

**CONCURRENT SPECIAL & 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, December 2, 2013  
5:30 p.m. Closed Session (Special Meeting)  
6:00 p.m. Regular Meeting**

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.

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

**1. CALL TO ORDER**

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

**2. CLOSED SESSION**

**Item 2A:** PUBLIC EMPLOYMENT, pursuant to Government Code §54957. Title: City Manager.

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

**RECONVENE, 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 – None Scheduled**

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

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

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

**Item 5B: Approval of the Minutes of the November 18, 2013 Council meeting.**  
Staff Recommendation: Approve the minutes.

**Item 5C: Approval of a resolution declaring the results of the November 19, 2013 Special Municipal Election.**  
Staff Recommendation: Adopt the resolution declaring the canvass of returns and results of the special election.

**Item 5D: Resolution upholding the decision the Planning Commission to approve a Planned Development Permit, Use Permit, and Tentative Map allowing construction of an 18-unit planned development at 821-845 West Spain Street (implementing the City Council action of November 4, 2013).**  
Staff Recommendation: Adopt the resolution upholding the decision of the Planning Commission to approve a Planned Development Permit, Use Permit, and Tentative Map allowing construction of an 18-unit planned development at 821-845 West Spain Street, subject to the condition that the D1 unit on Lot 3 be modified so that it does not have a second floor element over the garage.

**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 November 18, 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 City Council)*

**Item 8A: City Council Reorganization.** (City Manager)  
Staff Recommendation: Council discretion.

**Item 8B: Consideration of Membership Changes to REMIF JPA.** (City Manager)  
Staff Recommendation: Vote in the affirmative to advise REMIF General Manager that Sonoma supports moving forward with proposed changes to the original bylaws of the JPA.

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

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

**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 November 26, 2013. GAY JOHANN, ASSISTANT CITY MANAGER / CITY CLERK

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

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

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



**CITY OF SONOMA**  
**City Council**  
**Agenda Item Summary**

City Council Agenda Item: 5B

Meeting Date: 12/02/2013

---

**Department**

Administration

**Staff Contact**

Gay Johann, Assistant City Manager/City Clerk

---

**Agenda Item Title**

Approval of the Minutes of the November 18, 2013 Council meeting.

---

**Summary**

The minutes have been prepared for Council review and approval.

---

**Recommended Council Action**

Approve the minutes.

---

**Alternative Actions**

Correct or amend the minutes prior to approval.

---

**Financial Impact**

N/A

---

**Environmental Review**

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

**Status**

- Approved/Certified
- No Action Required
- Action Requested

---

**Attachments:**

Minutes

---

**Alignment with Council Goals:** N/A

---

**cc:** N/A

---

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, November 18, 2013  
5:30 p.m. Closed Session (Special Meeting)  
6:00 p.m. Regular Meeting

\*\*\*\*

MINUTES

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

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

**1. CALL TO ORDER**

At 5:30 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.

**2. CLOSED SESSION**

**Item 2A: PUBLIC EMPLOYMENT**, pursuant to Government Code §54957. Title: City Manager.

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

The City Council reconvened in open session and Mayor Brown called the meeting to order at 6:05 p.m. Ron Willis led the Pledge of Allegiance.

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

ALSO PRESENT: City Manager Giovanatto, Assistant City Manager/City Clerk Johann, City Attorney Walter, Planning Director Goodison, Development Services Director Wirick, Police Chief Sackett, Fire Captain Jones and Public Works Director Takasugi.

**REPORT ON CLOSED SESSION** – Mayor Pro Tem Rouse reported that City Council gave direction to their negotiators.

**1. COMMENTS FROM THE PUBLIC**

Ron Willis announced that the Family Justice Center Sonoma County (FJCSC) was seeking support from the City Council for the opening of a satellite program in Sonoma. Mr. Willis and Wes Winter spoke about the history of FJCSC and described the services they provide. They said they would like to come back after the first of next year to seek formal Council support of the proposed satellite program.

Dolce Silvi announced that her family was organizing a relief effort in support of the victims of Super-Tphoon Haiyan that devastated the Philippines on Friday, November 8, 2013. The storm, which was

said to be one of the most powerful recorded, with winds of 195 miles an hour and gusts as strong as 235 miles an hour, killed an estimated 10,000 people.

**2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS**

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

CIm. Rouse encouraged all to get out to vote in the Special Municipal Election for Measure B tomorrow.

CIm. Gallian reported attendance at a lecture at the Depot Museum.

Mayor Brown announced attendance at the Sonoma Valley Hospital grand opening of the new emergency and surgical wings.

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

City Manager Giovanatto stated that it was with great pleasure to announce that she had appointed Gay Johann as the new Assistant City Manager. She said Ms. Johann was appointed following an internal recruitment process. Johann had been with the City for twelve years in the capacity of City Clerk/Assistant to the City Manager and would continue to handle the duties of City Clerk with her title change being Assistant City Manager/City Clerk. Giovanatto added that she was personally proud of the internal candidates that she interviewed as she saw the depth of dedication and allegiance to the City of Sonoma. She added that she was gratified to make the promotion to an internal candidate who possessed the skills necessary and the drive to work to elevate her career. Giovanatto stated that it had always been her position to recognize the excellent staff members of this City and to help them grow their knowledge and experience.

Assistant City Manager/City Clerk Johann announced the locations of the November 18 special election polling places and explained how people could obtain the election results.

**4. PRESENTATIONS**

**Item 4A: Proclamation declaring the weekend after Thanksgiving, November 29 – December 2, 2013, as “Shop Sonoma Days”.**

Mayor Brown read aloud the proclamation and presented it to Laurie Decker the Economic Development Program Manager. Ms. Decker presented a brief video that had been created for the promotion of shopping locally.

**4. PRESENTATIONS, Continued**

**Item 4B: Proclamation in Recognition of the Valley of the Moon Natural History Association for Successful Operation of the Jack London State Historic Park.**

Mayor Brown read aloud the proclamation and presented it to Tjiska Van Wyk. Ms. Van Wyk explained the process they went through to obtain the operating agreement. She described how they were raising funds, the programs that had been created and their plans for future programs.

**Item 4C: Presentation regarding the Redwood Empire Municipal Insurance Fund**

Mark Ferguson, Executive Director of the Redwood Empire Municipal Insurance Fund (REMIF), explained the history of REMIF, the services and benefits it provides to its member cities.

**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 November 4, 2013 Council meeting.
- Item 5C:** Approve the Notice of Completion for the 2013 Citywide Slurry Seal Project No. 1308 Constructed by Central Valley Engineering & Asphalt, Inc. and Direct the City Clerk to File the Document.
- Item 5D:** Adoption of a resolution upholding the decision the Planning Commission to approve a Planned Development Permit, Use Permit, and Tentative Map allowing construction of an 18-unit planned development at 821-845 West Spain Street (implementing the City Council action of November 4, 2013). Removed from Consent, see below.
- Item 5E:** Adopt a resolution adopting the City Standard Plans, as amended, to be effective January 1, 2014. (Res. No. 48-2013)

Clm. Rouse removed item 5D. City Manager Giovanatto explained that 5D was being tabled until the next meeting. 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 except for Item 5D. The motion carried unanimously.

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

- Item 6A:** Approval of the portions of the Minutes of the November 4, 2013 City Council / Successor Agency Meeting pertaining to the Successor Agency.
- Item 6B:** Selection of a real estate professional to assist in the marketing and sale of the property located at 32 Patten Street. Authorized the City Manager to negotiate and execute a listing agreement with Ryan Snow and Jeff Negri of Cassidy-Turley.

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

**7. PUBLIC HEARING**

- Item 7A:** Public Hearing and Adoption of an Ordinance Repealing Chapter 14.10 of the Sonoma Municipal Code, Reenacting a New Chapter 14.10 Adopting and Amending New Construction Codes, and Adoption of Findings Determining the Ordinance to be Exempt Under the California Environmental Quality Act.

Mayor Brown opened the public hearing. Development Services Director Wirick reported that the City Council discussed and introduced the proposed ordinance at the October 21, 2013 meeting. He explained that the California Building Standards Code consisted of 12 parts containing various construction codes (i.e. building, residential, electrical, plumbing, mechanical, energy, green building, fire, historical structures, etc.) which were adopted in whole or in part and then amended by some 14 different State agencies. The California codes were generally amended and published every three years by the State Building Standards Commission following the update of selected model codes. The construction codes previously adopted by cities and counties and currently in effect throughout

the State, including those provisions contained in Section 14.10 (Construction Codes) of the Sonoma Municipal Code, would become null and void effective January 1, 2014.

Wirick continued by saying that the California Health and Safety Code allowed local governments to amend building standards contained in the California Building Standards Code when the modifications were at least as stringent as what was required by the codes and provided that amendments were made with express findings of need based on local climatic, geological or topographical conditions. The California Building Standards Code does not provide fully adequate provisions for unsafe building abatement, signs, alternate plumbing systems, fire sprinkler systems, fire safety, administrative requirements, green building provisions and other provisions recommended for Sonoma, which is why the City Council has regularly amended the codes adopted by the State to address these issues. The new 2013 technical codes adopted by the State generally clarify existing construction requirements and add more restrictive and complex requirements than the technical codes currently in effect, particularly as it pertains to the California Energy Code. Wirick stated that the suggested local amendments proposed by staff and included in the ordinance were generally consistent with the existing policies and construction requirements previously adopted by the City Council with a few notable exceptions related to green building and fire sprinkler requirements.

CIm. Barbose inquired if the proposed amendments were consistent within Sonoma County. Wirick responded that he could not guarantee that all were the same noting that the County has taken a different path regarding what would trigger the requirement to install fire sprinklers.

The public comment period was opened and closed with none received. Mayor Brown closed the public hearing.

Stating that it would have been nice if some of the local architects and builders were present; he moved to adopt the ordinance entitled AN ORDINANCE OF THE CITY OF SONOMA REPEALING CHAPTER 14.10 OF THE SONOMA MUNICIPAL CODE IN ITS ENTIRETY AND REENACTING A NEW CHAPTER 14.10, ADOPTING NEW ADMINISTRATIVE PROVISIONS AND ADOPTING BY REFERENCE PARTS 2, 2.5, 3, 4, 5, 6, 8, 9, 10, 11 AND 12 OF THE 2013 CALIFORNIA BUILDING STANDARDS CODE AND AMENDMENTS THERETO. The motion was seconded by CIm. Cook and carried unanimously.

CIm. Gallian inquired how the public would be informed about all the code changes. Wirick stated that he would be sending out a press release, creating brochures and placing information on the City website.

**Item 7B:      Discussion, consideration and possible action to update City Fee Schedule based on FY 2013-14 Operating Budget.**

Mayor Brown opened the public hearing. City Manager Giovanatto reported that the City had established fees and charges for those services that benefit only the specific users and do not benefit the general public as a whole. In prior years, the Council conducted an annual review of the user fee schedule to assure that fees were calculated based on the cost of providing the services. This process had been delayed since the 2010 user fee review at which time, the Council chose not to take action on the fee schedule. For this reason, the fees were currently being charged at 2008 cost calculations. She said an update was necessary to bring fees into line with current costs and added that it was one of the City Council goals to update all fees to assure specialized service costs were borne by the requester and not City taxpayers. She went on to explain that with exception to fees established or limited by State law the fees were determined through a cost accounting analysis of actual costs the City incurs.

Giovanatto stated that in the past, Council had chosen to provide a reduced fee for Appeals at \$100 without consideration of actual costs borne by the City. Beginning with the FY 2013-14 Fee Schedule, staff was recommending that the Appeal Fees be established at 50% of actual cost. She added that the overall impact of the recalculations was that some fees increased, some decreased and some stayed the same. General fees could be implemented immediately; however, some of the Planning fees could not go into effect until thirty days after adoption and for that reason staff was recommending an effective date of January 1, 2014 for all fees, if adopted.

CIm. Barbose commended staff for conducting a very thorough evaluation and calculation process. CIm. Cook inquired if the Plaza use fees included funds to have a staff member available during events. Giovanatto responded that the City would be evaluating the entire special events policy and that would be discussed at that time. CIm. Gallian stated that the backup information explaining how the fees had been calculated was a valuable resource.

CIm. Rouse asked if the Fire Department had a false alarm fee. Fire Captain Jones stated they did not but they did have a nuisance alarm fee. The public comment period was opened and closed with none received. Mayor Brown closed the public hearing. It was moved by CIm. Gallian, seconded by CIm. Rouse, to adopt the resolution entitled Resolution of the City Council of the City of Sonoma Adopting User Fees, Licenses, and Permit Charges for Fiscal Year 2013/14 (Res. No. 49-2013). The motion carried unanimously.

**8. REGULAR CALENDAR – CITY COUNCIL**

**Item 8A: Council discussion and possible action on the revision and renewal of the lease with the Valley of the Moon Nursery School for 136 Mission Terrace (Youth Center Building).**

Development Services Director Wirick reported that the five-year lease with the Valley of the Moon Nursery School (VOMNS) for the Youth Center Building expired on August 30, 2011 and the school had requested that the lease be renewed. Since that time, a number of steps had been initiated by City staff and the City Council to evaluate issues related to the lease and develop appropriate provisions within the lease to address the issues. The latest iteration of the draft lease proposed an increase in the rental rate, continuance of previous maintenance responsibilities and code related upgrades on the part of the VOMNS and the City. The draft lease has an initial term of for 2 years beginning January 1, 2014 and would automatically be extended by 3 years to December 31, 2018 if all “Tenant Responsibility” corrective work as established in the 2012 Building Survey Report was completed by VOMNS and approved by the City by December 31, 2015.

CIm. Rouse inquired what portion of the required ADA improvements had to be done in the next two years. Wirick responded that staff had planned to expend approximately \$75,000.

Discussion ensued regarding the total cost of improvements, rent revenue collected, the balance of long-term maintenance funding available, and the net cost of the proposed lease agreement to the City. CIm. Cook asked if the lot could be split with the City retaining the well site and selling the other portion. CIm. Rouse stated that on paper it did not look like a good idea for the City to continue to lease the property to the school. CIm. Cook agreed, saying that the City should not be in the landlord business.

Mayor Brown invited comments from the public. Robin Lely, VOMNS Treasurer, stated that the City had gone from a position of “what can we do for the children” to “how much can we make off this?” He said the Council had a choice to make.

Rosemary Lely, VOMNS Director, said she could not believe they were at this point. They ran the business for the good of the children and had never asked for anything from the City. She added that they needed a decision, that they could not operate the school in a state of flux about the lease.

Council continued further discussion on the matter weighing the pros and cons. It was moved by Clm. Barbose, seconded by Clm. Cook, to direct staff to bring back a lease under the terms proposed with a stipulation that none of the code improvements would be required to be made by either party and with a June 30 2015 termination. This would provide time to conduct additional analysis and to determine if it was feasible to split the property. The motion carried unanimously.

**Item 8B: Discussion, consideration, and possible approval of an exception to the Special Events Policy by allowing the display of a banner on the Plaza Horseshoe lawn on November 29 and 30, 2013 in conjunction with the Shop Sonoma campaign.**

Assistant City Manager/City Clerk Johann reported that Section 7 of Appendix A of the Special Events Policy provided that banners meeting specific criteria could be placed in the Plaza upon approval by the City Council. The policy restricted the size of banners to six square feet and did not allow them on the Plaza Horseshoe lawn. She said that Council was being requested to approve an exception to the policy to allow the display of a 6' x 2.5' banner on the Plaza Horseshoe lawn on November 29 and 30, 2013 in conjunction with the City/Chamber sponsored "Shop Sonoma Days" as has been done the past four years. Johann stated that at the August 19, 2013 meeting when a similar request had been submitted for Council consideration, the City Council approved the request and, because of the frequency of exception requests, directed that the CSEC revisit the Banner Display section of the Special Events Policy and consider its modification. The Commission planed to revisit this section as part of a comprehensive review of the Special Events Policy in the near future but it has not yet taken place. Because the adopted policy had not yet been modified, staff felt it appropriate to agendize this exemption request pursuant to the policy.

Mayor Brown was excused from the meeting at 8:15 p.m. and turned the gavel over to Mayor Pro Tem Rouse. The public comment period was opened and closed with none received.

Clm. Barbose agreed with the need to reevaluate the banner policy and because Shop Sonoma Days was an important event he would move to approve the exception and allow the banner to be displayed as requested. The motion was seconded by Clm. Gallian and carried unanimously, Brown absent.

Mayor Brown returned to the meeting at 8:18 p.m.

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

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

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

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

Clm. Barbose reported on the Sonoma Clean Power Board meeting.

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

Clm. Cook thanked City staff for attending the meeting and stated his appreciation of Clm. Barbose's representation on the Clean Power board.

Clm. Barbose stated that although he was not in attendance at the Grand Opening Ceremony for the new wing at the hospital it had been relayed to him that Mayor Brown had introduced Clm. Rouse as the next Mayor and Clm. Cook as the next Mayor Pro Tem. Clm. Barbose stated that since the Council had not yet voted on who would be the next Mayor and Mayor Pro Tem, the statements were highly inappropriate and suggested a Brown Act Violation on Brown's part. In addition, the comment was highly disrespectful of the other members of the City Council and he felt that Mayor Brown should recuse himself from voting on the Council reorganization at the next meeting. Barbose added that he would be speaking to the Fair Political Practices Commission about this matter.

Mayor Brown stated he could assure Barbose that neither he or Councilmembers Cook and Rouse had not violated the Brown Act and felt he was within his purview to make those comments.

Clm. Gallian encouraged all to remember we were in a season of thanksgiving.

Clm. Cook stated he did not Brown Act with anyone about the Mayor and Mayor Pro Tem issue. He added that it was embarrassing last year when Councilmembers had invited family and friends to the reorganization ceremony only for them to have to sit through a similar accusation and unpleasant discussion by City Council. He was disheartened to hear that it may happen again this year.

Clm. Barbose responded that he did not create the situation and questioned what impression comments like the one made by the Mayor gave to the public.

**11. COMMENTS FROM THE PUBLIC**

**12. ADJOURNMENT**

The meeting adjourned at 8:31 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 \_\_\_\_\_ 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: 12/02/13

---

**Department**

Administration

**Staff Contact**

Gay Johann, Assistant City Manager/City Clerk

---

**Agenda Item Title**

Approval of a resolution declaring the results of the November 19, 2013 Special Municipal Election.

---

**Summary**

The petition submitted by proponents of the Hotel Limitation Measure was verified as having sufficient signatures on July 15, 2013. On August 12, 2013, upon receipt of the requested impact reports, the City Council called and ordered a Special Municipal Election to be held on November 19, 2013 for the purpose of submitting before the voters the following question:

Measure B:

Shall the Hotel Limitation Measure be adopted?"	YES
	NO

The election was held on November with a 61.1% turnout (3945 ballots cast). The official canvass of the votes has been conducted by the Registrar of Voters Office indicating that the measure did not pass. Votes cast were as follows:

YES	1908
NO	2032

---

**Recommended Council Action**

Adopt the resolution declaring the canvass of returns and results of the special election.

---

**Alternative Actions**

n/a

---

**Financial Impact**

The cost of the Special Election was estimated to be between \$30,000 and \$35,000

---

**Environmental Review**

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

**Status**

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

**Attachments:**

Resolution

---

# CITY OF SONOMA

## RESOLUTION NO. 50 - 2013

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA DECLARING CANVASS OF RETURNS AND RESULTS OF SPECIAL MUNICIPAL ELECTION HELD ON NOVEMBER 19, 2013

WHEREAS, the City Council of the City of Sonoma duly ordered a special municipal election for the purpose of submitting to the qualified electors the measure hereinafter set forth; and

WHEREAS, the said special municipal election was held and conducted in the City of Sonoma, California, on Tuesday, November 19, 2013 in accordance with law; and

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

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

NOW, THEREFORE, the City Council of the City of Sonoma does resolve, declare, determine and order as follows:

1. That the whole number of vote by mail voter ballots cast in the City was 3151, the whole number of provisional ballots cast in the City was none, making a total of 3945 ballots cast in the City.
2. That the measure voted upon at the election was as follows:

#### MEASURE B

Shall the Hotel Limitation Measure be adopted?"	YES
	NO

3. That the number of votes given at each precinct and the number of votes given in the City for and against the measure were as listed in "Exhibit A".

4. The City Council does declare and determine that as a result of the election, a majority of the voters voting on Measure B did not vote in favor of it, and that the measure was not carried, and shall not be deemed adopted and ratified.
5. The City Clerk shall enter on the records of the City, a statement of the result of the election, showing the whole number of ballots cast in the City; the measure voted upon; and the total number of votes given at each precinct for and against the measure.
6. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 2<sup>nd</sup> day of December 2013 by the following vote:

AYES:  
NOES:  
ABSENT:

---

Ken Brown, Mayor

ATTEST:

---

Gay Johann, City Clerk



**SONOMA COUNTY**  
Clerk-Recorder-Assessor  
[www.sonoma-county.org/cra](http://www.sonoma-county.org/cra)

REGISTRAR OF  
VOTERS DIVISION

P.O. Box 11485  
435 Fiscal Dr.  
Santa Rosa, CA 95406  
Tel: (707) 565-6800  
Toll Free (CA only):  
(800) 750-VOTE  
Fax: (707) 565-6843

**MEMORANDUM**

**DATE:** *NOVEMBER 21, 2013*

**TO:** *CITY OF SONOMA*

**FROM:** *WILLIAM F. ROUSSEAU, SONOMA COUNTY CLERK & REGISTRAR OF VOTERS*

**RE:** *OFFICIAL STATEMENT OF VOTES CAST*

*Enclosed please find the Official Statement of Votes Cast for your jurisdiction's contest voted upon at the November 19, 2013, Special Election. This transmittal constitutes certification of the Official Canvass for adoption by your jurisdiction's governing body.*

*Should you have any questions in this regard, please do not hesitate to contact me at 565-1877, or Gloria Colter, Assistant Registrar of Voters, at 565-6814.*

**STATEMENT OF THE VOTES**

**CAST AT THE**

**CITY OF SONOMA  
SPECIAL ELECTION**

**HELD ON**

**NOVEMBER 19, 2013**

**COUNTY OF SONOMA**

**STATE OF CALIFORNIA**

**STATE OF CALIFORNIA)**

)ss.

**COUNTY OF SONOMA )**

**I, WILLIAM F. ROUSSEAU, COUNTY CLERK** of said county, do hereby certify the following to be a true and correct copy of the Statement of the Votes Cast at the SPECIAL ELECTION held on November 19, 2013, for the measure herein set forth. Witness my hand and official seal this 21<sup>st</sup> day of November, 2013.

*William F. Rousseau*

**WILLIAM F. ROUSSEAU, COUNTY CLERK - COUNTY OF SONOMA**











**OFFICIAL RESULTS**  
Cumulative Totals

Measure B-City of Sonoma Hotel Limitation Measure		8 of 8
Complete Precincts:		
Yes	1,908	48.4%
No	2,032	51.6%
Registration and Turnout		
Total		
Complete Precincts: 8 of 8		
Total Registered Voters	6,458	
Precinct Registration	6,458	
Precinct Ballots Cast	794	12.3%
Absentee Ballots Cast	3,151	48.8%
Total Ballots Cast	3,945	61.1%



**CITY OF SONOMA**  
**City Council**  
**Agenda Item Summary**

City Council Agenda Item: 5D

Meeting Date: 12/02/13

---

**Department**

Planning

**Staff Contact**

Senior Planner Gjestland

---

**Agenda Item Title**

Resolution upholding the decision the Planning Commission to approve a Planned Development Permit, Use Permit, and Tentative Map allowing construction of an 18-unit planned development at 821-845 West Spain Street (implementing the City Council action of November 4, 2013).

---

**Summary**

On September 26, 2013, the Planning Commission considered the application of Steve Ledson for a Planned Development Permit, Use Permit, and Tentative Map to construct an 18-unit planned development at 821-845 West Spain Street. After public testimony and discussion, the Planning Commission approved the entitlements for the project with a vote of 6-1, subject to conditions of approval (Comm. Heneveld dissenting). Subsequently, on October 10, 2013, Georgette Darcy on behalf of Sonoma Gardens and Sonoma Park HOA's filed an appeal of the Planning Commission's decision on the basis that the approval was inconsistent with a number of regulations applicable to the project, especially with respect to compatibility and adverse impacts on surrounding properties. In consideration of the appeal at its meeting of November 4, 2013, the City Council voted 3-2 to uphold the decision of the Planning Commission, subject to the condition that the D1 unit on Lot 3 be modified so that it does not have a second floor element over the garage. As directed by the Council, staff has prepared a draft resolution (attached) to implement the City Council's decision along with revised conditions of project approval as Exhibit A.

---

**Recommended Council Action**

Adopt the resolution upholding the decision of the Planning Commission to approve a Planned Development Permit, Use Permit, and Tentative Map allowing construction of an 18-unit planned development at 821-845 West Spain Street, subject to the condition that the D1 unit on Lot 3 be modified so that it does not have a second floor element over the garage.

---

**Alternative Actions**

Direct amendments to the resolution and/or revised conditions of project approval.

---

**Financial Impact**

N.A.

---

**Environmental Review**

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

**Status**

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

**Attachments:**

1. Resolution (including revised conditions of approval as "Exhibit A").
- 

**Alignment with Council Goals:**

N.A.

---

**cc:** Georgette Darcy  
847 West Spain St. #1  
Sonoma, CA 95476

Steve Ledson

Chip Roberson, Planning Commission Chair

---

# CITY OF SONOMA

RESOLUTION NO. ■ - 2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA UPHOLDING THE DECISION OF THE PLANNING COMMISSION TO APPROVE A PLANNED DEVELOPMENT PERMIT, USE PERMIT, AND TENTATIVE MAP ALLOWING CONSTRUCTION OF AN 18-UNIT PLANNED DEVELOPMENT AT 821-845 WEST SPAIN STREET, SUBJECT TO AN AMENDMENT TO THE CONDITIONS OF PROJECT APPROVAL.

WHEREAS, on April 4, 2012, Ledson and Ledson Development filed an application for a Planned Development Permit, Use Permit, and Tentative Map to construct an 18-unit planned development at 821-845 West Spain Street; and,

WHEREAS, upon considering this application in the course of a hearing held on September 26, 2013, the Planning Commission approved the entitlements for the project with a vote of 6-1, subject to conditions of approval (Comm. Heneveld dissenting); and,

WHEREAS, this decision was appealed to the City Council by Georgette Darcy on behalf of Sonoma Gardens and Sonoma Park Homeowner's Associations on the basis that the approval was inconsistent with a number of regulations applicable to the project, especially with respect to compatibility and adverse impacts on surrounding properties; and,

WHEREAS, the City Council considered the appeal at a duly noticed public hearing held on November 4, 2013.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sonoma hereby upholds the decision of the Planning Commission to approve a Planned Development Permit, Use Permit, and Tentative Map allowing construction of an 18-unit planned development at 821-845 West Spain Street, subject to the condition that the D1 unit on Lot 3 shall be modified so that it does not have a second floor element over the garage (revised conditions of project approval are set forth in Exhibit A).

The foregoing Resolution was duly adopted this 2<sup>nd</sup> day of December 2013, by the following roll call vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Ken Brown, Mayor

ATTEST:

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

*As revised by the City Council on December 2, 2013*

City of Sonoma Planning Commission  
**CONDITIONS OF PROJECT APPROVAL AND  
MITIGATION MONITORING PROGRAM**

Nicora Place Planned Development  
821-845 West Spain Street

December 2, 2013

1. The planned development shall be constructed in conformance with the approved tentative map, site plan, floor plans and building elevations, except as modified by these conditions and the following:
  - a. The storm drain and residence on Lot 9, as well as small portion of SD on Lots 8 & 10 shall be shifted two feet to the west to further minimize potential impacts on trees along the east project boundary.
  - b. The D1 unit on Lot 3 shall be modified so that it does not have a second floor element over the garage.

*Enforcement Responsibility: Planning Department; Building Division; Public Works Division, City Engineer*  
*Timing: Ongoing*

2. The following are required by the City and other affected agencies prior to the approval of the Final Map.
  - a. A Final Map shall be prepared and submitted to the City Engineer and Planning Director for approval along with the following supporting data: recent (within the most recent three months) preliminary title report, closure calculations and copies of records used to prepare survey (such as deeds and easements, filed maps, etc.). Upon approval and acceptance by the City, the map will be released to the Applicant's title company for filing at the office of the Sonoma County Recorder. The Applicant shall provide the number and types of copies to the City as directed by the City Engineer.
  - b. All required sidewalk, street, storm drainage, water, sewer, access and public utility easements shall be dedicated to the City of Sonoma or to other affected agencies of jurisdiction, as required and shown on the Final Map.
  - c. Three-quarter inch iron pipe monuments shall be set at all tract corners and at all lot corners, unless otherwise approved by the City Engineer. Street centerline monuments shall be set as directed by the City Engineer. All monuments must be approved by the City Engineer.
  - d. The applicant shall show proof of payment of all outstanding engineering plan check fees within thirty (30) days of notice for payment and prior to Final Map recordation, whichever occurs first.

*Enforcement Responsibility: Planning Director; City Engineer*  
*Timing: Prior to acceptance of the Final Map*

3. A grading and drainage plan and an erosion and sediment control plan shall be prepared by a registered civil engineer and submitted to the City Engineer and the Sonoma County Water Agency for review and approval. The required plan shall be approved prior to the issuance of a grading permit and commencement of grading/construction activities. The erosion control measures specified in the approved plan shall be implemented during construction prior to the first rains or October 1<sup>st</sup>. Grade differences between lots will not be permitted unless separated by properly designed concrete or masonry retaining walls. This requirement may be modified or waived at the discretion of the City Engineer. An NPDES permit shall be required and the plans shall conform to the 2005 SUSMP Guidelines and the City of Sonoma Grading Ordinance (Chapter 14.20 of the Municipal Code). Applicable erosion control measures shall be identified on the erosion control plan and shall be implemented throughout the construction phase of the project: soil stabilization techniques such as hydroseeding and short-term biodegradable erosion control blankets or wattles, silt fences and/or some kind of inlet protection at downstream storm drain inlets, post-construction inspection of all facilities for accumulated sediment, and post-construction clearing of all drainage structures of debris and sediment. Applicant shall submit a Stormwater Mitigation Plan (SMP) in accordance with the 2005 SUSMP Guidelines with the grading plans. The improvement plans (see Condition #4 below) will not be accepted by the City Engineer for review without first reviewing and approving the SMP.

*Enforcement Responsibility: City Engineer; SCWA; Public Works Department*

*Timing: Prior to issuance of the grading permit*

4. The following improvements shall be required and shown on the improvement plans and are subject to the review of the City Engineer, Planning Administrator and Fire Chief. Public improvements shall meet City standards. The improvement plans shall be prepared by a registered civil engineer and approved by the City Engineer prior to recording of the Final Map. All drainage improvements shall be designed in accordance with the Sonoma County Water Agency "Flood Control Design Criteria." Plans and engineering calculations for drainage improvements, and plans for sanitary sewer facilities, shall be submitted to the Sonoma County Water Agency (and a copy of submittal packet to the City Engineer) for review and approval.
  - a. The property frontage on East Spain Street shall be improved with curb, gutter, and sidewalk as required by the City Engineer. Existing curb and gutter along the East Spain Street frontage that are damaged or deemed by the City Engineer to be in disrepair shall be replaced to City standards. In addition, paving upgrades to centerline of the East Spain Street in front of the property may be required. The existing residential driveway serving the site shall be eliminated. The two new project driveways shall be constructed in conformance with the City's standard specifications and meet ADA requirements.
  - b. Storm drains and related facilities, including off-site storm drain facilities as necessary to connect to existing storm drain facilities and on-site drainage systems.
  - c. Stormwater BMPs as approved in the Applicant's preliminary and final Stormwater Mitigation Plan (SMP) shall be shown on the drainage and improvement plans.
  - d. Grading plans shall be included in the improvement plans and are subject to the review and approval of the City Engineer, Planning Administrator and the Building Official.
  - e. Sewer mains, laterals and appurtenances, including off-site sewer mains and facilities as required by the Sonoma County Water Agency; water conservation measures installed and/or applicable mitigation fees paid as determined by the Sonoma County Water Agency.
  - f. Water mains and appurtenances in all streets within the subdivision including service laterals and water meters to all lots.
  - g. Fire hydrants in the number and at the locations specified by the Fire Chief. Fire hydrants shall be operational prior to beginning combustible construction.
  - h. The private street structural section shall be designed to City standards and in accordance with the recommendations in the Soils Report. In addition, the private road shall be designed to support a 40,000 lb. load for emergency vehicle access. Documentation demonstrating compliance with this requirement shall be required
  - i. Private underground utility services, including gas, electricity, cable TV and telephone, to all residential lots/units in the subdivision. Any overhead utilities along the property frontage shall be undergrounded in accordance with Section 19.62.100 of the Municipal Code.
  - j. Signing and striping plans shall be submitted to the City Engineer for review and approval. Said plans shall include "No Parking" signs/markings along the private street, traffic control signs, and pavement markings as required by the City Engineer and SVFRA/Fire Chief.
  - k. Street trees as required by the Planning Administrator and the Public Works Director. All street trees shall be planted concurrently with completion of street construction and shall be consistent with the City's Tree Planting Program, including the District Tree List. The developer shall provide for irrigation of the trees until occupancy of houses on a lot-by-lot basis within the project.
  - l. Parking and drives shall be surfaced with an all-weather surface material as approved by the Building Department.
  - m. The address numbers shall be posted at the public street and on the individual structures in a manner visible from the public/private street. Type and location of posting are subject to the review and approval of the City Engineer, Fire Chief and Planning Administrator.

- n. All public sidewalk, street, storm drainage, water, sewer, access and public utility easements shall be dedicated to the City of Sonoma or to other affected agencies of jurisdiction, as required
- o. The applicant shall show proof of payment of all outstanding engineering plan check fees within thirty (30) days of notice for payment and prior to the approval of the improvement plans, whichever occurs first.
- p. All grading, including all swales, etc., shall be performed between April 1<sup>st</sup> and October 15<sup>th</sup> of any year, unless otherwise approved by the City Engineer.

*Enforcement Responsibility:* City Engineer; Public Works Department; Building Department; Planning Department; Fire Department; SCWA

*Timing:* Prior to the approval of the Final Map and issuance of the grading and encroachment permits

- 5. The applicant shall obtain an encroachment permit from the City of Sonoma for all work within the West Spain Street right-of-way.

*Enforcement Responsibility:* City Engineer; Public Works Department; Building Department

*Timing:* Prior to City approval of public improvement plans

- 6. The applicant shall be required to pay for all inspections prior to the acceptance of public improvements, or within 30 days of receipt of invoice; all plan checking fees at the time of the plan checks; and any other fees charged by the City of Sonoma, the Sonoma County Water Agency or other affected agencies with reviewing authority over this project, except those fees from which any designated affordable units are specifically exempted.

*Enforcement Responsibility:* Public Works Department; Building Department; City Engineer; Affected agency

*Timing:* Prior to the acceptance of public improvements, or plan check, or within 30 days of receipt of invoice, as specified above

- 7. No structures of any kind shall be constructed within the public easements dedicated for public use, except for structures for which the easements are intended.

*Enforcement Responsibility:* City Engineer; Public Works Department; Planning Department

*Timing:* Prior to the issuance of any grading/building permit; Ongoing

- 8. The project shall comply with the standards set forth in the 2005 SUSMP Guidelines (i.e., the City-adopted document entitled "Guidelines for the Standard Urban Storm Water Mitigation Plan" for the Santa Rosa Area and Unincorporated Areas around Petaluma and Sonoma, dated June 3, 2005) herein referred to as SUSMP guidelines. Applicant shall submit a final Stormwater Mitigation Plan (SWP) in accordance with the SUSMP guidelines to the City's Stormwater Coordinator and City Engineer for review and approval. Said SMP shall identify specific BMPs and include the BMPs in the project drainage and improvement plans.

*Enforcement Responsibility:* City Engineer; Public Works Department

*Timing:* Prior to the issuance of any grading/building permit

- 9. The project applicant/developer shall comply with all Phase II NPDES requirements. A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and submitted to the State Water Resource Control Board (SWRCB) Division of Water Quality.

*Enforcement Responsibility:* SWRCB; City Engineer; Public Works Department; Stormwater Coordinator

*Timing:* Prior to the issuance of any grading/building permit; Ongoing through construction

- 10. Prior to the issuance of any building permit, a water demand analysis shall be prepared by a licensed civil engineer and submitted by the applicant and shall be subject to the review and approval of the City Engineer. Said analysis shall be in compliance with the City's current policy on water demand and capacity analysis as outlined in Resolution 46-2010. Building permits for the project shall only be issued if the City Engineer finds, based on the water demand analysis in relation to the available water supply, that sufficient capacity is available to serve the proposed development, which finding shall be documented in the form of a will-serve letter, prepared by the City Engineer. Any will-serve letter shall remain valid only so long as the use permit for the project remains valid.

*Enforcement Responsibility: City Engineer; Public Works Department*  
*Timing: Prior to issuance of any building permit*

11. A soils and geotechnical investigation and report, prepared by a licensed civil engineer, shall be required for the development prior to the issuance of a grading permit and/or approval of the improvement plans, as determined by the City Engineer. Recommendations identified in the geotechnical investigation and report shall be incorporated into the construction plans for the project and into the building permits.

*Enforcement Responsibility: City Engineer; Building Department*  
*Timing: Prior to issuance of a grading/building permit or recording of the Final Map*

12. Provisions shall be made to provide for temporary parking of construction related vehicles and equipment on or adjacent to the project site, and not in the adjacent neighborhoods, to be approved by the City of Sonoma Building, Planning, and Public Works Department. The contractors shall be required to maintain traffic flow on all affected roadways adjacent to the project site during non-working hours, and to minimize traffic restrictions during construction. The contractors shall notify all appropriate City of Sonoma and Sonoma County emergency service providers of planned construction schedules and roadways affected by construction in writing at least 48 hours in advance of any construction activity that could involve road closure or any significant constraint to emergency vehicle movement through the project area or the adjacent neighborhoods.

*Enforcement Responsibility: Building, Planning & Public Works Departments; Police & Fire Departments*  
*Timing: Ongoing during construction*

13. Any septic systems on the site shall be removed or closed in place, consistent with the permit requirements of the Sonoma County Department of Environmental Health. Said septic system(s) shall be shown on the grading plans with details for removal.

*Enforcement Responsibility: Sonoma County Department of Environmental Health; City Engineer*  
*Timing: Prior to issuance of the Grading and Improvement Plans*

14. Any wells on the site shall be abandoned in accordance with permit requirements of the Sonoma County Department of Environmental Health; or equipped with a back-flow prevention device as approved by the City Engineer. Wells that will remain shall be plumbed to irrigation system only and not for domestic use.

*Enforcement Responsibility: City Engineer; Public Works Department*  
*Timing: Prior to approval of the Grading Plans and Improvement Plans*

15. The following agencies must be contacted by the applicant to determine permit or other regulatory requirements of the agency prior to issuance of a building permit, including the payment of applicable fees:
- a. Sonoma County Water Agency. [For sewer connections and modifications and interceptor requirements, and for grading, drainage, and erosion control plans]
  - b. Sonoma County Department of Public Health [For closure and removal of septic tanks]
  - c. Sonoma County Department of Environmental Health [For abandonment of wells]
  - d. Sonoma Valley Unified School District [For school impact fees]

*Enforcement Responsibility: Building Department; Public Works Department*  
*Timing: Prior to the issuance of any grading/building permit*

16. A sewer clearance shall be provided to the City of Sonoma Building Division verifying that all applicable sewer fees have been paid prior to the issuance of any building permit. **Note: Substantial fees may apply for new sewer connections and/or the use of additional ESDs from an existing sewer connection. The applicant is encouraged to check with the Sonoma County Water Agency immediately to determine whether such fees apply.**

*Enforcement Responsibility: Building Department*  
*Timing: Prior to the issuance of any building permit*

17. The applicant/developer shall comply with all public sanitary sewer and water service requirements of the County of Sonoma Permit and Resource Management Department (PRMD) as outlined in their letter dated June 1, 2012 (attached).

*Enforcement Responsibility:* PRMD; City Engineer; Public Works Department; Planning Department  
*Timing:* As set forth in the letter dated 6/1/2012; Prior to final occupancy

18. All Building Department requirements shall be met, including Building Code requirements related to compliance with CALGreen standards. Building permits shall be required.

*Enforcement Responsibility:* Building Department  
*Timing:* Prior to construction

19. All Fire Department requirements shall be met, including turn radius requirements for emergency vehicle access and any code modifications effective prior to the date of issuance of any building permit. Automatic fire sprinkler systems shall be provided in all buildings. "No Parking Fire Lane" signs, red-curbings or other markings/measures as prescribed by the SVFRA shall be provided along both sides of private street. An approved all-weather emergency vehicle access road to within 150 feet of all portions of all structures shall be provided prior to beginning combustible construction.

*Enforcement Responsibility:* Fire Department; Building Department  
*Timing:* Prior to the issuance of any building permit

20. The following dust control measures shall be implemented as necessary during the construction phase of the project: 1) all exposed soil areas (i.e. building sites, unpaved access roads, parking or staging areas) shall be watered at least twice daily or as required by the City's construction inspector; 2) exposed soil stockpiles shall be enclosed, covered, or watered twice daily; and 3) the portion of West Spain Street providing construction vehicle access to the project site shall be swept daily, if visible soil material is deposited onto the road.

*Enforcement Responsibility:* Building Inspector; Public Works Inspector  
*Timing:* Ongoing during construction

21. Four (4) units within the development (the units located on Lots 3, 11, 15, and 16) shall be designated as affordable units for households in the low or moderate income categories. The affordable units shall be recorded against the deeds of the lots on which they lie at the County Recorder's Office, with a standard City Affordability Agreement subject to review and approval by the Planning Administrator. The developer shall enter into a contract with the City assuring the continued affordability of the designated units for a minimum period of 45 years and establishing maximum rents, maximum sale prices, and resale restrictions. The affordable units shall be constructed in conjunction with construction of the market rate units.

*Enforcement Responsibility:* Planning Department, Building Department  
*Timing:* Prior to occupancy of any unit.

22. The applicant shall submit a Conditions, Covenants and Restrictions document for review and approval by the City Attorney and City Engineer in conjunction with the establishment of a homeowner's association for the subdivision. At a minimum, the CC&R's shall provide for maintenance and specify standards to be used to maintain the private street, private street furniture/light standards, private street signs, red-curbings and other pavement markings/stripping, private drainage facilities, private park, private curb, gutter, sidewalk, the driveways and common landscape areas/features (including private street trees) and shall be recorded with the County of Sonoma. The CC&R's shall also include a requirement mandating that garages be maintained for vehicle parking. This project shall be developed as a common interest subdivision.

*Enforcement Responsibility:* City Engineer, City Attorney  
*Timing:* Prior the recordation of the Final Map

23. The project shall be constructed in accordance with the following requirements related to tree preservation, mitigation and replacement:
- a. Adhere to the recommendations and tree protection measures set forth in the Tree Protection Plan prepared by Sherby Sanborn Consulting Arborist (dated April 15, 2013).
  - b. Conduct tree removal activities outside of the nesting season (February 15 and August 15).
  - c. Shift the storm drain and residence on Lot 9, as well as small portion of SD on Lots 8 & 10 two feet to the west to further minimize potential impacts on trees #70-77 along the east project boundary.

- d. For the replanting program require a minimum of 48 replacement trees as illustrated on the Preliminary Site Plan prepared Civil Design Consultants Inc. Plant 60” box size trees on the west and south edges of the project site for screening and 24” box size street trees.
- e. During demolition activities pay special attention to the Mulberrys on the south side of the project site (trees #6-11) as some root pruning and watering may be necessary.

*Enforcement Responsibility: Planning Department, Design Review Commission*

*Timing: Throughout demolition/construction; Prior to the issuance of any occupancy permit*

- 24. The project shall be subject to architectural review by the Design Review Commission (DRC), encompassing elevation details, exterior colors and materials, site details, and any other issues specifically referred to the DRC by the Planning Commission.

*Enforcement Responsibility: Planning Department; DRC*

*Timing: Prior to the issuance of any building permit*

- 25. Solid wood fencing with a minimum height of 6 feet shall be installed along the east, west, and southern boundaries of the development in compliance with Development Code §19.40.100 (Screening and Buffering) and §19.46 (Fences, Hedges, and Walls). The fencing shall be subject to the review and approval of the Design Review Commission (DRC) as part of the landscape plan.

*Enforcement Responsibility: Planning Department; DRC*

*Timing: Prior to any occupancy permit*

- 26. A landscape plan shall be prepared by a licensed landscape architect. The plan shall be subject to the review and approval of the Design Review Commission (DRC). The plan shall address site landscaping, the private park, fencing/walls, hardscape improvements, and required tree plantings. Street trees along the West Spain Street frontage and along the private street shall be consistent with the City’s Tree Planting Program, including the District Tree List. The landscape plan shall comply with City of Sonoma’s Water Efficient Landscaping Ordinance (Municipal Code §14.32) and Development Code Sections 19.40.100 (Screening and Buffering), 19.46 (Fences, Hedges, and Walls), 19.40.070 (Open Space for Multi-Family Residential Projects), and 19.40.060 (Landscape Standards).

*Enforcement Responsibility: Planning Department; DRC*

*Timing: Prior to any occupancy permit*

- 27. Onsite lighting shall be addressed through a lighting plan, subject to the review and approval of the Design Review Commission (DRC). All proposed exterior lighting for the buildings and/or site shall be indicated on the lighting plan and specifications for light fixtures shall be included. The lighting shall conform to the standards and guidelines contained under Section 19.40.030 of the Development Code (Exterior Lighting). No light or glare shall be directed toward, or allowed to spill onto any offsite areas. All exterior light fixtures shall be shielded to avoid glare onto neighboring properties, and shall be the minimum necessary for site safety and security.

*Enforcement Responsibility: Planning Division; DRC*

*Timing: Prior to issuance of occupancy permit*

- 28. The following measures shall be implemented as necessary during the construction phase of the project for the protection of nesting birds.

- a. Grading or removal of nesting trees and habitat should be conducted outside the nesting season, which occurs between approximately February 15 and August 15.
- b. If grading between August 15 and February 15 is infeasible and groundbreaking must occur within the nesting season, a pre-construction nesting bird (both passerine and raptor) survey of the grassland and trees shall be performed by a qualified biologist within 7 days of ground breaking. If no nesting birds are observed no further action is required and grading shall occur within one week of the survey to prevent “take” of individual birds that could begin nesting after the survey.
- c. If active bird nests (either passerine and/or raptor) are observed during the pre-construction survey, a disturbance-free buffer zone shall be established around the nest tree(s) until the young have fledged, as determined by a qualified biologist.
- d. The radius of the required buffer zone can vary depending on the species, (i.e., 75-100 feet for passerines and 200-300 feet for raptors), with the dimensions of any required buffer zones to be determined by a qualified biologist in consultation with CDFG.

- e. To delineate the buffer zone around a nesting tree, orange construction fencing shall be placed at the specified radius from the base of the tree within which no machinery or workers shall intrude.

*Enforcement Responsibility: Planning Department; Public Works Department*  
*Timing: Throughout project construction*

29. If historic or prehistoric artifacts or sites are observed during future grading or underground excavation, all work in the vicinity of the find shall stop until the discovery area can be evaluated by an archaeologist. Depending on the extent and cultural composition of the discovered materials, data recovery may be necessary and it may be advisable to have subsequent excavation monitored by an archaeologist who should be ready to record, recover, and/or protect significant cultural materials from further damage. Artifacts that are typically found associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic features include hearths, firepits, or house floor depressions whereas typical mortuary features are represented by human skeletal remains. Historic resources potentially include all by-products of human land use greater than 50 years of age, including alignments of stone, foundation elements from previous structures, minor earthworks, and surface scatters and subsurface deposits of domestic type debris.

*Enforcement Responsibility: Planning Department; Building Department; Public Works Department*  
*Timing: Throughout project construction*

30. A Tribal Treatment Plan shall be developed in consultation with the Federated Indians of Graton Rancheria (FIGR) and entered into by the FIGR, the City of Sonoma, the Project Applicant, and the Contractor prior to construction. The plan shall address monitoring of excavation and other earth-moving activities and shall formalize protocol and procedures for the protection and treatment of Native American cultural resources in the event that any are discovered in conjunction with the project's development.

*Enforcement Responsibility: Planning Department; Building Department*  
*Timing: Prior to issuance of any grading/building permit*

31. If paleontological resources are identified during construction activities, all work in the immediate area will cease until a qualified paleontologist has evaluated the finds in accordance with the standard guidelines established by the Society of Vertebrate Paleontology. If the paleontological resources are considered to be significant, a data recovery program will be implemented in accordance with the guidelines established by the Society of Vertebrate Paleontology.

*Enforcement Responsibility: Planning Department; Building Department; Public Works Department*  
*Timing: Throughout project construction*

32. If human remains are encountered, all work shall stop in the immediate vicinity of the discovered remains and the County Coroner and a qualified archaeologist shall be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American and prehistoric, the Native American Heritage Commission shall be contacted by the Coroner so that a "Most Likely Descendant" can be designated and further recommendations regarding treatment of the remains is provided.

*Enforcement Responsibility: Planning Department; Building Department; County Coroner*  
*Timing: Throughout project construction*

33. Depending on which intersection improvement the City decides to implement, the project applicant shall either 1) pay a proportionate share of 1% of the cost of signaling the intersection of West Spain Street/Fifth Street West; or 2) submit funds to cover the cost of installing red curb on the north side of West Spain Street for a distance of 125 feet east of Fifth Street West.

*Enforcement Responsibility: City Engineer; Planning Department; Traffic Safety Committee; City Council*  
*Timing: Prior to acceptance of the Final Map*

34. Landscaping shall be maintained such that foliage stays above seven feet and below three feet from the ground. Signs or monuments to be installed along the project frontage shall be placed so that sight distance is not obstructed at the project driveways. Red curbing shall be installed for a distance of ten feet on either side of both project driveways.

*Enforcement Responsibility: Planning Department; DRC; Public Works Department*  
*Timing: Prior to final occupancy; Ongoing*

35. To ensure adequate emergency vehicle access, parking shall be prohibited along both sides of Nicora Way through the installation of “No Parking Fire Lane” signs or other markings/measures as prescribed by the SVFRA.

*Enforcement Responsibility: Fire Department/SVFRA; Public Works Department; Planning Department*  
*Timing: Prior to final occupancy; Ongoing*

36. The project applicant shall be required to prepare and implement a recycling plan for both the deconstruction of existing structures and new construction detailed in the project description. The recycling plan shall address the major materials generated through deconstruction of existing structures and construction of new buildings, and shall identify the means to divert these materials away from landfill disposal. Typical materials included in such a plan are soil, brush and other vegetative growth, sheetrock, dimensional lumber, metal scraps, cardboard packaging, and plastic wrap.

*Enforcement Responsibility: Planning Department; Building Department; Public Works Department*  
*Timing: Prior to demolition and/or construction; Ongoing through construction*



**CITY OF SONOMA**  
**City Council/Successor Agency**  
Agenda Item Summary

City Council Agenda Item: 6A

Meeting Date: 12/02/2013

---

**Department**

Administration

**Staff Contact**

Gay Johann, Assistant City Manager/City Clerk

---

**Agenda Item Title**

Approval of the portions of the Minutes of the November 18, 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

**Alignment with Council Goals:** N/A

**cc:** NA

---



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

**City Council Agenda Item: 8A**

**Meeting Date: 12/02/13**

---

**Department**

Administration

**Staff Contact**

Carol E. Giovanatto, City Manager

---

**Agenda Item Title**

City Council Reorganization

---

**Summary**

Each year the City Council conducts a reorganization by selecting from among its members a Mayor and Mayor Pro Tempore to serve for the upcoming year. The Mayor presides at City Council meetings and serves as the official head of the City for ceremonial purposes. The Mayor Pro Tempore performs the duties of the Mayor during the Mayor's absence or disability. This reorganization usually takes place at the first regular meeting in December.

The selection process proceeds as follows: Mayor Brown will ask for nominations for the position of Mayor. To make a nomination, Council members need only state "I nominate \_\_\_\_\_". Nominations do not require seconds; however, other members may express support of a nomination by making a seconding speech. When there are no more nominations, Mayor Brown will declare nominations for the position of Mayor closed and will allow public comments, if any. A roll call vote will then be taken beginning with the first nominee. If that nominee receives a majority vote they are declared the winner and no additional votes are taken on the remaining nominees. If a majority vote is not achieved for any of the nominees, the nomination and voting process will be repeated, voting on the nominees in the order of their nomination, until a candidate has received a majority vote. The gavel is then turned over to the new Mayor who will call for nominations for Mayor Pro Tempore using the same process described above. The Mayor will then take his/her place at the dais and assign the seating arrangement for the other Councilmembers.

**Suggested Process:**

1. Nominations for Mayor, public comment, vote
  2. Gavel is transferred to the new Mayor
  3. Nominations for Mayor Pro Tempore, public comment, vote
  4. Determine Council seating arrangement
  5. Presentation of gavel to outgoing Mayor & comments by him
  6. Comments by new Mayor & Mayor Pro Tem
  7. Receive additional comments from the public
- 

**Recommended Council Action**

Council discretion

---

**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**



**CITY OF SONOMA**  
**City Council**  
**Agenda Item Summary**

City Council Agenda Item: 8B

Meeting Date: 12/2/2013

---

**Department**

Administration

**Staff Contact**

Carol E. Giovanatto, City Manager

---

**Agenda Item Title**

Consideration of Membership Changes to REMIF JPA

---

**Summary**

Redwood Empire Municipal Insurance Fund was founded by seven founding member cities. Since the original formation of the JPA, eight Associate cities have joined the JPA without benefit of full representation on the Board of Directors. In late 2012 REMIF conducted a Strategic Planning Session with the outcome of the session being a change in governance structure to bring the Associate members to full representation. This change would require that the JPA bylaws be amended. The original bylaws of REMIF require that a unanimous vote of all founding member agencies must be secured to approve any changes. Staff is seeking feedback from Council as to the likelihood that Sonoma would approve such a change in the governance structure. The Council for each founding member city is being asked to weigh in prior to moving forward with drafting the changes necessary to the bylaws to allow Associate member cities to become Full member cities.

---

**Recommended Council Action**

Vote in the affirmative to advise REMIF General Manager that Sonoma supports moving forward with proposed changes to the original bylaws of the JPA.

---

**Alternative Actions**

Do not support the potential to expand the REMIF governance structure  
Request additional information

---

**Financial Impact**

Unknown at this time, but the potential exists for costs to rise for REMIF programs [workers compensation, property and liability insurances] should Associate members seek other options and leave the REMIF JPA.

---

**Environmental Review**

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

**Status**

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

**Attachments:**

Informational PowerPoint as background on Associate Members participation in program. PowerPoint will not be presented at the Council meeting.

---

**Alignment with Council Goals:**

N/A

---

**cc:**

---

---



# REMIF Governance



# 10/25/12 REMIF Strategic Planning

*27 attendees were present who identified and prioritized the following Strategic Goals:*

1. **Governance (Board Membership)** - 20 Votes (74% of the attendees)
2. **Technology** - 12 Votes (44% of attendees)
3. **Financial Strength / Security** - 11 Votes (41% of attendees)



# **#1 Strategic Goal Was Governance**

The REMIF Board established a Working Group to review the possibility of Associate Member cities becoming Full Members of the Board.



# Founding REMIF Member Cities

*The REMIF JPA was established on May 26, 1976 with the founding “Members” consisting of seven cities:*

- 1. Cloverdale**
- 2. Cotati**
- 3. Healdsburg**
- 4. Rohnert Park**
- 5. Sebastopol**
- 6. Sonoma**
- 7. Ukiah**

# Associate Member Cities

*Over time, nine other cities joined REMIF as “Associate Members”*

- 8. Fort Bragg (12/31/78)**
- 9. Lakeport (12/31/78)**
- 10. Willits (12/31/78)**
- 11. Arcata (7/1/80)**
- 12. Fortuna (7/1/80)**
- 13. St. Helena (7/1/86)**
- 14. Windsor (7/1/92)**
- 15. Eureka (3/1/93)**
- 16. Crescent City (3-1-78 to 6-30-93)*



# Differences between Original Member Cities and Associate Member Cities

1. All member cities have a vested interest in closed session issues, some of which may affect the solvency of the REMIF JPA organization. However when not on their two year rotation, Associate Member cities are excluded from closed sessions for six (6) year periods of time.
2. Associate Member cities outside of the Board rotation are not part of the governing body and thus not subject to serial meeting restrictions of the Brown Act.
3. The Original Member cities contributed startup capital to establish the JPA in 1976.



# Current REMIF Board of Directors

**Cloverdale** - Joe Palla, Director

**Cotati** – Dianne Thompson, Director

**Fortuna\*** - Regan Candelario, Director

**Healdsburg** - Jone Hayes, Director\*

**Lakeport\*\*** - Margaret Silveira, Vice President

**Rohnert Park** - Gabe Gonzalez, Director

**Sebastopol** - Larry McLaughlin, Director

**Sonoma** - Carol Giovanatto, President

**Ukiah** - Melody Harris, Director

*\*Jim Wood Director effective 11/4/13*

*\*\* Associate City Member*



## **Member Cities currently not on the Board**

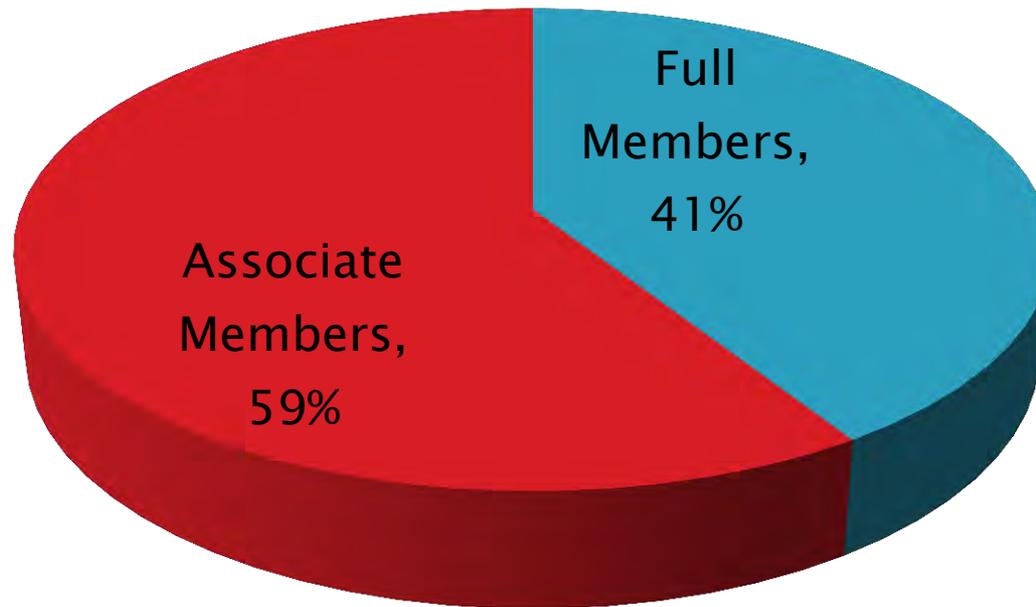
- 1. City of Arcata** (Member 32 years)
- 2. City of Eureka** (Member 19 years)
- 3. City of Ft. Bragg** (Member 34 years)
- 4. City of St. Helena** (Member 26 years)
- 5. City of Willits** (Member 34 years)
- 6. Town of Windsor** (Member 20 years)



# **REMIF Members are Stockholders**

Founding Member cities and Associate Member cities are all stockholders and thus pay equal proportional shares into the REMIF JPA.

# REMIF Health Care Enrollment – Anthem

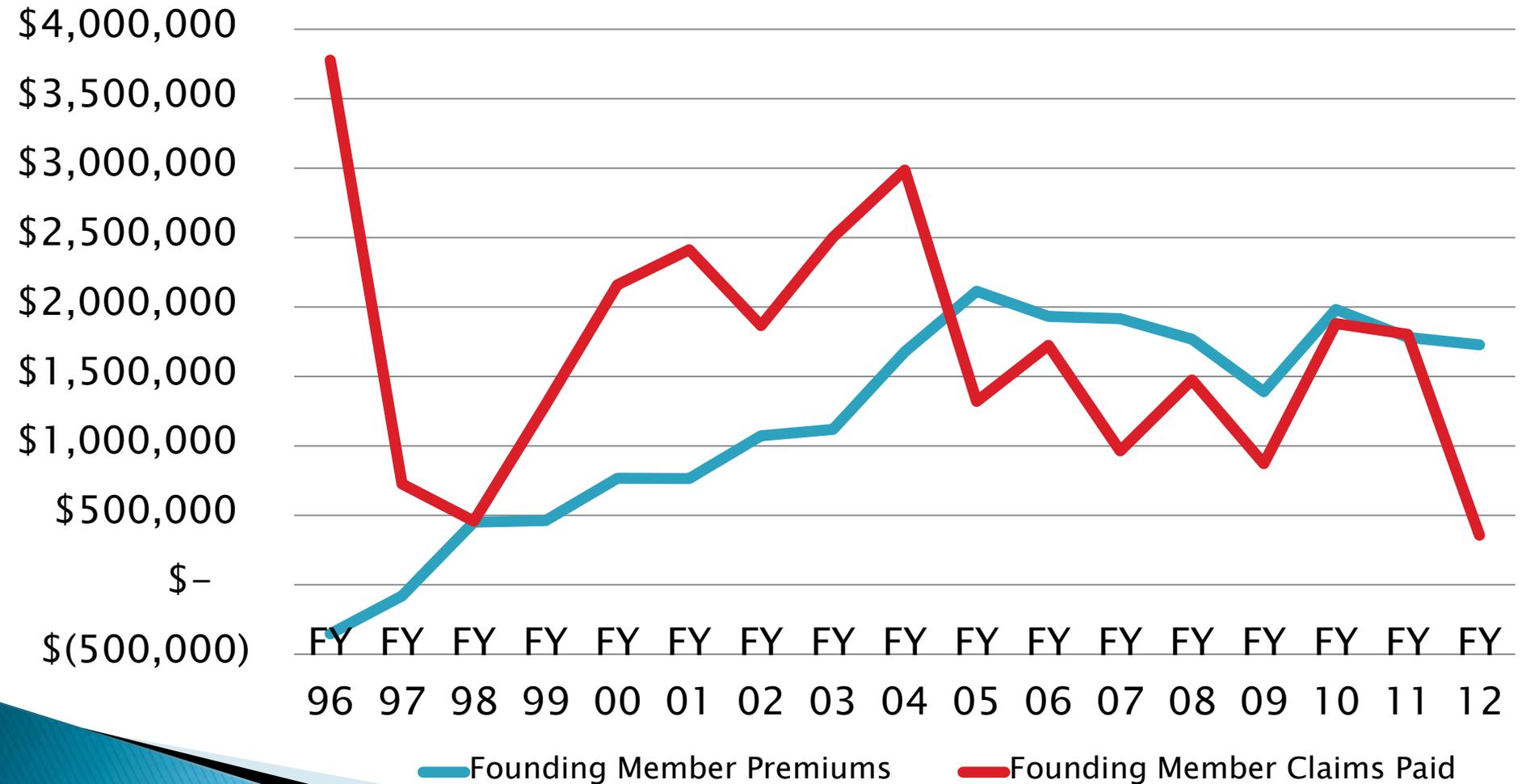


- Associate Members make up more than half of the enrolled participants in the health care program.
- REMIF is able to reduce rates due to the size of our group.

# Founding Members Workers Compensation Premiums vs. Claims Paid By Fiscal Year

*\*Premium Data includes Premiums less refunds*

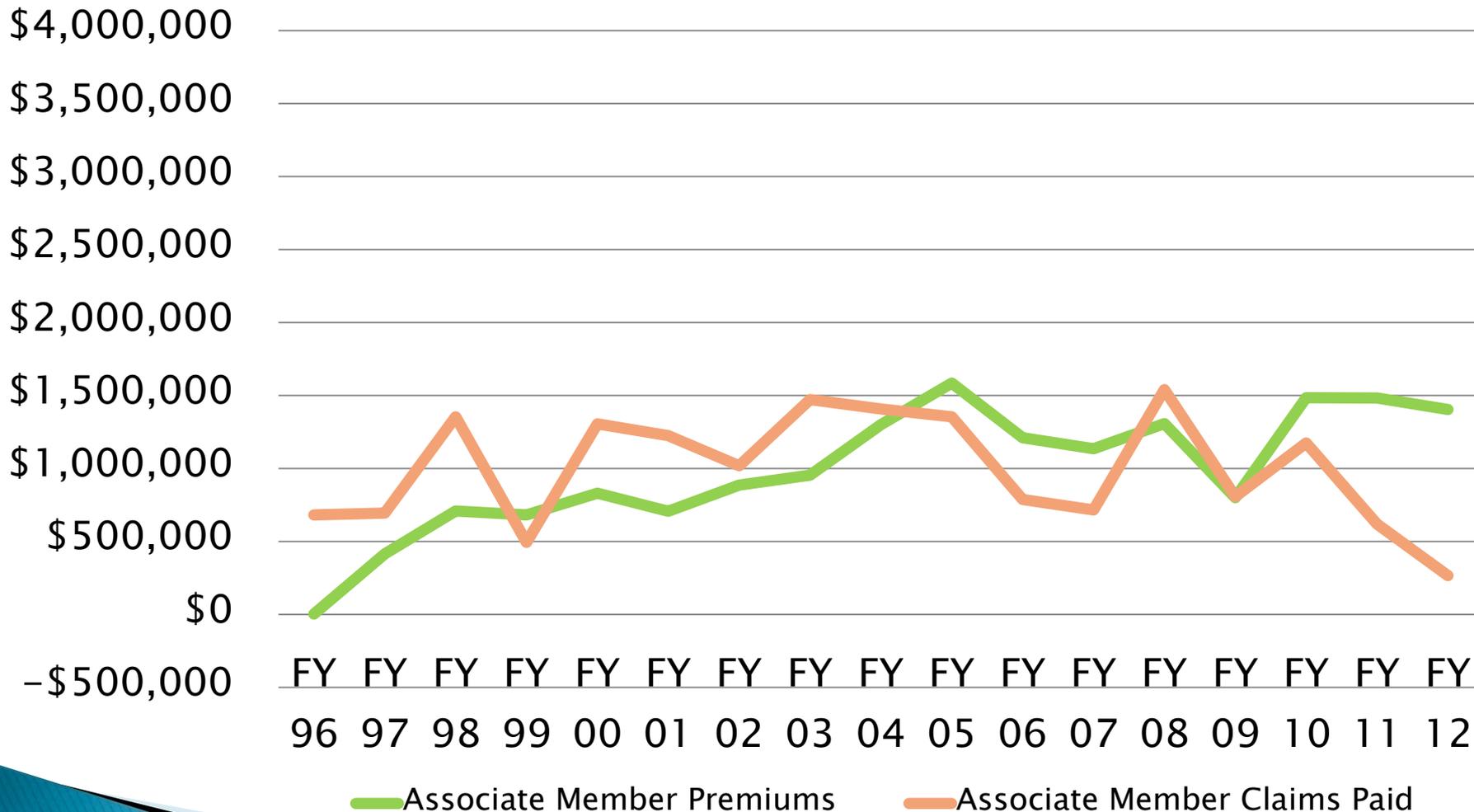
*\*Claims paid is amount paid for the fiscal year*



# Associate Members Workers Compensation Premiums vs. Claims Paid By Fiscal Year

*\*Premium Data includes Premiums less refunds*

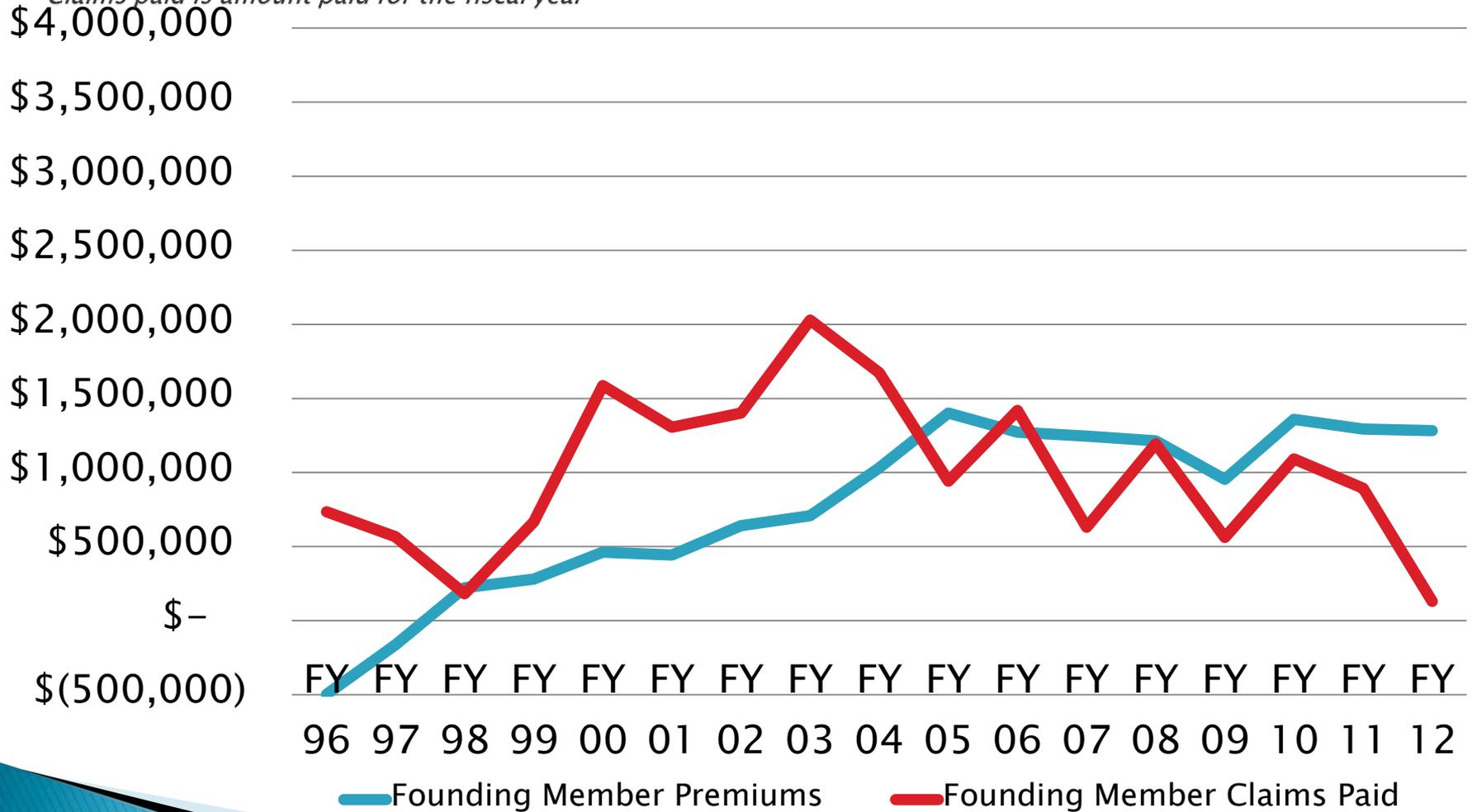
*\*Claims paid is amount paid for the fiscal year*



# Founding Members Workers Compensation Premiums vs. Claims Paid By Fiscal Year *(Without Largest Member City)*

*\*Premium Data includes Premiums less refunds*

*\*Claims paid is amount paid for the fiscal year*



## What the Charts and Graphs tell us

- Both founding members and associate members share in the pool risk equally.
- Jointly members receive more stable rates due to the larger size pool.



## Amending Article XIII

Changing the composition of the REMIF Board may be amended by a majority passing vote from **each of the seven founding member city councils**. (JPA, Article XIII).

The Bylaws may be amended by a majority of the REMIF Board, provided that any amendment is compatible with the purpose of the JPA, not in conflict with the JPA, and is submitted to the Board at least 45 days prior to the proposed date of change (Bylaws, Article XVIII).



## ARTICLE V.

In 2000, **Article V.** of the JPA By-laws was amended to allow two rotating Associate Member cities to serve a two year term on the Board of Directors. This amendment increased the Board from 7 to 9 members.

# Associate Members

- ▶ would like to become Full Members of REMIF – so that they will be able to...
    - 1) attend closed sessions
    - 2) vote
    - 3) have equal representation
    - 4) have equal control on the use of their financial contributions to REMIF
- 



## **REMIF BOARD REQUEST FOR CITY COUNCIL INPUT**

1. Is the Sonoma City Council supportive of REMIF Board of Directors intent to move forward with the process of drafting a change to the REMIF By-laws that would:

Enable the Board to consider current Associate Member cities with a minimum of ten (10) years of membership for full membership to the REMIF Board.

2. Any questions or concerns?

If all Member Cities Councils express interest a draft by-law change will be prepared by REMIF legal counsel and brought back for action.



**CITY OF SONOMA**  
 City Council  
 Agenda Item Summary

**Agenda Item: 10A**  
**Meeting Date: 12/02/2013**

<b>Department</b> Administration	<b>Staff Contact</b> Gay Johann, Assistant City Manager/City Clerk
-------------------------------------	---

**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	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	<del>Sonoma County/City Solid Waste Advisory Group (SWAG)</del>	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 Clean Power Alt. (09/04/13)	<del>Sonoma County/City Solid Waste Advisory Group (SWAG), Alt.</del>
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 Clean Power (7/15/13)		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