fee renewals are minimal for on-sale outlets	Local jurisdiction may set use-permit fees to cover local costs of administration for local control
ABC has no CPTED (Crime Prevention Through Environmental Design) requirements for on-sale facilities	Local jurisdiction may require preventive design features
ABC enforcement proceeds through the Accusation process	CUP enforcement proceeds through local zoning board independently of ABC
ABC enforcement operates primarily on a post-hoc problem-solving basis with limited staff resources	Local oversight can include compliance training, preventive surveillance and problem-solving from a variety of sources.

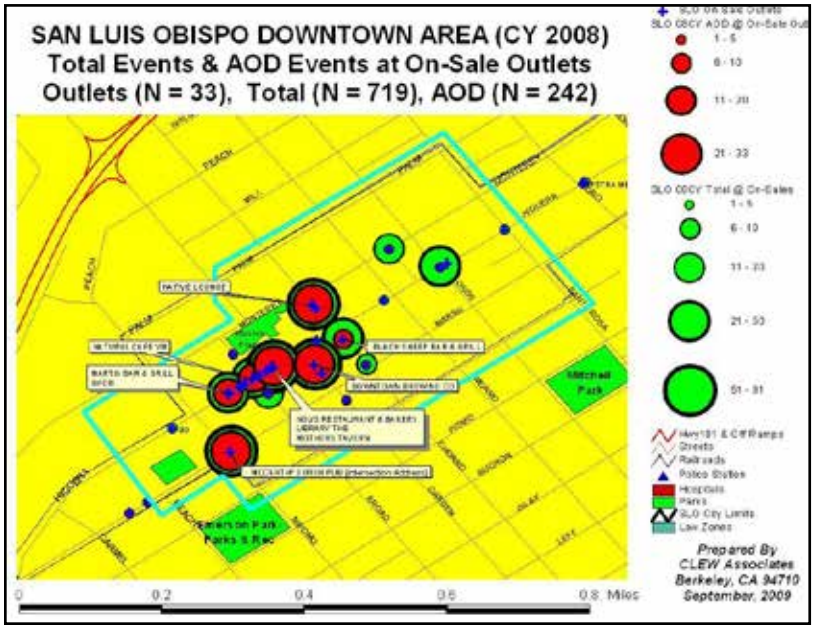
An exemplary use of Local Control to reduce morphing

The City of San Luis Obispo exemplifies municipal leadership in managing chronic drunkenness and police events related to morphing (described in the opening scene for this Brief). After years of enhanced policing in the Downtown area, and no relief from the problems, the city engaged in a three-year planning process to adopt new land-use and zoning requirements that establish conditional-use standards for preventing drunkenness and related behaviors among all of the city's retail alcohol establishments. Under joint leadership from the police department and the planning department, the city expanded its original vision beyond the Downtown area, and created a new deemed-approved ordinance applicable to all on-sale and off-sale retail alcohol outlets throughout the city. This case example outlines the features of the ordinance, the process by which the ordinance was established, and the city's plans for implementation and continuing oversight.

Features of the ordinance. Action by the San Luis Obispo City Council in June, 2012, filled three major gaps in public oversight to "enhance alcohol regulation in a manner calculated to give the City more effective local controls to address problem outlets:"[24] These actions include:

- A new land-use category for restaurants defined "Restaurants with Late Night Alcohol Service" as restaurants that serve alcohol after 11:00 pm.
- A new deemed approved ordinance[25] holds all on-sales and off-sales outlets, including new and existing outlets, accountable for safe and responsible operations through operating conditions (CUPs) previously applied only to bars and nightclubs. All existing outlets defined as Late-Night Restaurants are deemed existing non-conforming uses subject to CUP standards.
- Additional CUP requirements apply to new off-sales outlets whose primary activity is the sale of alcohol (not incidental sales in grocery stores and convenience stores).

Local planning process. A four-step participatory planning process invited all local stakeholders to articulate problems and possible solutions related to morphing at Downtown restaurants. The process explored ways to prevent problems related to excessive drinking and drunkenness through a combination of improvements to hospitality industry practices and greater local public oversight. The director of the SLO Community Development Department made efforts to keep the process thorough, inclusive, transparent, and civil. The city council kept up the pressure on all parties to act expeditiously.



(1) Documentation (August – October 2009). The planning process began with comprehensive documentation of all police events at all retail alcohol outlets in the entire city for a full calendar year. Total calls for service and all AOD-related calls were summarized (54 police event categories) for each ABC-licensed alcohol outlet address by time (time of day, day of week, and month), and by ABC License Type. Police events at alcohol outlets were mapped using GIS displays. Tables were also provided to show the proportion of total police resources being devoted to management of retail outlets, in particular to the Downtown on-sales operating late at night. This documentation was presented to the City Council in a public meeting on October 20, 2009, in the form of a City of San Luis Obispo ASIPS/GIS Community Tour report posted on the City Council's website for public access (ASIPS/GIS = Alcohol/Drug Sensitive Information Planning System in a Geographic Information System format).[26] This report provided all stakeholders – owners/managers of the restaurants, neighbors, customers, health and social service providers, public officials, educators, concerned members of the public – with an accessible, complete, and neutral birds-eye view of community police experiences at all ABC-licensed outlets, presented in the context of total police events throughout the city.

24 San Luis Obispo Community Development Department, Review of Alcohol Outlet Strategies – Enhanced Zoning regulations to improve public safety (R/TA 101-11), May 15, 2012

25 Deemed Approved Alcoholic Beverage Sale Regulations, Ordinance No. 1578 (2012 series), amendments to Title 17 (Zoning Regulations), San Luis Obispo Municipal Code. Adopted by City Council on June 10, 2012.

26 City of San Luis Obispo ASIPS/GIS Community Tour (CY 2008), CLEW Associates, Berkeley CA, October 15, 2009.

(2) Research on oversight methods and an SLO "Hospitality Zone" (January 2010 – January 2011). ASIPS reports are intended to support open community discussion to prevent community-level AOD problems by helping focus attention on management of the settings (locations) where AOD problems occur. To support this discussion, a policy memo accompanying the Community Tour report identified eight issue-areas for consideration regarding local control of retail alcohol outlets.[27] This memo helped frame action by owners/managers, occupants/neighbors, and officials/other interested parties to create local policies to minimize and prevent health and safety problems related to the outlets.[28] The SLO planning and police departments spent the year researching ordinances and oversight efforts by other cities to regulate on-sale alcohol outlets. Downtown bar-restaurant operators met regularly to explore creation of a hospitality zone for Downtown SLO in similar cities. The city obtained an ABC-funded local law enforcement assistance grant to help explore "hospitality zones" and "entertainment zones" in SLO.

Downtown On-Sale Outlets with 10+ AOD-Specific Events Ordered by AOD Events and Total Events, by Address
Frequencies for Downtown San Luis Obispo, CY 2008

ABC Type	Establishment Address	Total Events	AOD Events	Arrests Total
48	728 Higuera	72	33	32
75	1119 Garden	83	31	39
47	1023 Chorro	78	30	26
47	725 Higuera	91	24	27
47	600 Marsh	52	23	22
48	723 Higuera	59	17	14
48	1032 Chorro	40	17	18
47	673 Higera	46	12	16

(3) Nightlife Public Safety Assessment (March – November 2011). The city simultaneously stepped up its current enforcement activity and formally explored the concept of developing a Hospitality Zone. The city used the ABC grant to contract with Responsible Hospitality Institute (RHI) to explore creation of a Hospitality Zone in Downtown SLO. RHI hosted four roundtable discussions (Community, Hospitality, Safety, and Development), conducted a leadership summit, and presented a final report to capture stakeholder sentiment for improved practices and oversight to reduce problems related to excessive drinking, drunkenness, and over-crowding. The bar-restaurant operators formed a "Safe Nightlife Association" (formerly the Restaurant and Bar Owners Association) to prepare recommendations for improved practice. Meanwhile the city staff reported through the Chief of Police to City Council on November 15, 2011, that "Staff has developed an action plan that includes a new regulatory approach designed to mitigate the impact of nuisance and criminal activity caused by alcohol outlets, especially when voluntary compliance and education has not been effective" (p. B3-1).[29] City Council instructed staff to proceed with developing the regulatory approach into a formal policy recommendation for action by the council.

(4) Draft and approve new regulations (November 2011 – June 2012). During Spring, 2012, the planning department and police department developed language for the Deemed Approved Alcoholic Beverage Sale Ordinance adopted by the City Council in June. The city found that conventional definitions of "restaurant" (by ABC License Type, by percentage of food/alcohol sales, and by size/type of business or land-use) failed to predict which outlets experienced police problems related to morphing. The variable that worked best was time of day: Late-night operations, after 11:00 pm, as determined by a combination of police data and participants in the Nightlife Public Safety Assessment. Simultaneously, the Safe Nightlife Association announced its intention to adopt five programs for its members: SLO Safe Ride, Downtown Clean-Up, ABC LEAD training (RBS training), "One 86-All 86" plan to make sure a patron ejected from one bar is denied service at all bars, and Patron Responsibility (a marketing program focused on personal responsibility and safety for patrons).

Implementation of the new ordinance. The new DAO ordinance positions community stakeholders to grapple with long-standing morphing issues among Downtown outlets. None of the five programs offered by bar-restaurant operators impose a covenant among the operators to mitigate troublesome alcohol service and patron management

27 F. D. Wittman and F. Latcham, Public Oversight for San Luis Obispo Retail Alcohol Outlets: Issues for Planning and Zoning. Memo prepared by CLEW Associates. Berkeley, California, October 14, 2009.
28 A. Goldberg and F.D. Wittman, Taking Charge: Managing Community Alcohol and Drug Risk Environments. Developed for the California Dept of Alcohol and Drug Programs by the Community Prevention Planning Project, Institute for the Study of Social Change. University of California. Berkeley, 2005.
29 San Luis Obispo City Council Agenda Report from Chief of Police: "Update on Alcohol Outlet Public Safety Strategies," November 15, 2011.

practices that clearly contribute to excessive drinking and drunkenness. Problems that stem from aggressive alcohol promotion and pricing, over-pouring policies, and failure to monitor patron status and condition fall outside of the scope of programs offered by the bar-restaurant operators. The new ordinance creates leverage for the city to mitigate such problematic policies and practices through conditional use permit requirements, including existing outlets through the DAO process. How this leverage is applied depends partly on whether high-risk operator practices continue (ideally, the bar-restaurant operators will help each other moderate their own behavior), and partly on whether community stakeholders vigorously demand action on their concerns for public health and safety. SLO city agencies will serve both as handmaidens to support efforts of these community stakeholders, and as arbiters to monitor outlet performance against CUP standards. City agencies plan to implement the new DAO as follows:[30]

- Continue surveillance of alcohol outlet performance. Routinely scan all retail alcohol outlets (both on-sale and off-sale) to verify compliance and to identify problems promptly, keeping the stage set for appropriate action as needed.
- Provide prompt and appropriate mitigation. Mitigate violations and irregularities as soon as they appear in a fair and proportionate way that builds good will by focusing on compliance and performance for the new DAO ordinance rather than on sanctions and punishment.
- Sustain transparency and provide feedback. Maintain stakeholder involvement regarding public safety and health issues, and keep abreast of quality of life issues. The City Council requires the Community Development Department to make an annual progress report to the city council.
- Integrate results of day-to-day oversight into the community's long-range plan. The Community Development Department is slated to create an "alcohol element," which includes retail alcohol outlets, during scheduled revisions to the county General Plan. Issues of appropriate density and best mixes of alcohol outlets with other land-uses will be addressed based partly on experience with implementation of the Deemed Approved Alcoholic Beverage Sale regulations and partly on further research. As experience accumulates with DAO administrative costs, City Council may shift these costs from SLO taxpayers to outlet operators.

CONCLUSION

How can the restaurant industry, the ABC, and other State agencies better address public safety and health problems related to morphing at the community level? What more can be done to help local jurisdictions mitigate and prevent problems related to morphing?

The burgeoning restaurant / hospitality industry can be expected to seek expansion of its dining, drinking, and entertainment services. The ABC and local jurisdictions will continue their work to regulate this industry to protect public health and safety, and to establish local land-use planning and zoning requirements that keep local retail alcohol outlets in balance with other competing uses. Challenges to effective ABC oversight of morphing can be expected to continue. State-level redefinitions of the ABC Act, increased staffing, and greater resources for training and enforcement are all unlikely at the present time due to the State's budget problems. The most effective path is continuing to place emphasis on greater oversight by local jurisdictions and more self-policing by the industry.

On the positive side, two under-used oversight technologies are readily available to prevent problems with morphing. The first is responsible beverage service (RBS) training and management. The second technology is grounded in local land-use planning and zoning specifically to manage retail alcohol outlets. There are leadership

30 Telephone interviews by author with Doug Davidson (August 9, 2012) and Derek Johnson (August 17, 2012), Community Development Department, City of San Luis Obispo.

opportunities for the ABC and other State agencies (Department of Alcohol and Drug Program, Department of Public Health, Office of Traffic Safety) to guide local jurisdictions towards RBS training and management and to promulgate RBS policies and practices to the field. Similarly, local jurisdictions (cities, counties, and their statewide organizations such as the League of California Cities) could make greater use of current planning and zoning powers to realize the benefits of active oversight for all retail alcohol outlets, including all restaurants, through conditional use permits (CUPs) and deemed-approved ordinances (DAOs).

Expanded oversight at the city and county level offers all local stakeholders the opportunity to explore both the proper place (through land-use policies) and the appropriate operation of bar-restaurants (through CUPs and DAOs) in the community. Local agencies and concerned community groups, emboldened with the powers provided by local ordinances, planning tools, and use permits, can set effective limits on numbers, outlet types, locations, and operations to prevent restaurants from morphing into problem-outlets. As restaurant operators, the alcoholic beverage industry, and the hospitality industry continue seeking to expand, local agencies and community groups can develop local controls that set boundaries for density, location, and operation that keep alcohol-related problems in check. San Luis Obispo offers an example for other cities to use in designing their own CUP and DAO ordinances for all retail alcohol outlets – including restaurants – through healthy local debate that resolves differences between those who insist on "patron responsibility" (hold the drinker responsible) and those who demand "operator accountability" (hold the operator responsible). Such a public process, mediated by local officials and perhaps assisted by county alcohol/drug programs and the ABC, will allow the community to enjoy its restaurants, bars and nightclubs with a minimum of harm, damage, and public expense.

APPENDIX

State ABC Act Definitions for restaurants and bars.

ABC Act 23038: "Bona fide public eating place" (Restaurant) means a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health. "Meals" means the usual assortment of foods commonly ordered at various hours of the day; the service of such food and victuals only as sandwiches or salads shall not be deemed a compliance with this requirement. "Guests" shall mean persons who, during the hours when meals are regularly served therein, come to a bona fide public eating place for the purpose of obtaining, and actually order and obtain at such time, in good faith, a meal therein. Nothing in this section, however, shall be construed to require that any food be sold or purchased with any beverage.

ABC Act 23039: "Public Premises" (Bar) means premises licensed with any type of license other than an on-sale beer license, and maintained and operated for the selling or serving of alcoholic beverages to the public for consumption on the premises, and in which food shall not be sold or served to the public as in a bona fide public eating place, but upon which premises food products may be sold or served incidentally to the sale or service of alcoholic beverages, in accordance with rules prescribed by the department.

Credits:
Thanks to readers who made helpful comments on earlier drafts – Chris Albrecht, Lauren Tyson, Dick Kite, Deborah Linden, Doug Davidson, and Derek Johnson. The idea for this Policy Brief emerged from discussions in the Redevelopment Committee, California Council on Alcohol Policy, after the author introduced the topic of bar-restaurant morphing to the committee in November 2007. With encouragement from Joan Kiley, president of Cal Council, the committee pursued morphing issues until it disbanded in 2011. Members of the committee were Ed Kikumoto (chair), Rick McGaffigan, Michael Sparks, and the author.

Figure 1
Bar-restaurant in Downtown San Luis Obispo

Figure 2
Bar-restaurant in Downtown San Luis Obispo

Figure 3
Police and security staff at bar-restaurant in Downtown San Luis Obispo

Figure 4
Advertising for bar-restaurants in Downtown San Luis Obispo

Figure 5
Advertising for bar-restaurants in Downtown San Luis Obispo

Figure 6
Patrons crowd bar-restaurant in Downtown San Luis Obsipo

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[i] These comments and the images were presented by Chief Deborah Linden, San Luis Obispo Police Department, at the Alcohol Policy XV Conference held in Washington, DC on December 7, 2010: Session C-28 How California restaurants morph into bars and what the state ABC and cities are doing about it.

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CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: **8B**

Meeting Date: **05/06/2013**

Department	**Staff Contact**
Administration	Gay Johann, City Clerk/Assistant to the City Manager

Agenda Item Title

Discussion, consideration and possible first reading of an ordinance to amend Chapter 10.48 of the Sonoma Municipal Code relating to the regulation of parking on City streets.

Summary

The Sonoma Municipal Code contains three sections, which restrict the hours a vehicle may be parked on certain City streets. Section 10.48.190 limits the parking time to two hours between the hours of 9 a.m. and 5 p.m. except on Sundays on various streets in and around the downtown Plaza area. Section 10.48.195 limits the parking time to two hours at all times on certain other streets. Section 10.48.240 prohibits parking on any City street for more than 30 minutes between 2 a.m. and 4 a.m. on any day.

At the April 15, 2013 meeting, the City Council, at the request of Councilmember Cook, considered increasing the parking time limit from two to three hours in the downtown Plaza area. The majority of input regarding the proposal from both the public and the business community was supportive of this proposed change. Most felt the change would enhance the downtown area and make it more user-friendly. The City Council voted unanimously to change the parking limit in all applicable locations [for continuity] from two to three hours and directed staff to look into the use of decals for modification of the existing signage. The Police Chief has also recommended that §10.48.240 of the Municipal Code [all night parking] be rescinded because of its unenforceability.

Because the current parking limits were enacted by ordinance it requires the adoption of an ordinance to modify them. The California Vehicle Code allows the City Council to enact parking restrictions by either an ordinance or resolution. Staff feels it would be easier and more convenient to make future changes to the parking limits by resolution and is therefore recommending that an ordinance be adopted rescinding the current parking time limits and allowing them to be established by resolution. The proposed ordinance rescinds §10.48.190, §10.48.190 and §10.48.240 and provides that the parking limits be established by resolution.

Should the Council introduce the ordinance, it and an enacting resolution will be presented for Council consideration and adoption at the May 20 meeting. Both the ordinance and the resolution will go into effect 30 days thereafter (June 29).

Recommended Council Action

Introduce and hold first reading of an ordinance amending Chapter 10.48 of the Sonoma Municipal Code relating to the regulation of parking on City streets.

Alternative Actions

Council discretion.

Financial Impact

The cost for sign modification is yet to be determined.

Environmental Review

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

Status

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

Attachments:

Chapter 10.48 of the Sonoma Municipal Code
Draft Ordinance

cc:

CITY OF SONOMA

ORDINANCE NO. xx - 2013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA AMENDING CHAPTER 10.48 OF THE SONOMA MUNICIPAL CODE RELATING TO THE REGULATION OF PARKING ON CITY STREETS

WHEREAS, §10.48.190 and §10.48.195 of the Sonoma Municipal Code establish two-hour parking restrictions on certain streets within the City of Sonoma; and

WHEREAS, §10.48.240 prohibits the stopping, standing or parking a vehicle on any street for a period longer than thirty minutes between the hours of 2:00 a.m. and 4:00 a.m. of any day; and

WHEREAS, pursuant to California Vehicle Code §22507, the City Council may prohibit or restrict the stopping, parking, or standing of vehicles on certain streets or highways or portions there during all or certain hours of the day by either ordinance or resolution; and

WHEREAS, the City Council desires to establish parking restrictions by resolution.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SONOMA DOES ORDAIN AS FOLLOWS:

Section 1. §10.48.190 is hereby amended to read as follows:

10.48.190 Regulation of parking by resolution.

The City Council may, by resolution, regulate parking upon any street or highway of the City, including the determination and designation of parking time limits, and is authorized and directed, in the event of the adoption of any such resolution pursuant hereto, to place, paint and maintain or cause to be placed, painted or maintained the necessary signs, markers or painted curbs that may be required by the provisions of the Vehicle Code of the state.

Section 2. §10.48.195 and §10.48.240 are hereby rescinded in their entirety.

Section 3. 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 _____ 2013.

_____
Ken Brown, 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 the _____ day of _____ 2013 by the following vote:

AYES:
NOES:
ABSENT:

_____
Gay Johann, City Clerk

Chapter 10.48
STOPPING, STANDING AND PARKING

Sections:

10.48.010 Application of regulations.
10.48.030 City public works superintendent to maintain no stopping zones and no parking areas.
10.48.040 No parking areas.
10.48.041 Limited parking at City Hall grounds in the Plaza.
10.48.043 Vehicles over six feet in height – Parking or standing prohibited on Highway 12 within 100 feet of intersections.
10.48.050 Use of streets for storage of vehicles prohibited.
10.48.060 Parking for demonstration.
10.48.070 Repairing or greasing vehicles on public streets.
10.48.080 Washing or polishing vehicles.
10.48.090 Parking adjacent to schools.
10.48.100 Parking prohibited on narrow streets.
10.48.110 Parking on grades.
10.48.120 Unlawful parking – Peddlers, vendors.
10.48.130 Emergency parking signs.
10.48.160 Twenty-four-minute parking.
10.48.190 Two-hour parking during certain hours.
10.48.195 Two-hour parking at all times.
10.48.200 Parking parallel on one-way streets.
10.48.210 Diagonal parking.
10.48.220 Parking space markings.
10.48.230 No stopping zones.
10.48.240 All night parking prohibited.
10.48.250 Private parking lots – Unlawful parking in spaces reserved for handicapped persons.
10.48.260 Preferential parking permit program.

10.48.010 Application of regulations.

A. The provisions of this chapter prohibiting the stopping, standing or parking of a vehicle shall apply at all times or at those times specified in this chapter, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

B. The provisions of this chapter imposing a time limit on standing or parking shall not relieve any person from the duty to observe other and more restrictive provisions of the Vehicle Code or the ordinances of this city prohibiting or limiting the standing or parking of vehicles in specified places or at specified times.

C. Notwithstanding the provisions of this chapter or any other city ordinance regulating the standing, stopping and parking of vehicles on city street rights-of-way, the city engineer is authorized to grant encroachment permits pursuant to the authority delegated to him by other provisions of city ordinance, for the purpose of allowing the placement of debris boxes, trucks, trailers or other receptacles or devices used in connection with the construction or demolition of buildings, or for street construction or repair, in such manner as to occupy portions of public

streets otherwise set aside for standing, stopping or parking of motor vehicles. Permits issued pursuant to this section shall be temporary, however, for purpose of facilitating construction and demolition of structures (Ord. 99-9 § 1, 1999).

10.48.030 City public works superintendent to maintain no stopping zones and no parking areas.
The city public works superintendent is authorized to maintain, by appropriate signs or by paint upon the curb surface, all no stopping zones, no parking areas, and restricted parking areas, as defined and described in this chapter. (Ord. 99-9 § 1, 1999).

10.48.040 No parking areas.
No operator of any vehicle shall stop, stand, park, or leave standing such vehicle where the city engineer has determined that the parking or stopping of a vehicle would constitute a traffic hazard or would endanger life or property, or in any area established by resolution of the council as a no parking area, when such area is indicated by appropriate signs or by red paint upon the curb surface, provided, that signs giving notice of such no parking are erected or placed at least 24 hours prior to the effective time of such no parking. (Ord. 99-9 § 1, 1999).

10.48.041 Limited parking at City Hall grounds in the Plaza.
A. The parking of motor vehicles, including motorcycles and motor-driven cycles, within the Sonoma Plaza is limited to parking for business purposes within City Hall. The parking areas on the east, west and north sides of the City Hall building shall be reserved for parking by employees of the city except those parking spaces reserved for the handicapped as evidenced by appropriate signs. No public parking is allowed within the Sonoma Plaza area on the days and during the time that the City Hall is closed to the public.

B. The city clerk, or his/her designee, shall have the authority to approve variances to the parking restrictions contained in this section during periods when the Sonoma Plaza is being used for special activities or events in accordance with an approved permit.

C. Except for authorized maintenance and construction vehicles and equipment, no person shall operate motor vehicles, including motorcycles and motor-driven cycles, upon the sidewalks, lawns or other park areas of the Sonoma Plaza.

D. For the purpose of this section, the Sonoma Plaza is defined as that area bounded on the north by Spain Street, on the south by Napa Street, on the east by First Street East and on the west by First Street West. (Ord. 99-9 § 1, 1999).

10.48.043 Vehicles over six feet in height – Parking or standing prohibited on Highway 12 within 100 feet of intersections.
No person shall park or stand any motor vehicle any part of which, including any load thereon, exceeds six feet in height at any time during day or night at any location on State Sign Route 12 within the limits of the city (including but not limited to Broadway and West Napa Street) within 100 feet of any intersecting street or alley. The ordinance codified in this section is enacted under Section 22507 of the Vehicle Code. (Ord. 99-9 § 1, 1999).

10.48.050 Use of streets for storage of vehicles prohibited.
No person who owns or has possession, custody or control of any vehicle shall park such vehicle upon any street or alley for more than a consecutive period of 72 hours. (Ord. 99-9 § 1, 1999).

10.48.060 Parking for demonstration.
No operator of any vehicle shall park the vehicle upon any street in this city for the principal purpose of advertising or displaying it for sale, unless authorized by resolution of the council. (Ord. 99-9 § 1, 1999).

10.48.070 Repairing or greasing vehicles on public streets.
No person shall construct or cause to be constructed, repair or cause to be repaired, grease or cause to be greased, dismantle or cause to be dismantled any vehicle or any part thereof upon any public street in this city. Temporary emergency repairs may be made upon a public street. (Ord. 99-9 § 1, 1999).

10.48.080 Washing or polishing vehicles.
No person shall wash or cause to be washed, polish or cause to be polished any vehicle or any part thereof upon any public street in this city when a charge is made for such service. (Ord. 99 -9 § 1, 1999).

10.48.090 Parking adjacent to schools.
A. The city traffic engineer is authorized to erect signs indicating no parking upon that side of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

B. When official signs are erected prohibiting parking upon that side of a street adjacent to any school property, no person shall park a vehicle in any such designated place. (Ord. 99-9 § 1, 1999).

10.48.100 Parking prohibited on narrow streets.
A. The city traffic engineer is authorized to place signs or markings indicating no parking upon any street when the width of the roadway does not exceed 20 feet, or upon one side of a street as indicated by such signs or markings when the width of the roadway does not exceed 30 feet.

B. When official signs or markings prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign or marking. (Ord. 99-9 § 1, 1999).

10.48.110 Parking on grades.
No person shall park or leave standing any vehicle unattended on a highway when upon any grade exceeding three percent (within any business or residence district) without blocking the wheels of the vehicle by turning them against the curb or by other means. (Ord. 99-9 § 1, 1999).

10.48.120 Unlawful parking – Peddlers, vendors.
A. Except as otherwise provided in this section, no person shall stand or park any vehicle, wagon or pushcart from which goods, wares, merchandise, fruits, vegetables or foodstuffs are sold, displayed, solicited or offered for sale or bartered or exchanged, or any lunch wagon or eating car or vehicle, on any portion of any street. The provisions of this subsection shall not apply to persons delivering such articles upon order of, or by agreement with, a customer from a store or other fixed place of business or distribution.

B. No person shall park or stand on any street any lunch wagon, eating cart or vehicle, no pushcart from which tamales, peanuts, popcorn, candy, ice cream or other articles of food are sold or offered for sale without first obtaining a written permit to do so from the city traffic engineer which shall designate the specific location in which such cart shall stand.

C. No person shall park or stand any vehicle or wagon used or intended to be used in the transportation of property for hire on any street while awaiting patronage for such vehicle or wagon without first obtaining a written permit to do so from the city traffic engineer which shall designate the specific location where such vehicle may stand.

D. Whenever any permit is granted under the provisions of this section and a particular location to park or stand is specified therein, no person shall park or stand any vehicle, wagon, or pushcart on any location other than as designated in such permit. In the event that the holder of any such permit is convicted in any court of competent jurisdiction for violating any of the provisions of this section, such permit shall be forthwith revoked by the city traffic engineer upon the filing of the record of such conviction with such officer and no permit shall thereafter be issued to such person until six months have elapsed from the date of such revocation. (Ord. 99-9 § 1, 1999).

10.48.130 Emergency parking signs.

A. Whenever the city traffic engineer determines that an emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings, or functions, or for other reasons, the city traffic engineer shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys as the city traffic engineer directs during the time such temporary signs are in place. Such signs shall remain in place only during the existence of such emergency and the city traffic engineer shall cause such signs to be removed promptly thereafter.

B. When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate, park or stand any vehicle contrary to the directions and provisions of such signs. (Ord. 99-9 § 1, 1999).

10.48.160 Twenty-four-minute parking.

Green curb marking shall mean no standing or parking for a period of time longer than 24 minutes at any time between 9:00 a.m. and 6:00 p.m. on any day except Sunday(s) and holidays. When authorized signs or curb markings have been determined by the city traffic engineer to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park the vehicle adjacent to any such legible curb marking or sign in violation thereof. (Ord. 99-9 § 1, 1999).

10.48.190 Two-hour parking during certain hours.

It is unlawful and constitutes an infraction for any person in charge of any vehicle to permit such vehicle to remain standing for a continuous period of time longer than two hours between the hours of 9:00 a.m. and 5:00 p.m. on any day except Sunday at the following locations:

A. On the east side of First Street West between West Spain Street and McDonell Street;

B. On First Street East between East Spain Street and Patten Street;

C. On both sides of Broadway between Napa Street and Patten Street and on the west side of Broadway between Patten Street and Maple Street;

D. On West Spain Street and East Spain Street between First Street West and First Street East;

E. On the south side of West Spain Street from First Street West to 50 feet west of the alley west of First Street West;

F. On the north side of West Spain Street from First Street West to 368 feet west of the west curbline of First Street West;

G. On the south side of East Spain Street from First Street East to 305 feet east of the east curbline of First Street East;

H. On West Napa Street and East Napa Street from Second Street West to 315 feet east of the east curbline of First Street East;

I. On McDonell Street between First Street West and Broadway;

J. On the west side of First Street East from East Spain Street to 170 feet north of the north curbline of East Spain Street;

K. On the west side of First Street West from West Spain Street to 609 feet south of the south curbline of West Napa Street;

L. On the south side of East MacArthur Street from Broadway to the westerly end of the Nathanson Creek bridge, a distance of 485 feet.

The city may add parking zones by resolution, and shall be incorporated by reference into this section. (Ord. 99-9 § 1, 1999).

10.48.195 Two-hour parking at all times.
It is unlawful and constitutes an infraction for any person in charge of any vehicle to permit such vehicle to remain standing at any time for a continuous period of time longer than two hours at the following locations except by permit as provided in SMC 10.48.260:

A. On Church Street from Second Street West to the easterly end of Church Street at its intersection with an alley running between Church Street and West Spain Street;

B. On Andrieux Street from 345 feet west of the west curbline of Fourth Street West to 335 feet east of the east curbline of Third Street West except the south side of Andrieux Street between Third Street West and Fourth Street West;

C. On Bettencourt Street from the west right-of-way line of Hayes Street to 335 feet east of the east curbline of Third Street West except the north side of Bettencourt Street between Third Street West and Fourth Street West;

D. On Third Street West from Perkins Street to 130 feet south of the south curbline of Bettencourt Street except the west side of Third Street West between Andrieux Street and Bettencourt Street and the east side of Third Street West from Bettencourt Street to 130 feet south of the south curb line of Bettencourt Street;

E. On the west side of Fourth Street West from Andrieux Street to 130 feet south of the south curb of Bettencourt Street;

F. On the east side of Fourth Street West from Bettencourt Street to 130 feet south of the south curb of Bettencourt Street;

G. On Second Street West from West Spain Street to West Napa Street.

The city council may establish additional two-hour zone parking areas by resolution, and any such resolution shall be incorporated by reference into this section. (Ord. 99-9 § 1, 1999).

10.48.200 Parking parallel on one-way streets.
A. Subject to other and more restrictive limitations, a vehicle may be stopped or parked within 18 inches of the left-hand curb facing in the direction of traffic movement upon any one-way street unless signs are in place prohibiting such stopping or standing.

B. In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are in place permitting such standing or parking.

C. The city traffic engineer is authorized to determine when standing or parking is prohibited upon the left-hand side of any one-way street or when standing or parking may be permitted upon the left-hand side of any one-way roadway of a highway having two or more separate roadways and shall erect signs giving notice thereof.

D. The requirement of parallel parking imposed by this section shall not apply in the event any commercial vehicle is actually engaged in the process of loading or unloading freight or goods, in which case such vehicle may be backed up to the curb; provided, that such vehicle does not extend beyond the centerline of the street and does not block traffic thereby. (Ord. 99-9 § 1, 1999).

10.48.210 Diagonal parking.
It is unlawful for the operator of any vehicle to park the vehicle except at the angle to the curb indicated by signs or pavement markings allotting space to parked vehicles and entirely within the limits of the allotted space. The provisions of this section shall not apply when such vehicle is actually engaged in the process of loading or unloading passengers, freight or goods. (Ord. 99-9 § 1, 1999).

10.48.220 Parking space markings.
The city public works superintendent is authorized to install and maintain parking space markings to indicate parking spaces adjacent to curbings where authorized parking is permitted. (Ord. 99-9 § 1, 1999).

10.48.230 No stopping zones.
The city public works superintendent shall designate established no stopping zones by placing and maintaining appropriate signs indicating that stopping of vehicles is prohibited and indicating the hours and day(s) when stopping is prohibited. (Ord. 99-9 § 1, 1999).

10.48.240 All night parking prohibited.
No person shall stop, stand or park a vehicle on any street for a period of time longer than 30 minutes between the hours of 2:00 a.m. and 4:00 a.m. of any day; provided, that this section shall not apply to a vehicle of any regularly licensed physician when actually engaged in making professional calls. (Ord. 99-9 § 1, 1999).

10.48.250 Private parking lots – Unlawful parking in spaces reserved for handicapped persons.
It is the policy of the city that the provisions of Section 22507.8(a) of the California Vehicle Code apply to privately owned and maintained off-street parking facilities, and it is unlawful for any person to park or leave standing any vehicle not designated as being operated by a handicapped person in a stall or space designated for physically handicapped persons. Unlawfully parked vehicles may be removed from such spaces pursuant to Section 22511.8 of the Vehicle Code. (Ord. 99-9 § 1, 1999).

10.48.260 Preferential parking permit program.
Pursuant to the authority granted under Section 22507 of the California Vehicle Code, a parking permit program is established which grants preferential parking privileges to residents and merchants adjacent to certain streets. Permits shall be issued and the program administered by the chief of police. Permits shall be for the benefit of adjacent residents and merchants and their guests and shall be effective only upon the street or street segment stated on the permit. The number of permits to be issued shall be determined by the chief of police. Permit holders shall be exempt from the restrictions of SMC 10.48.190 and 10.48.240. (Ord. 99 -9 § 1, 1999).

The Sonoma Municipal Code is current through Ordinance 05-2012, passed November 5, 2012.
Disclaimer: The City Clerk's Office has the official version of the Sonoma Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: http://www.sonomacity.org/ (http://www.sonomacity.org/)
City Telephone: (707) 938-3681
Code Publishing Company (http://www.codepublishing.com/)
eLibrary (http://www.codepublishing.com/elibrary.html)

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: **8C**

Meeting Date: **06/03/2013**

Department	**Staff Contact**
Administration	Carol E. Giovanatto, City Manager

Agenda Item Title

Discussion, Consideration and Possible Action to approve the 2013-14 City Council GOALS

Summary

At the conclusion the Council goal-setting session held on March 25th, direction was given to the City Manager to prepare final report of the approved goals. Six GOALS were established for 2013-2014. The report was to include a narrative used to define the GOALS and the steps necessary to accomplish the established GOAL. City Manager Giovanatto has prepared the report and is submitted to Council for review and approval. It is important to state that the Council chose not to use a prioritization process for the GOALS so they are listed in alphabetical order. Upon approval of the GOALS, staff will prepare a reporting mechanism which will be reviewed quarterly by the City Council to track the progress of accomplishments. The adopted GOALS will be a key component in the preparation of the 2013-14 Operating and Capital Budget.

Recommended Council Action

Receive report and approve the 2013-14 GOALS

Alternative Actions

Direct changes to City Manager's Report.

Financial Impact

Undetermined.

Environmental Review

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

Status

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

Attachments:

City Manager's Report on 2013 Council GOALS

cc:

COUNCIL GOALS 2013-2014

"TO CREATE A LOCAL ENVIRONMENT OF FOCUSING ON THE POSITIVES & EMBRACING OPPORTUNITIES FOR THE BETTERMENT OF SONOMA"

- ***BUDGET STRATEGY & FISCAL STABILITY: Balance Budget without eroding infrastructure and preserving essential services.***

  Focus on a budget strategy that will promote and maintain long-term fiscal sustainability in the General and Enterprise Funds through the continued application of sound budgetary policies; continue solid fiscal management to insure and maintain stable reserve level; develop a financial model which dedicates funding for Capital Infrastructure Projects; continue to ensure efficient public safety services

  Action Items

  - *Develop a balanced ["in the black"] budget model which dedicates funding for Capital Improvement Projects [CIP], restores staff to previous levels, and maintains service levels*
  - *Update impact fees and service fees to assure specialized service costs are borne by the requester and not City taxpayers*
  - *Establish dedicated Reserve Fund to address long-term pension liabilities*
  - *Establish a K-9 program through the Sheriff's Contract to enhance public safety*
  - *Continue to seek grant opportunities; assess other funding opportunities [examples: assessment districts; business improvement areas]*
  - *Initiate long-term plan to address the potential phase-out of Measure J Sales Tax funds*
  - *Prepare report on how Measure J has assisted in restoring revenue lost through the elimination of redevelopment*
  - *Identify funding source(s) for Stormwater Program and elimination of the Cemetery Fund deficit*

- ***ECONOMIC DEVELOPMENT: Explore Economic Development Drivers to ensure preservation and long-term viability of Community Assets***

  Continue to develop strategies to address the loss of revenue to the City as a result of the elimination of redevelopment; continue to facilitate business retention, recruitment and expansion of the economic base; protect local historical infrastructure

  Action Items

  - *Explore future options and opportunities for the preservation of the Sebastiani Theater*
  - *Conclude Redevelopment processes as required by State Department of Finance and explore potential options for 32 Patten Street [old fire station]*
  - *Explore opportunities for future State Infrastructure Financing Programs*
  - *Work with local agencies [Chamber, Visitors Bureau, Tourism Improvement District] to assess potential economic development options*
  - *Recognize and leverage the value of City utilities as economic development tool*

- ***POLICY & LEADERSHIP: Mission and Vision Statement for the City***

  Provide continuing leadership as elected officials and residents of the community; review Mission and Vision Statement to assure that it reflects the current economic, environmental and social climate and creates a visual image for the community; take steps to assure a safe and vibrant community; respond to County, State and Federal legislative issues with a focus on retaining local control

  Action Items

  - *Revisit Mission and Vision Statement [2006]*
  - *Track progress on Council Goals and establish mechanism for a CITY REPORT CARD*
  - *Continue to foster/support thriving, vital business community focused on job growth and commerce*
  - *Maintain strong relationship with Supervisor Gorin and the Board of Supervisors*
  - *Update City website to expand public resources and information; expand content*
  - *Update and/or establish City Policies and Procedures*
    - ✓ *Policy on False Alarm Responses*
    - ✓ *Update Policy on Sidewalk Repair*
    - ✓ *Establish Funding Policy for Street Maintenance*
    - ✓ *Update Reserve Policy to include revisions to designated and undesignated reserve funds and consideration of modified base level percentages*
    - ✓ *Update Investment Policy to maximize market trends*

- ***PUBLIC SERVICE: Continue to build on customer service and business friendly mindset we as a City are pursuing and explore additional ways to exhibit that mindset in the eyes of the community***

  Seek efficiencies with a focus on increasing customer service; develop a comprehensive outreach plan that fosters communication and informs and educates the public; increase the awareness of city programs and promotes community participation

  Action Items

  - *Resume meetings of Streamlining Committee to enhance business relationships*
  - *Continued outreach to the public to assure that City procedures and processes are transparent and understandable*
  - *Provide timely and accurate information about City Services*
  - *Explore all options for customer convenience such as online payments, acceptance of credit and debit cards at City Hall*
  - *Maintain strong City employee structure to serve the needs of the community*
  - *Create customer feedback survey/input form for use in evaluating City services*

- ***RECREATION & PARKS: Master plan Parks & Recreation opportunities***
  Create a comprehensive review of Parks & Recreation facilities and infrastructure in partnership with County Regional Parks; partner with County and private stakeholders to reach consensus on the development of a community swimming pool

  - *Support Community Swimming Pool facility*
  - *Participate with County on a Valleywide Parks Masterplan*
  - *Review Tier 1 Services to assure services align with needs of the community*
  - *Encourage the creation of a Community-wide website for all youth activities, adult activities and major local events*
  - *Create an inventory of all City Parks, Open Space, Walking and Bicycle Trails and designated Preserve areas*

- ***WATER & INFRASTRUCTURE: Develop long-term strategies to address current and future infrastructure needs, promote water conservation while maintaining a stabilized rate structure.***
  Redefine the Capital infrastructure needs with a focus on enhancing the City's local water supply; implement a sustainable utility rate structure; establish Water Fund Reserve policy; strengthen, promote and support the value of water conservation to protect local resources

  Action Items:
  - *Update Water Rate Structure and Rate Model*
  - *Adopt Reserve Policy; Consideration of establishing a Rate Stabilization Fund*
  - *Implement Water Conservation measures and Public Education Outreach*
  - *Review opportunities for shared services with Valley of the Moon Water District*
  - *Initiate Capital Infrastructure replacements and upgrades including options for issuing Water Bonds*
  - *Evaluate environmental and sustainability programs [i.e. groundwater, City wells]*

City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: **8D**

Meeting Date: **05/06/2013**

Department	**Staff Contact**
Administration	Carol E. Giovanatto, City Manager

Agenda Item Title

Discussion, Consideration and Possible Action on Expiration of Development and Use Agreement for the Sonoma Valley War Memorial Veterans' Building

Summary

In December 1991, the City entered into a Development and Use Agreement with the County of Sonoma to "allow the City to develop and use the property for 20 years commencing July 1, 1990 and ending June 20, 2010". That agreement was subsequently extended for the period July 2010 through June 2013. Over the term of the agreement, the City has granted non-profit organizations use of the twenty allotted days at no fee.

Staff initiated a discussion with the County regarding the renewal of the lease, which has resulted in their most recent offer of a five-year agreement with an annual City payment of $25,600 in exchange for use of the facility 20-days per year.

Please refer to the attached supplemental report for additional details.

Recommended Council Action

Notify the County that the City will not be renewing the use agreement for the Sonoma Valley War Memorial Veterans' Building; and retain the original $10,000 budgeted amount as a set-aside for non-profit's use of the building.

Alternative Actions

If Council desires to renew the lease at the increased cost, direct staff to so notify the County and request a new use agreement be prepared.

Financial Impact

$10,000 per year

Environmental Review

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

Status

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

Attachments:

1. Supplemental Report
2. 1991 Development and Use Agreement
3. 2010 Amendment

cc: Supervisor Gorin via email

SUPPLEMENTAL REPORT

Discussion, Consideration and Possible Action on Expiration of Development and Use Agreement for the Sonoma Valley War Memorial Veterans' Building

For the Council meeting of May 6, 2013

BACKGROUND

In December 1991, the City entered into a Development and Use Agreement with the County of Sonoma to "allow the City to develop and use the property for 20 years commencing July 1, 1990 and ending June 20, 2010". That agreement was subsequently extended for the period July 2010 through June 2013. The original agreement set forth terms and conditions for limited use by the City in return for the City partnering with County on Capital Repairs and Improvements including the installation of retractable seating. The total City contribution towards the improvements was $200,000; County contribution to the improvements was $144,600. Additional funding of $250,000 from grants and $257,457 in contributions completed the funding structure. The agreement also included a provision that the City would make an annual payment to the County of $10,000 and in exchange the City would receive use of the facility for City functions twenty [20] days per year. Over the term of the agreement the City has granted non-profit organizations use of the twenty allotted days at no fee. The use agreement referenced that the $10,000 payment would be adjusted annually based on the statewide increase in per capita income although the County never imposed the increase.

LEASE RENEWAL OPTIONS

With the expiration date of June 30, 2013, staff contacted the County to open discussions on a renewal of the lease. The initial response from the County Department of General Services Division stated that the intent on the renewal was to impose the increase of the statewide per capita income for the prior 23 year period of 270% which equates to an annual payment of $32,000 with the provision that the City would retain the 20-day annual use allowance. The term of the renewal would be for a five-year period [July 2013-June 2018]. On March 29th Staff requested reconsideration due to [1] the potential impact on the City budget and [2] the use of the 20 "free" days were awarded to local nonprofits for the direct benefit of the community. Staff further reached out to Supervisor Gorin's office to request assistance in mitigating the severe increase proposed. On April 11th, the County responded having reconsidered their position and proposed a new five-year term with an annual City payment of $25,600 including the use of the facility 20-days per year. Even with the reconsideration, the increase of 39% increases the annual payment by $15,600. Reviewing this proposal in relationship to the 2014 City budget, staff is submitting the following options:

1. Notify the County that the City will not be renewing the use agreement for the Sonoma Valley War Memorial Veterans' Building.

2. Retain the original $10,000 budgeted amount as a set-aside for non-profit's use of the building. The use could be limited to 20 separate events with a dollar cap of $500 per use. This methodology would continue to support non-profit organizations with the cost of renting the Veterans' Building and would keep the City budget at the current base funding level.

3. If Council desires to renew the lease at the increased cost, direct staff to so notify the County and request a new use agreement be prepared.

Res. No. 91-268
12-17-91

DEVELOPMENT AND USE AGREEMENT
SONOMA VALLEY WAR MEMORIAL VETERAN'S BUILDING

This Agreement is entered into by and between the County of Sonoma ("County"), a political subdivision of the State of California, and the City of Sonoma ("City"), a municipal corporation.

RECITALS

1. The need for safe, attractive, active and leisure recreational areas is a critical social need of the residents of the Sonoma Valley;

2. The City and the County have cooperatively funded the Sonoma Valley War Memorial Veterans' Building;

3. The City and the County desire to improve this recreational facility for use by both city and non-city residents while continuing to meet the needs of area veterans groups;

4. The City and the County wish to further expand the recreational uses of this County-owned facility, to distribute equitably the costs of improvements and maintenance, and to integrate those facilities into a system which fulfills the needs of the residents of the Sonoma Valley and area veterans groups;

5. County and City entered into a Development and Use Agreement for the Sonoma Valley War Memorial Veteran's Building on November 14, 1989;

6. Certain changes in the nature of the improvements and funding for the improvements necessitate revision of that Development and Use Agreement.

AGREEMENTS

1. Rescission of Prior Agreement. The Agreement of November 14, 1989 is hereby rescinded.

2. Time Period. The County agrees to allow the City to develop and use the property described below for 20 years commencing July 1, 1990 and ending June 30, 2010.

3. Description. The real property to be developed and used is shown on the attached Exhibit A and is commonly known as the Sonoma Valley War Memorial Veterans' Building located at 126 First Street West, Sonoma, California.

4. Utilities. Barring unforeseen emergencies and changes of circumstances the County shall maintain all current utility service to the site at its sole cost for the term of this agreement.

5. Rental Income. Income from rents for building use at the renovated facility shall be paid to the County. Rents may be adjusted from time to time by County, within its sole discretion.

6. Annual City Payment. The City shall pay to the County $10,000 annually, to be adjusted annually based upon the statewide increase in per capita income, in monthly installments, throughout the term of this agreement to offset operational expenses.

7. Use of Facilities. The County shall have exclusive responsibility for booking the facility unless otherwise agreed upon by the County and the City. The City shall have the right to reserve use of any part thereof or the entire facility for City functions twenty (20) days per year at no charge to the City provided the County is given at least thirty (30) days prior written notice and there is no conflict with prior bookings. The City will schedule recreational events such as, but not limited to, music, theatrical performances galas, ballets, opera, visual art displays, dinners and other community recreational and cultural functions. The City may allow an event sponsored by a third party on a City allocated day subject to the County's written approval. The County shall grant such approval at such time as standard County third party insurance and indemnification requirements have been met.

Neither party shall permit discrimination in any manner prohibited by law in the use or scheduling of this facility during the term of this agreement.

8. Amendments. This agreement may be amended by the written consent of both parties at any time. The party desiring to amend shall send in writing a copy of the proposed amendment to the other party at least ninety (90) days prior to the effective date of the amendments.

9. Indemnity. The County shall indemnify, defend, and hold harmless the City and its officers, agents, and employees from any and all claims, losses, costs of liability accruing or resulting to any person(s), firms, corporations or other public, or private entity for damages of any kind, including but not limited to injury, harm, sickness or death to person(s) and/or property, or any combination of these from any cause whatsoever arising from or in any way connected with the performance and exercise of its powers pursuant to this agreement.

The City shall indemnify, defend, and hold harmless the County and its officers, agents, and employees from any and all claims, losses, costs of liability accruing or resulting to any person(s), firms, corporations or other public, or private entity for damages of any kind, including but not limited to injury, harm, sickness or death to person(s) and/or property, or any combination of these from any cause whatsoever arising from or in any way connected with the performance and exercise of its powers pursuant to this agreement.

10. Notice. Any notices to the City connected with this agreement shall be sent to:

CITY OF SONOMA
#1 The Plaza
Sonoma, CA 95476

Any notices to the County connected with this agreement shall be sent to:

COUNTY OF SONOMA
REGIONAL PARKS DEPARTMENT
2403 Professional Drive
Santa Rosa, CA 95403

11. Third Party Beneficiaries. There are no intended third party beneficiaries of this agreement.

12. Improvements. The City shall plan, and to the extent of available funds develop, recreational facilities within the existing building to meet the community's recreational needs. The development plan shall include renovation of the main hall, dining room, kitchen, rest rooms, stage areas and other areas requiring renovation, including renovation needed for safety and handicapped accessibility purposes, all as described in the Design Development Cost Estimate and drawings dated March 18, 1991 by the firm of Michael Ross and Associates. The City shall make use of its own forces and equipment and of contractor services in the combination deemed best by the City to accomplish these improvements and shall comply with all applicable laws. The City shall coordinate with the County on the timing and manner of making these improvements so as to avoid any unnecessary inconvenience to the County and users of the property.

Plans and specifications for all improvements proposed by City during the term of this agreement shall be reviewed and approved pursuant to paragraph 13, prior to advertisement by City for bids for any improvement or commencement of construction of any improvement by City's own forces.

13. <u>County Review and Approval of Plans and Specifications</u>. City shall submit preliminary plans and specifications to County Regional Parks Director for review and approval at forty (40), seventy (70) and ninety (90) percent of completion. Said plans and specifications shall be in sufficient detail to enable County to make an informed judgment about the design and quality of proposed construction. The Director shall approve the preliminary plans and specifications if he determines that the City's proposal is consistent with the Michael Ross plan described in paragraph 12 or any modification thereto approved by the Board of Supervisors, and that the proposed improvement will not, if constructed, impose an unreasonable operation and maintenance obligation on County.

City shall submit final plans, specifications and a complete bid package to County for review and approval by the Sonoma County Board of Supervisors thirty days before advertising for bids. The final plans and specifications shall be consistent with preliminary plans and specifications approved by the Regional Parks Director and the bid package shall require City's contractor to bond, insure and indemnify County to at least the same extent then-current County construction contracts so require.

14. <u>Construction and Ownership of Improvements</u>. City shall complete construction of improvements with reasonable diligence under the supervision of a City-employed construction manager. City building permits shall be obtained for all improvements and City shall provide inspection as needed to ensure construction in conformity with City building codes, all applicable legal requirements and County-approved plans and specifications. City shall supply County with as-built drawings upon completion of any improvement. Title to all improvements constructed pursuant to this Agreement shall vest in County.

15. <u>Priority of Construction by City</u>. The parties agree that current contracts for miscellaneous repair, electrical work, new auditorium doors and demolition and reconstruction of the auditorium entry, and installation of retractable auditorium seating and stackable chairs and storage trucks improvements shall be completed before other work is commenced by City. Contract(s) to complete necessary fire, seismic, handicapped, and life safety improvements, identified in the Michael Ross plan described in paragraph 12, shall be completed next.

Thereafter, improvements identified in paragraph 12 shall be constructed by City in such priority as may be determined by mutual agreement of City and County, as funds become available.

16. <u>Construction Funding</u>.

A. City Contribution: City agrees to provide the following funds for completion of improvements:

i. $200,000.00 to be used for the construction of improvements and professional services relating to design of improvements;

ii. $250,000.00 received from a Rogerti-Z'Berg-Harris grant from the State of California for such construction;

iii. $275,457.00 in contributions received for this project and all possible foundation monies or additional contributions City may acquire for this project; and

iv. Such additional funds as may be budgeted by City in its sole discretion.

B. County Contribution: County agrees to provide City with the following funds for completion of improvements:

i. $144,600.00 to be used for the construction of improvements and paid as follows:

a) $44,300.00 within thirty (30) days of execution of this Agreement;

b) $44,300.00 within thirty (30) days of award by City of a contract to complete necessary fire, seismic, handicapped, and life safety improvements, identified in the Michael Ross plan described in paragraph 12;

c) $28,000.00 within thirty (30) days of notification by City that the contract identified in (b) above is fifty (50) percent completed;

d) $28,000.00 within thirty (30) days after notification by City of the filing of a notice of completion for the contract identified in (b) above.

ii. Such additional funds as may be budgeted by County in its sole discretion.

17. <u>Additional Improvements by County</u>.

Except as provided in this paragraph, nothing contained in this agreement shall restrict the right of County to make such improvements to the building as County determines to be necessary and proper, regardless of whether such improvements are identified by the Michael Ross plan described

in paragraph 12 herein. However, for improvements which are not so identified and which are not necessary for ordinary operation and maintenance, County shall confer with City thirty days prior to commencement of work. This period of time is provided to allow City to comment and/or propose changes to the contemplated improvements which in the City's view would better conform with the overall plan. After the expiration of the thirty day period, the County may proceed with the contemplated improvements without further involvement of the City.

Dated: Dec 19, 1991.

COUNTY OF SONOMA

By Ernest Carpenter
Chairman, Board of Supervisors

Approved as to form:

County Counsel

ATTEST:

Eeve T. Lewis
EEVE T. LEWIS, County Clerk and ex-officio Clerk of the Board of Supervisors

Dated: December 4, 1991.

CITY OF SONOMA

By: Valerie Brown

Title: Mayor

ATTEST:

Eleanor Berto
City Clerk

Approved as to form:

City Attorney

I HEREBY CERTIFY THIS IS A CERTIFIED COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
ATTEST: DEC 17 1991
LEE T. LEWIS, County Clerk & ex-officio Clerk of the Board of Supervisors of the State of California, in and for the County of Sonoma.
By [signature] Deputy

#48

RESOLUTION NO. 91-2081

County Administration Building
Santa Rosa, California

December 17, 1991

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AUTHORIZING THE CHAIRMAN OF THE BOARD TO EXECUTE A REVISED AGREEMENT WITH THE CITY OF SONOMA FOR DEVELOPMENT AND USE OF THE SONOMA VALLEY WAR VETERANS MEMORIAL BUILDING.

WHEREAS, the County of Sonoma and the City of Sonoma entered into an agreement on November 14, 1989, for the development and use of the Sonoma Valley War Veterans Memorial Building which allows the City to use that property from July 1, 1990, to June 30, 2010; and

WHEREAS, the County of Sonoma has approved the Michael Ross and Associates design development cost estimate and drawings dated March 18, 1991, on June 11, 1991, as the Development Plan for the Sonoma Valley War Veterans Memorial Building Renovation; and

WHEREAS, certain changes in the nature of the improvements and funding for the improvements necessitate revision of the development and use agreement of the Sonoma Valley War Veterans Memorial Building between the City of Sonoma and the County of Sonoma; now

THEREFORE BE IT RESOLVED that the Board of Supervisors of the County of Sonoma does hereby authorize the Chairman to execute a revised agreement with the City of Sonoma for development and use of the Sonoma Valley War Veterans Memorial Building.

Supervisors:

Cale: aye Harberson: absent Smith: aye Esposti: aye Carpenter: aye

Ayes: 4 Noes: ____ Abstain: ____ Absent: 1

SO ORDERED.

AMENDMENT #1 TO
Development and Use Agreement For The
Sonoma Valley War Memorial Veterans' Building

This is an amendment to the Development and Use Agreement for the Sonoma Valley War Memorial Veterans' Building between the COUNTY OF SONOMA, hereinafter "County" and the CITY OF SONOMA, hereinafter "City".

WHEREAS, County and City entered into a Development and Use Agreement pertinent to the use of the Sonoma Valley War Memorial Veterans' Building ("D & U Agreement") on July 1, 1990, wherein Licensee is to develop and utilize the Sonoma Valley War Memorial Veterans' Building; and

WHEREAS, due to unforeseen circumstances it is necessary to extend the term of the D & U Agreement;

NOW THEREFORE, THE PARTIES HERETO agree to amend the D & U Agreement dated July 1, 1990 as follows:

I. Paragraph 1 shall be amended to read as follows:

1. Time Period. The County agrees to allow the City to develop and utilize the property described below for 23 years commencing July 1, 1990 and ending June 30, 2013.

BE IT FURTHER AGREED that all other terms and conditions contained in the original D & U Agreement dated July 1, 1990, shall remain in full force and effect as though fully set forth herein.

CITY: CITY OF SONOMA

By: _____

Name: LINDA KELLY

Title: CITY MANAGER

Date: 6-16-10

APPROVED AS TO FORM FOR CITY:

_____
Jeffrey A. Walter, Interim City Attorney

Date: 6/17/10

COUNTY: COUNTY OF SONOMA

CERTIFICATES OF INSURANCE ON FILE WITH AND APPROVED AS TO SUBSTANCE FOR COUNTY:

By: _____
Department Head/Designee

Date: 06/17/2010

APPROVED AS TO FORM FOR COUNTY:

By: _____
County Counsel

Date: 6/7/10

By: Valerie Brown
Chair
Board of Supervisors

Date: 6/22/10

ATTEST:

_____
Clerk of the Board of Supervisors

CITY OF SONOMA
City Council
Agenda Item Summary

Agenda Item: 10A
Meeting Date: 05/06/2013

Department	**Staff Contact**
Administration	Gay Johann, City Clerk/Assistant to the City Manager

Agenda Item Title

Councilmembers' Reports on Committee Activities.

Summary

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

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

Recommended Council Action – Receive Reports

Attachments: None