

**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 21, 2014
5:30 p.m. Closed Session (Special Meeting)
6:00 p.m. Regular Meeting

AGENDA

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

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION, pursuant to Paragraph (1) of subdivision (d) of Cal. Gov't. Code Section 54956.9. Name of case: New Cingular Wireless PCS, LLC, etc. v. City of Sonoma. U.S.D.C. Nor. Cal. Case No. C-14-0692 EDL.

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION, pursuant to Paragraph 2 of subdivision (d) of Cal. Gov't. Code Section 54956.9: One Case.

6:00 P.M. – REGULAR MEETING AGENDA

RECONVENE, CALL TO ORDER & PLEDGE OF ALLEGIANCE

ROLL CALL (Gallian, Barbose, Cook, Rouse, 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:** Month of the Young Child Proclamation
- Item 4B:** Child Abuse Prevention Month Proclamation
- Item 4C:** World Autism Awareness Month Proclamation
- Item 4D:** Farm and Ranch Readiness Day Proclamation
- Item 4E:** Presentation of the 2014 Pavement Management System Update

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 7, 2014 City Council meeting.
Staff Recommendation: Approve the minutes.
- Item 5C:** Approve a Resolution accepting public grants of easements associated with the Church Street and Curtin Lane Water Improvements and Street Rehabilitation Project, authorize the City Manager to certify acceptance, and authorize staff to file the easement grant deeds for recordation with the County Recorder's Office.
Staff Recommendation: Adopt the resolution.
- Item 5D:** Adoption of a resolution denying an appeal of the Planning Commission's determination to uphold staff interpretations associated with provisions of the Development Code pertaining to driveway cuts and non-conforming uses as applied to the property located at 639 Third Street West.
Staff Recommendation: Adopt the resolution.

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

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

- Item 6A:** Approval of the portions of the Minutes of the April 7, 2014 City Council / Successor Agency Meeting pertaining to the Successor Agency.
Staff Recommendation: Approve the minutes.

7. PUBLIC HEARING

- Item 7A:** Discussion, consideration and possible action on the update of the Sonoma Bicycle and Pedestrian Master Plan. (Associate Planner)
Staff Recommendation: Review, and modify if desired, the improvements and improvement priorities set forth in the Sonoma Bicycle & Pedestrian Master Plan and adopt the plan by resolution.

8. REGULAR CALENDAR – CITY COUNCIL

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

Item 8A: Presentation by the Sonoma League for Historic Preservation on a program to identify historic structures and resources with QR (Quick Response) Codes as an educational tool and request for City participation in said program. (Planning Director)

Staff Recommendation: Receive presentation from the League for Historic Preservation and authorize City participation in the program, subject to staff review of the placement of the plaques on City-owned buildings.

Item 8B: Discussion, consideration, and possible action adopting a resolution interpreting an easement recorded on the property located at 19725 Seventh Street East and adopting findings that project is exempt from the California Environmental Quality Act (CEQA) under 14 Cal. Code Regs. 15303 because it involves construction, location and/or conversion of small structures. (Planning Director/City Attorney)

Staff Recommendation: Council discretion.

Item 8C: Discussion, Consideration and Possible Action on the Approval of the Amended Sonoma County Library Joint Powers Authority Agreement and Initiate Application Process for Library Commissioner. (City Manager)

Staff Recommendation: Approve Amended Sonoma County Library Joint Powers Agreement and give direction to staff to begin application process for appointment of Library Commissioner.

9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

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

Item 9A: Discussion, consideration and possible action on appointment of a Negotiating Committee for the sale of property located at 32 Patten Street. (City Manager)

Staff Recommendation: Appoint two Councilmembers to Negotiating Committee to represent the City as Successor Agency. Review of offers to take place in May - June.

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 April 17, 2014. 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: 4A

Meeting Date: 04/21/2014

Department

Administration

Staff Contact

Gay Johann, Assistant City Manager / City Clerk

Agenda Item Title

Month of the Young Child Proclamation

Summary

The Child Care Planning Council of Sonoma County and other local organizations celebrate the Week of the Young Child annually in April to focus public attention on the needs of young children and their families and to recognize the early childhood programs and services that meet those needs. This year the recognition took place April 6-12. This proclamation will recognize those efforts and proclaim the month of April 2014 as The Month of The Young Child.

Cathy Vaughn will be present to accept the proclamation on behalf of Sonoma County Early Childhood Education. In keeping with City practice, she has been asked to keep the total length of her follow-up comments and/or announcements to no more than 10 minutes.

Recommended Council Action

Mayor Rouse to present the proclamation.

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:

Proclamation

Alignment with Council Goals:

N/A

cc: Cathy Vaughn via email

City of Sonoma



Proclamation

THE MONTH OF THE YOUNG CHILD

Whereas, the Child Care Planning Council of Sonoma County and other local organizations, in conjunction with the National Association for the Education of Young Children, celebrated the Week of the Young Child, April 6-12, 2014; and

Whereas, these organizations are working to improve early learning opportunities, which provide a foundation of learning and are crucial to the growth and development of young children and to building better futures for everyone in Sonoma; and

Whereas, teachers, child care providers and others who make a difference in the lives of young children in Sonoma deserve thanks and recognition; and

Whereas, public policies that support early learning for all young children are crucial to young children's futures.

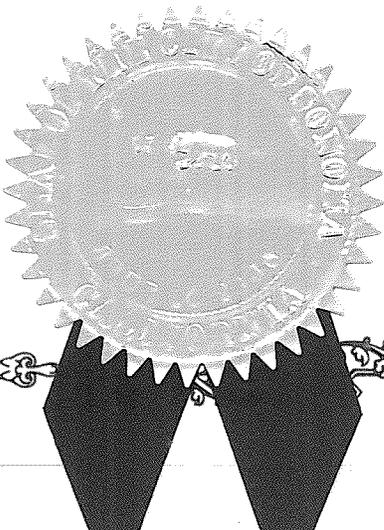
NOW, THEREFORE, I, Tom Rouse, Mayor of the City of Sonoma, in recognition and support of the people, programs and policies that are committed to high-quality early childhood education, do hereby proclaim April 2014

THE MONTH OF THE YOUNG CHILD

in the City of Sonoma and encourage all citizens to work to make a good investment in early childhood education.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Sonoma to be affixed this 21st day of April 2014.

TOM ROUSE, MAYOR





CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 4B

Meeting Date: 04/21/2014

Department

Administration

Staff Contact

Gay Johann, Assistant City Manager / City Clerk

Agenda Item Title

Child Abuse Prevention Month Proclamation

Summary

In 1989, the Blue Ribbon Campaign to Prevent Child Abuse began as a Virginia grandmother's tribute to her grandson who died as a result of abuse. As part of the annual campaign, our local council, Prevent Child Abuse-Sonoma County, coordinated by the California Parenting Institute of Sonoma County, hosts a series of awareness events throughout the month of April to recognize the importance of child abuse prevention.

Anne Barron will be present to accept the proclamation on behalf of the California Parenting Institute. In keeping with City practice, she has been asked to keep the total length of her follow-up comments and/or announcements to no more than 10 minutes.

Recommended Council Action

Mayor Rouse to present the proclamation.

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:

Proclamation

Alignment with Council Goals:

N/A

cc: Anne Barron via email

City of Sonoma



Proclamation

CHILD ABUSE PREVENTION MONTH

Whereas, in 2013 there were 1,880 reports of child abuse serious enough to require a face-to-face investigation to determine if allegations of abuse were substantiated and 195 children were removed from unsafe homes in Sonoma County; and

Whereas, the Sonoma County Blue Ribbon Campaign, sponsored by Prevent Child Abuse Sonoma County and the California Parenting Institute will focus on educating all of us on the issues and magnitude of the problem; and

Whereas, Sonoma County's Department of Human Services, Sheriff's Department and the District Attorney's Office have joined in recognizing and supporting the education, prevention, treatment, and need to cease all forms of child abuse; and

Whereas, each year public and private agencies throughout Sonoma County and the State of California sponsor Child Abuse Prevention activities during the month of April to increase community awareness about issues of child abuse; and

Whereas, child abuse prevention and support will continue year-round; and

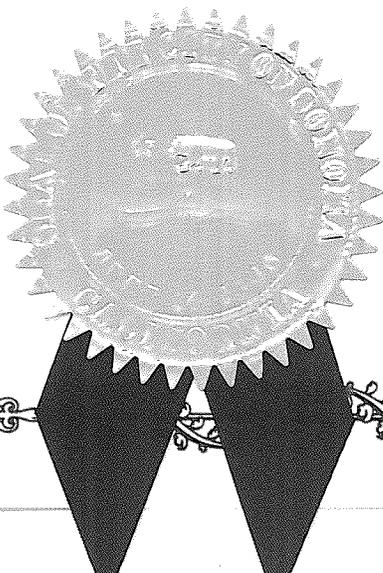
Whereas, working together we can make a difference for all of the children in our city.

NOW, THEREFORE, I, TOM ROUSE, Mayor of the City of Sonoma, do hereby proclaim that within the City of Sonoma, the month of April 2014 shall be observed as

CHILD ABUSE PREVENTION MONTH

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Sonoma to be affixed this 21ST day of April 2014.

TOM ROUSE, MAYOR





CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 4C

Meeting Date: 04/21/2014

Department

Administration

Staff Contact

Gay Johann, Assistant City Manager / City Clerk

Agenda Item Title

World Autism Awareness Month Proclamation

Summary

Autism is the most common condition in a group of developmental disorders known as autism spectrum disorders and is the fastest growing developmental disability in the United States effecting one in every 68 children born in the United States.

Deirdre Sheerin, CEO/Executive Director of Sweetwater Spectrum, requested a proclamation declaring the month of April 2014 Autism Awareness Month in the City of Sonoma. She and a few of the Sweetwater residents will be present to accept the proclamation. In keeping with City practice, they have been asked to keep the total length of their follow-up comments and/or announcements to no more than 10 minutes.

Recommended Council Action

Mayor Rouse to present the proclamation.

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:

Proclamation

Alignment with Council Goals:

N/A

cc: Deirdre Sheerin via email

City of Sonoma



Proclamation

WORLD AUTISM AWARENESS MONTH

WHEREAS, autism is the most common condition in a group of developmental disorders known as autism spectrum disorders (ASDs); and

WHEREAS, autism is the fastest growing developmental disability in the United States; and

WHEREAS, autism now affects one in every 68 children born in the United States and is increasing by between 10 and 17 percent annually; and

WHEREAS, every concerned citizen, including immediate and extended family members, neighbors, community members and leaders, caregivers and anyone in the community who touches the lives of persons with autism, has a role to play in supporting children and adults with autism in the City of Sonoma, Sonoma County, California and around the world; and

WHEREAS, community members recognize that no matter where a person is on the autism spectrum they will have individual personalities, abilities and interests and should be warmly welcomed and embraced in communities; and

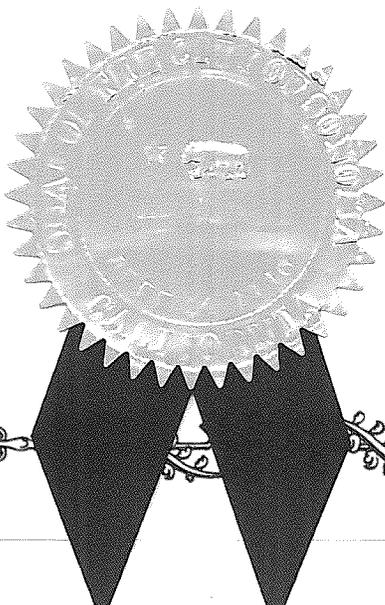
NOW, THEREFORE, I, Tom Rouse, Mayor of the City of Sonoma, do hereby proclaim the month of April 2014

AUTISM AWARENESS MONTH

in the City of Sonoma and urge the community to celebrate the unique talents and skills of persons with autism and learn more about autism for the benefit of our community.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Sonoma to be affixed this 21st day of April 2014.

TOM ROUSE, MAYOR





CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 4D

Meeting Date: 04/21/2014

Department

Administration

Staff Contact

Gay Johann, Assistant City Manager / City Clerk

Agenda Item Title

Farm and Ranch Readiness Day Proclamation

Summary

To help livestock owners prepare for disasters such as earthquakes, fires and floods so that they can safely relocate their animals, the University of California, Davis, School of Veterinary Medicine will hold a Farm and Ranch Readiness Emergency Preparedness Fair on May 4, 2014 at Atwood Ranch in Glen Ellen.

Julie Atwood requested a proclamation declaring May 4, 2014 Farm and Ranch Readiness Day. She will be present to accept the proclamation. In keeping with City practice, she has been asked to keep the total length of her follow-up comments and/or announcements to no more than 10 minutes.

Recommended Council Action

Mayor Rouse to present the proclamation.

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:

Proclamation

Alignment with Council Goals:

N/A

cc: Julie Atwood via email

City of Sonoma



Proclamation

FARM AND RANCH READINESS DAY

Whereas, When disaster strikes, animals as well as people need to be safely relocated and although Californians value their pets and livestock they are often unprepared to prepare for their safety during earthquakes, fires and floods; and

Whereas, Effective, well-rehearsed strategies for pet and livestock safety must be in place before a disaster occurs; and

Whereas, To help livestock owners prepare for disasters such as earthquakes, fires and floods so that they can safely relocate their animals, the University of California, Davis, School of Veterinary Medicine will hold a Farm and Ranch Readiness Emergency Preparedness Fair on May 4, 2014 at Atwood Ranch in Glen Ellen; and

Whereas, The Preparedness Fair will:

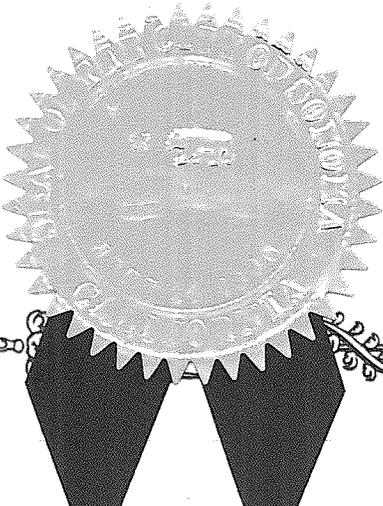
- Provide a forum for emergency services and community leaders to interact directly with citizens, fostering better understanding of how to help, not hinder, rescue workers and public safety
- Educate citizens in the basics of emergency preparedness and emphasize the importance of self-reliance and neighbor-to-neighbor support
- Inspire community involvement and leadership in developing trained volunteer resources; and
- Serve as a model for others in small communities across the county and state

NOW, THEREFORE, I, Tom Rouse, Mayor of the City of Sonoma, in recognition of the fact that preparedness can make a difference, do hereby proclaim May 4, 2014

FARM AND RANCH READINESS DAY

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Sonoma to be affixed this 21st day of April 2014.

TOM ROUSE, MAYOR





CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 4E

Meeting Date: 4/21/2014

Department

Public Works

Staff Contact

Dan Takasugi, Public Works Director / City Engineer

Agenda Item Title

Presentation of the 2014 Pavement Management System Update

Summary

The biennial update the City of Sonoma's pavement management program was recently completed and certified under the Pavement Management Technical Assistance Grant Program (P-TAP). The City's Pavement Condition Index (PCI) has remained fairly steady at a value of 72.

This presentation will look at the Pavement Management System updated budget scenarios and their effect on PCI, along with current and upcoming capital street projects.

The five year budget scenarios that were analyzed are as follows:

1. Current Budget of \$1.5 million for 5 years or \$300K/year (without Measure J funds)
 2. Current Budget of \$3.2 million for 5 years (with Measure J funds)
 3. Constant PCI (\$4.8 million for five years)
 4. Plus 5 PCI Increase (\$8.3 million for five years)
 5. Unconstrained (\$12.9 million for five years)
-

Recommended Council Action

Receive the presentation.

Alternative Actions

N/A

Financial Impact

The Pavement Management System update will provide the City with detailed information to make the best financial decisions on maintaining City streets.

Environmental Review

Status

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

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

Attachments:

Current Pavement Condition Map.

Alignment with Council Goals:

Supports the value of developing long-term strategies to address current and future infrastructure needs under the Council's Water and Infrastructure goal.

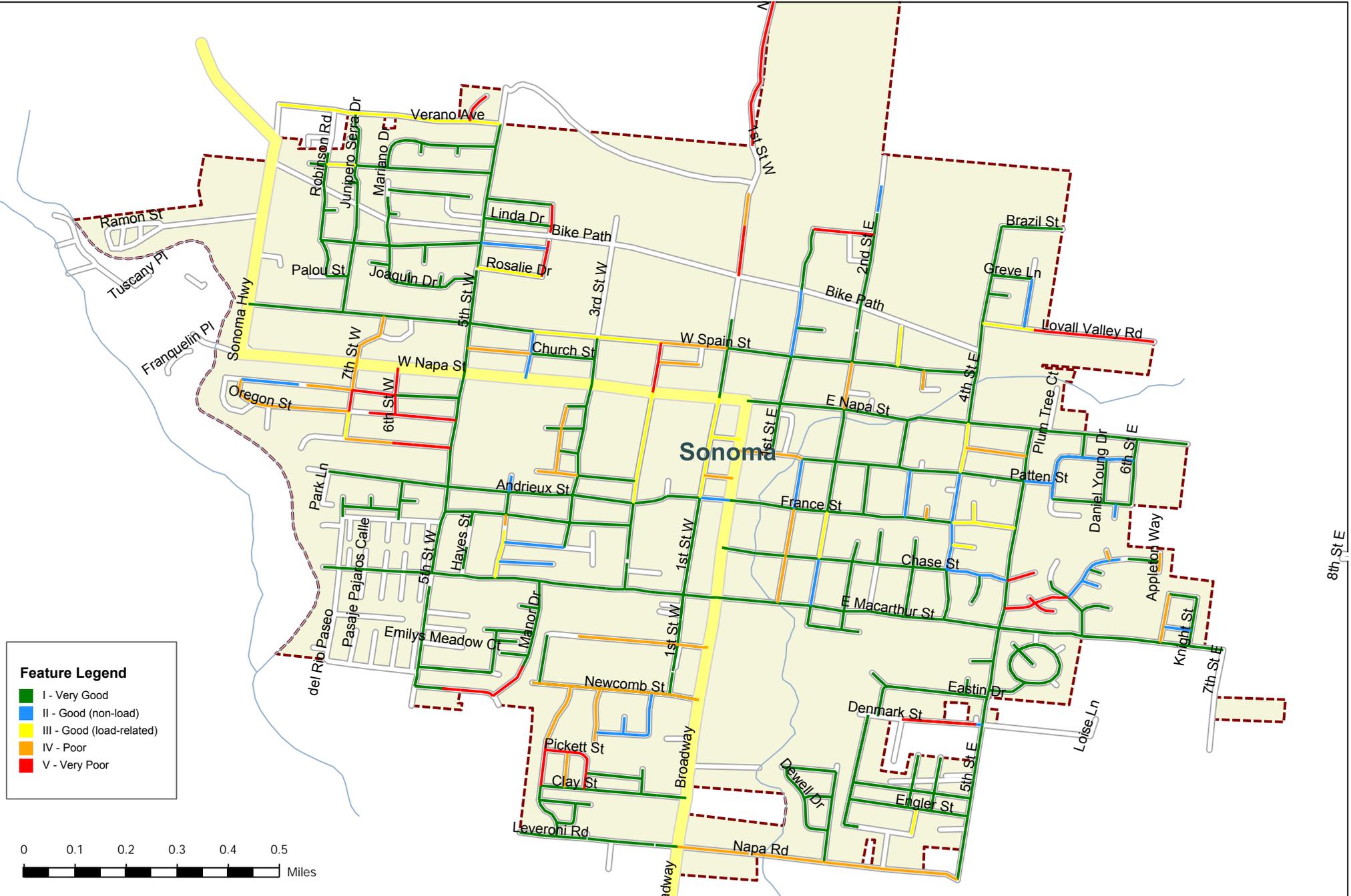
cc:



City of Sonoma
Number 1 The Plaza
Sonoma, CA 95475
(707) 938-3332

Current PCI Condition

Printed: 2/25/2014





CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 5B

Meeting Date: 04/21/2014

Department

Administration

Staff Contact

Gay Johann, Assistant City Manager/City Clerk

Agenda Item Title

Approval of the Minutes of the April 7, 2014 City 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, April 7, 2014

5:30 p.m. Closed Session (Special Meeting)

6:00 p.m. Regular Meeting

MINUTES



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

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

1. CALL TO ORDER

At 5:30 p.m. Mayor Rouse 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, Planning Director Goodison and City Attorney Walter were also present.

2. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION, pursuant to (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: New Cingular Wireless PCS, LLC, etc. v. City of Sonoma. U.S.D.C. Nor. Cal. Case No. C-14-0692 EDL.

6:00 P.M. – REGULAR MEETING

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

PRESENT: Mayor Rouse and Councilmembers Barbose, Brown, Cook and Gallian

ABSENT: None

ALSO PRESENT: City Manager Giovanatto, Assistant City Manager/City Clerk Johann, Attorney Walter, Administrative Assistant Gipson, Planning Director Goodison, Public Works Director Takasugi, Finance Director Hilbrants, Police Chief Sackett, Sgt. Mancilla, and Planning Associate Atkins.

REPORT ON CLOSED SESSION – Mayor Rouse reported that no action had been taken and that the closed session had been adjourned to Monday April 14, 2014, 8:00 a.m. in the Conference Room, City Hall, 1 The Plaza, Sonoma CA.

1. COMMENTS FROM THE PUBLIC

Jack Wagner suggested that the City participate in Public Banking. He said the City would earn a larger return on its investments and could reduce property taxes.

Patty Defer stated her concern that the Design Review and Historic Preservation Commissioners had not been adequately trained regarding their duties and responsibilities.

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers' Comments and Announcements

Councilmembers spoke very favorably regarding the Sonoma International Film Festival held the previous weekend and expressed appreciation to the Film Society and all the volunteers who made it happen.

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

City Manager Giovanatto reported that the Library Subcommittee had finalized the restructuring of the Library Joint Powers Agreement, which would be on the next Council agenda for consideration.

4. PRESENTATIONS

Item 4A: Introduction of New City Personnel

City Manager Giovanatto introduced Finance Director DeAnna Hilbrants and Police Chief Sackett introduced Sergeant Adrian Mancilla.

Item 4B: Presentation of the Cultural and Fine Arts Commission's 2014 Student Creative Arts Awards

CFAC Chair Lisa Carlsson presented award certificates and checks to Maya Harris and Siena Guerrazzi. Jennifer Gray also presented certificates on behalf of Supervisor Gorin. Ms. Harris played a song on her cello.

Item 4C: Children's Memorial Day Proclamation

Mayor Rouse read aloud the proclamation and presented it to Mr. Stephen Berry who thanked the Council for the proclamation and for agreeing to fly the Children's Memorial Flag on April 25, 2014.

Item 4D: National Crime Victims' Rights Week Proclamation

Mayor Rouse read aloud the proclamation and presented it to Chief Deputy District Attorney Bud McMahon. Noting that he lived in Sonoma, Mr. McMahon stated the City was lucky to be protected by the likes of Chief Sackett and Sergeant Mancilla.

Item 4E: Sexual Assault Awareness Month Proclamation

Mayor Rouse read aloud the proclamation and presented it to Cecile Focha and Sarai Obermeyer, Verity Boardmembers.

Item 4F: Presentation on the Sonoma Valley Springboard program

Economic Development Program Manager Laurie Decker reported that Sonoma Valley Springboard was a new program aimed at providing technical assistance to low and moderate income microenterprise owners and prospective entrepreneurs in Sonoma Valley. The Program would also

provide connections to other available resources, in order to provide a springboard to economic advancement. The program was being launched by the City of Sonoma, through its Sonoma Valley Economic Development Partnership, with funding from a federal CDBG grant. Other partners included the Napa and Sonoma Small Business Development Center, La Luz Center, the Sonoma Valley Chamber of Commerce, and the Sonoma County Community Development Commission.

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 17, 2014 City Council meeting. (Removed from Consent, see below)
- Item 5C:** Approve the Notice of Completion for the Zone 1-2 Intertie Project No. 1302 Constructed by Terracon Pipelines Inc. and Direct the City Clerk to File the Document.
- Item 5D:** Approve the Notice of Completion for the Traffic Signal Modifications for Napa Road-Leveroni Road/Broadway (SR12) Project No. 0922, Federal Project No. HSIPL 5114(015) Constructed by Columbia Electric, Inc. and Direct the City Clerk to File the Document. (Removed from Consent, see below)
- Item 5E:** Adoption of Plans and Specifications and Award of Contract to Argonaut Constructors, lowest responsible bidder, for the Church Street and Curtin Lane Water Improvements and Street Rehabilitation Project No. 1311 in the amount of \$376,105.
- Item 5F:** Acceptance of three bids and Award of Bid for the City Hall Bell Tower Repair Project to Belz Construction, Inc. of Orangevale, CA in the amount of \$106,000. Council Action was to: 1. Accept the bids from Belz Construction, Inc., S.W. Allen Construction, Inc. and Thomas Anderson & Co. 2. Reject the bid from Joseph Murphy Construction, Inc. as unresponsive for the following reasons: a. Failure to submit a List of Subcontractors as required by the bid documents; and b. Failure to submit a Non-collusion Affidavit as required by the bid documents; and c. Failure to submit a Statement of Review of Insurance Requirements as required by the bid documents. 3. Award the bid for Sonoma City Hall Bell Tower Repair Project, including Alternate #1, to the low-bidder, Belz Construction, Inc. of Orangevale, CA for the total contract amount of \$106,000.
- Item 5G:** Approve Support For A Grant Proposal by Sonoma Ecology Center for Nathanson Creek Preserve. Res. No. 16-2014, a resolution in support the grant proposal with the express limitation to providing in-kind services by the City including plan review and construction permit fee waiver, which is anticipated to be of a minimal cost.
- Item 5H:** Adoption of a Resolution Approving a Budget Amendment to the 2013-14 Operating Budget To Reprogram Expired 2001 Water Bond Funds. (Res. No. 19-2014)
- Item 5I:** Adoption of a Resolution Approving an Application by Destination Races for temporary use of City streets for the Napa to Sonoma Wine Country Half Marathon on Sunday, July 20, 2014. (Removed from Consent, see below) (Res. No. 20-2014)
- Item 5J:** Adoption of an ordinance amending Section 10.74.010 of the Sonoma Municipal Code pertaining to the operation of bicycles and similar conveyances on public sidewalks. Repeal SMC 10.56.070 and adopt 10.74.011. (Ord. No. 01-2014)
- Item 5K:** Approval of application by On Your Mark Events for temporary use of City streets for the Hit The Road Jack event on Sunday, June 1, 2014. Approved subject to conditions recommended by the Special Event Committee.

Clm. Barbose removed 5B and 5I for separate consideration. Clm. Cook removed 5D. The public comment period was opened and closed with none received.

It was moved by Clm. Gallian, seconded by Clm. Barbose, to approve the Consent Calendar except for the items that had been removed for separate consideration. The motion carried unanimously except that Clm. Gallian recused on Item 5G.

Item 5B: Approval of the Minutes of the March 17, 2014 City Council meeting.

Clm. Barbose requested a minor modification to the minutes of March 17, 2014. By unanimous consensus Council approved the minutes as modified by Clm. Barbose.

Item 5D: Approve the Notice of Completion for the Traffic Signal Modifications for Napa Road-Leveroni Road/Broadway (SR12) Project No. 0922, Federal Project No. HSIPL 5114(015) Constructed by Columbia Electric, Inc. and Direct the City Clerk to File the Document.

Clm. Cook acknowledged the great work of the Public Works Department. By unanimous consensus Council approved the Notice of Completion.

Item 5I: Adoption of a Resolution Approving an Application by Destination Races for temporary use of City streets for the Napa to Sonoma Wine Country Half Marathon on Sunday, July 20, 2014.

Clm. Barbose inquired if the Plaza Use application was to be considered in conjunction with the street use application for the event. City Manager Giovanatto explained that, per Council's previous direction, the Street Use Application was to come to Council prior to the Event Application going to the Community Services and Environment Commission. Council adopted the resolution by unanimous consensus.

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

Item 6A: Approval of the portions of the Minutes of the March 17, 2014 City Council / Successor Agency Meeting pertaining to the Successor Agency.

Item 6B: Adoption of a resolution approving the transfer of Governmental Purpose Property. (SA Res. No. 02-2014)

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 presented. The motion carried unanimously.

7. PUBLIC HEARING

Item 7A: Discussion, consideration and possible action on an appeal of the Planning Commission's determination to uphold staff interpretation associated with provisions of the Development Code pertaining to driveway cuts and non-conforming uses as applied to the property located at 639 Third Street West.

Planning Director Goodison reported that the subject property was a residential parcel located on the southwest corner of Third Street West and Vigna Street. In 1978, the Planning Commission approved a use permit allowing the conversion of the residence to a medical office, a project that included the removal of a carport and the development of a parking lot and a second driveway cut on the Vigna

Street frontage. The zoning rules allowing this use permit subsequently changed and the office use became legal nonconforming. In 2013, the property was converted back to use as a single-family residence. He noted that the conversion involved changes to the interior of the building, but did not entail any expansion of the floor area of the structure. Goodison stated the policy of the Public Works Department was to require the removal of secondary driveways on residential properties of less than two acres in conjunction with projects having a building permit valuation of \$40,000 or greater. The Third Street West driveway was considered to be the redundant one, because, as set forth in section 19.48.100 of the Development Code, driveway access is generally supposed to be located on the street having the lowest traffic volume. A neighboring property owner residing at 313 Vigna Street, Janet Wedekind, wrote to protest the staff interpretations that: 1) led to the removal of the driveway cut on the Third Street West frontage, and 2) did not require the provision of a covered parking space in conjunction with the property's return to residential use. Staff brought these concerns to the Planning Commission, which reviewed them at its meeting of February 13, 2014. After taking public testimony and discussing the matter, the Commission voted 6-0 to uphold staff's interpretations and it was staff's recommendation that Council uphold the decision of the Planning Commission, with direction to staff to prepare an implementing resolution for adoption at a subsequent meeting.

Mayor Rouse invited comments from the public. Janet Wedekind stated it was disturbing to see many Municipal and Development Code sections ignored and not enforced. She pointed out several codes that she felt had not been enforced on the subject property but her main emphasis was on SMC 19.82.030 which stated *"If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of one year, it shall be concluded that the use has been abandoned. Without further action by the city, further use of the site or structure shall comply with all the regulations of the applicable zoning district and all other applicable provisions of this development code."* Ms. Wedekind stated that the recently approved courtyard fence created a visibility and safety concern and the new parking area caused additional noise and an invasion of her privacy by having the driveway within eight feet of her bedrooms. She added these issues caused a devaluation of her home.

Diann Sorenson, owner of 639 Third Street West, stated that she had made an offer to cover the parking area along the shared property line that would address Ms. Wedekind's concerns about noise and privacy but had not received a response from Ms. Wedekind. She pointed out that the driveway had always been there, it was not something new and added that she had improved property values because of all the improvements she had made to her property.

Paul Gorci stated that the driveway installed for the medical office should have been removed when the property was converted back to a residence. He also stated that the continued disturbance of the ground for the driveway was harming the trees.

Rachel Huntley commented on the number of Municipal and Development Code sections that had been referenced in the appeal and questioned if the addition of the porch constituted an expansion of the use. Clm. Barbose inquired if the porch did constitute an expansion. Planner Goodison responded that because it did not include living space, staff did not consider it an expansion.

Clm. Barbose asked why SMC 19.82.030 had not been triggered. Planner Goodison responded that the provision would be triggered if, and when, there was an expansion of the use. He said staff was not ignoring the provisions of the City's codes.

Clm. Gallian commented that it would be safer to have the driveway on Vigna. It was moved by Clm. Cook, seconded by Clm. Gallian, to uphold the decision of the Planning Commission with direction to staff to prepare an implementing resolution for adoption at a subsequent meeting. Clm. Barbose stated he had concerns about the implementation of SMC 19.82.030; noting that it did not include a provision to be applied "only when safe". Mayor Rouse stated he felt the residential use had lessened

the impact of traffic and noise on surrounding properties. He pointed out that the Planning Commission had considered the matter and agreed with the interpretations and applications of codes made by staff. The motion carried four to one, Clm. Barbose dissented.

8. REGULAR CALENDAR – CITY COUNCIL

Item 8A: Discussion, consideration, and possible action on staff proposal to re-establish a Business Improvement Matching Funds program using one-time funds from the dissolution of the Sonoma Community Development Agency.

City Manager Giovanatto reported staff was proposing that one-time funds received from the dissolution of the redevelopment agency be used to re-establish a modified version of the City's business loan program previously funded by redevelopment funds. She stated that the loan program was intended to assist businesses in moving forward with improvement projects, including those where building code requirements increased costs prohibitively, and help to support business development that generated tax revenues and local jobs as well as improve the appearance of the downtown.

Economic Development Program Manager Decker stated that the proposed program would provide matching fund loans up to \$10,000 for businesses to make improvements in five categories: building façades, disabled accessibility, energy and water efficiency, building rehabilitation, and historic building improvements.

The public comment period opened and closed with none received. It was moved by Clm. Gallian, seconded by Clm. Brown, to approve the program with one-time funding of \$50,000. The motion carried unanimously.

Item 8B: Discussion, consideration and possible action to adopt a resolution of support for the Sonoma County Healthy and Sustainable Food Action Plan.

Phina Borgeson, Sonoma County Food System Alliance (SCFSA), stated they were a county-based coalition of diverse stakeholders working to address food system needs through collective action. Convened in partnership by Ag Innovations Network and the County of Sonoma in 2009, the SCFSA was working to bring the community together to deal with countywide issues and create quality ideas that lead to effective action. She stated that the Alliance was currently working with local governments, business and community organizations and individuals to advance the Food Action Plan in order to achieve their vision. The project received funding support from the Sonoma County Department of Health Service's Health Action Initiative, and Ag Innovations Network.

It was moved by Clm. Barbose, seconded by Clm. Brown, to adopt Res. No. 19–2014 entitled A Resolution of the City Council of the City of Sonoma in Support of the Sonoma County Healthy and Sustainable Food Action Plan. The motion carried unanimously.

9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS

Item 10A: Reports Regarding Committee Activities.

Clm. Barbose reported on meetings of the Sonoma County Water Authority and Sonoma Clean Power.

CIm. Gallian reported on meetings of the ABAG Delegates and Ag and Open Space Advisory Committee.

CIm. Cook reported on meetings of the Library Advisory Committee and the Economic Development Steering Committee.

CIm. Brown reported on the Economic Development Steering Committee meeting.

Item 10B: Final Councilmembers' Remarks.

CIm. Gallian stated she was grateful for Public Works Director Takasugi and his knowledge regarding the water issues.

11. COMMENTS FROM THE PUBLIC - None

12. ADJOURNMENT

The meeting was adjourned at 8:25 p.m. and it was noted that the 5:30 Closed Session Meeting was continued to Monday April 14, 8:00 a.m. in the Conference Room at City Hall.

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 _____ 2014.

Gay Johann
Assistant City Manager / City Clerk



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5C

Meeting Date: 04/21/2014

Department

Public Works

Staff Contact

Dan Takasugi, Public Works Director / City Engineer

Agenda Item Title

Approve a Resolution accepting public grants of easements associated with the Church Street and Curtin Lane Water Improvements and Street Rehabilitation Project, authorize the City Manager to certify acceptance, and authorize staff to file the easement grant deeds for recordation with the County Recorder's Office.

Summary

The City Council awarded a construction contract for the Church Street and Curtin Lane Water Improvements and Street Rehabilitation Project No. 1311 to Argonaut Constructors on April 7, 2014. Two properties at 583 Curtin Lane and 608 Curtin Lane extend into the travelled way of Curtin Lane. Rather than work around these two properties and leave impediments to public access, staff recommends accepting grants of easement that allow the City to construct street and sidewalk improvements on the two properties, in order to facilitate improved public access.

Owners of both properties have consented by letter agreement to provide such grants of easement to the City. The construction of such street and sidewalk improvements would occur during the aforementioned street rehabilitation project.

Recommended Council Action

Approve the Resolution.

Alternative Actions

Council discretion.

Financial Impact

Accepting the grants of easement is not expected to create additional financial impact to the City.

Environmental Review

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

Status

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

Alignment with Council Goals:

Indirectly Supports the Council Water & Infrastructure Goal to Initiate Capital Infrastructure Replacements and Upgrades

Attachments:

1. Resolution
2. Location Map
3. Grants of Easement
4. Letters of Agreement and Right of Entry Agreements

CITY OF SONOMA

RESOLUTION NO. __ - 2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA ACCEPTING PUBLIC GRANTS OF EASEMENT FOR THE CHURCH STREET AND CURTIN LANE WATER IMPROVEMENTS AND STREET REHABILITATION PROJECT

WHEREAS, the City Council awarded the construction contract for the Church Street and Curtin Lane Water Improvements and Street Rehabilitation Project No. 1311 to Argonaut Constructors on April 7, 2014; and

WHEREAS, the properties at 583 Curtin Lane and 608 Curtin Lane extend into the normally travelled way of Curtin Lane, and public access would be impaired if the street rehabilitation project were forced to work around these two properties; and

WHEREAS, City staff determined that the City’s construction of street, curb, and sidewalk improvements at the property of 583 Curtin Lane, owned by Edith Mazzaferri, would enhance public access along Curtin Lane; and

WHEREAS, City staff determined that the City’s construction of street improvements at the property of 608 Curtin Lane, owned by Gloria Crow and David Lewis, would enhance public access along Curtin Lane.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SONOMA hereby accepts the public grant of easement dedicated by Edith Mazzaferri for the property at 583 Curtin Lane, subject to approval by Edith Mazzaferri; and

BE IT FURTHER RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SONOMA hereby accepts the public grant of easement dedicated by Gloria Crow and David Lewis for the property at 608 Curtin Lane, subject to approval by Gloria Crow and David Lewis; and

BE IT FURTHER RESOLVED that the City Manager is authorized to certify acceptance and the City Clerk is directed to file said easement for recordation with the Sonoma County Recorder’s Office.

ADOPTED this ___ day of _____, 2014 by the following vote:

- AYES:
- NOES:
- ABSENT:

Tom Rouse, Mayor

ATTEST:

Gay Johann, Assistant City Manager/City Clerk

WHEN RECORDED RETURN TO:

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

GRANT OF PUBLIC EASEMENT

Documentary Transfer Tax -- \$0.00 (conveyance to public agency; R&T 11922)

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged:

Edith Mazzaferri

hereby GRANT(S) TO:

City of Sonoma, a municipal corporation

An easement, in perpetuity, with a right of immediate and unobstructed entry, and continued possession to construct, install, inspect, improve, maintain, repair, replace, remove and/or use for public sidewalk, curb, and street improvements over and upon that certain real property situated in the City of Sonoma, County of Sonoma, State of California and further described in Exhibits "A" and "B" attached hereto made a part hereof. This Grant provides that the Grantors shall have the obligation to maintain the sidewalk in such condition so as not endanger persons or property and so as not to interfere with the public convenience in the use of the sidewalk.

APN: 018-540-007 (portion)

Date: _____

By: _____
Edith Mazzaferri

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the attached instrument is hereby accepted by the City Council of the City of Sonoma pursuant to City Council Resolution No. _____-2014, dated _____ and grantee consents to recordation thereof by its duly authorized officer.

CITY OF SONOMA, a municipal corporation

By: _____
Carol Giovanatto, City Manager

Date: _____

**27.50 Foot Wide
Road Easement
To the City of Sonoma**

Over, though, under, and across the lands of Edith M. Mazzaferri, as described in the Trust Transfer Deed recorded as 2008-017268, Official Record of Sonoma County, for road, sidewalk, curb and gutter, drainage, and utilities. Said easement more particularly described as follows,

Beginning at the Southwest corner of the said Lands of Mazzaferri, being a point on the centerline of Curtin Lane, being the Southeast corner of the road dedication to the City of Sonoma as shown on the City of Sonoma Parcel Map No. 63, filed in Book 427 of Maps, Page(s) 35 & 36, Official Records of Sonoma County:

Thence along the said centerline of Curtin Lane, South 83°04'30" East, 74.05 feet, to the southeast corner of the said Lands of Mazzaferri:

Thence leaving said centerline North 6°48'15" East, 27.50 feet along the easterly boundary of said lands of Mazzaferri, to a point 27.50 feet from the said centerline of Curtin Lane:

Thence leaving said easterly boundary, parallel to said centerline of Curtin Lane North 83°04'30" West, 74.05 feet, to a point on the westerly boundary of the said lands of Mazzaferri:

Thence following the said westerly boundary of the lands of Mazzaferri, South 6°48'45" West, 27.50 feet more or less to the Point of Beginning

Containing 2036 Sq Ft More or Less

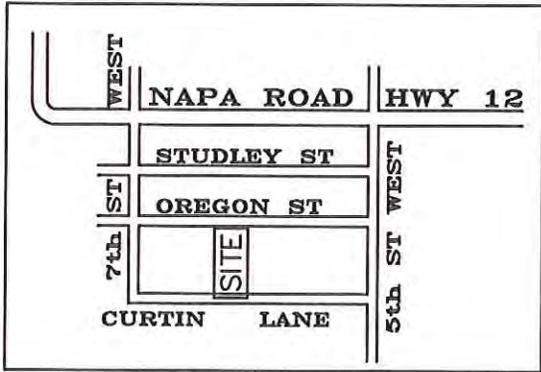
This description was prepared by me or under my direction in February 2014



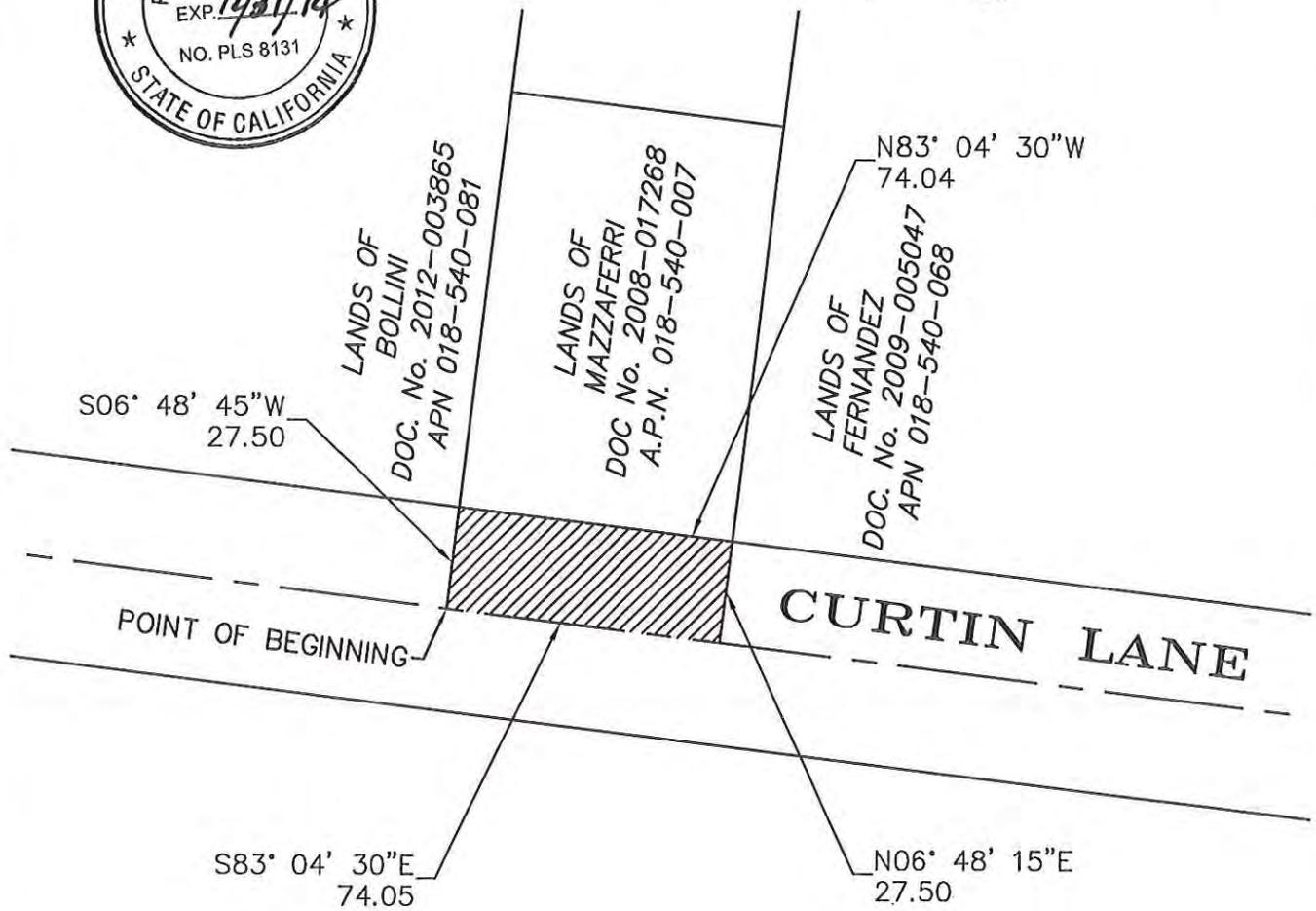
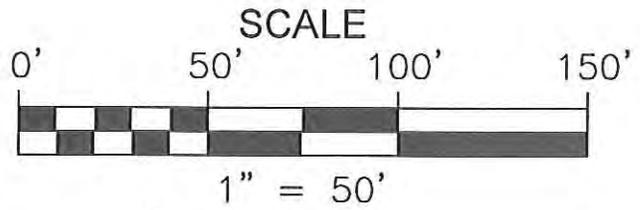
Richard A. Maddock, PLS 8131

Exp 12/31/2014





VICINITY MAP
NOT TO SCALE
LOCATED WITH IN THE CITY OF SONOMA



City of Sonoma
Sidewalk, Paving, and Drainage Easement
EXHIBIT "B"
583 Curtin Lane
Sonoma, California

Job Number | 8410963
Revision | -
Date | Feb, 2014
Figure 1

WHEN RECORDED RETURN TO:

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

GRANT OF PUBLIC EASEMENT

Documentary Transfer Tax -- \$0.00 (conveyance to public agency; R&T 11922)

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged:

Gloria Crow and David Lewis

hereby GRANT(S) TO:

City of Sonoma, a municipal corporation

An easement, in perpetuity, with a right of immediate and unobstructed entry, and continued possession to construct, install, inspect, improve, maintain, repair, replace, remove and/or use for public improvements over and upon that certain real property situated in the City of Sonoma, County of Sonoma, State of California and further described in Exhibits "A" and "B" attached hereto made a part hereof.

APN: 018-540-098 (portion)

By: _____
Gloria Crow

Date: _____

By: _____
David Lewis

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the attached instrument is hereby accepted by the City Council of the City of Sonoma pursuant to City Council Resolution No. _____-2014, dated _____ and grantee consents to recordation thereof by its duly authorized officer.

CITY OF SONOMA, a municipal corporation

By: _____ Date: _____
Carol Giovanatto, City Manager

**27.50 Foot Wide
Road Easement
To the City of Sonoma**

Over, though, under, and across the Lands of David Lewis and Gloria Crow (Lewis/Crow), as described in the Grant Deed recorded as 2012-003865, Official Record of Sonoma County, for road, sidewalk, curb and gutter, drainage, and utilities. Said easement more particularly described as follows,

Beginning at the Northeast corner of Parcel One of the said Lands of Lewis/Crow, being a point on the centerline of Curtin Lane:

Thence along the northern boundary of Parcel One, being the said centerline of Curtin Lane, North 82°45'00" West, 66.00 feet, to the northwest corner of Parcel One the said Lands of Lewis/Crow:

Thence leaving said centerline South 6°54'59" West, 15.09 feet along the western boundary of Parcel One of the said lands of Lewis/Crow, to the northeastern corner of Parcel Two of the said lands of Lewis/Crow:

Thence leaving said western boundary, South 82°45'00" East, 66.00 feet, to a point on the easterly boundary of Parcel One:

Thence following the eastern boundary of said Parcel One, North 6°54'59" East, 15.09 feet more or less to the Point of Beginning.

Containing 1870 Sq Ft More or Less

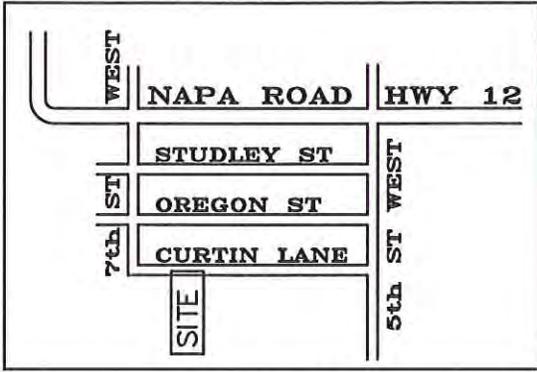
This description was prepared by me or under my direction in February 2014



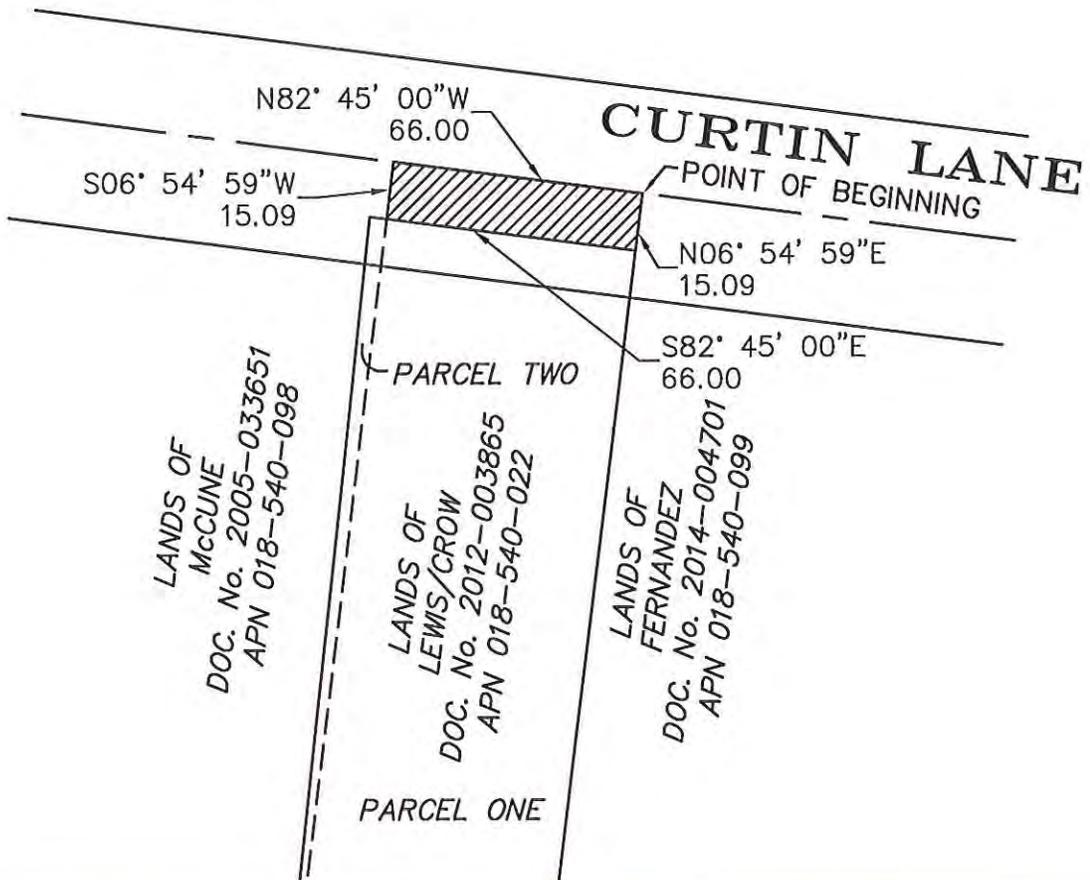
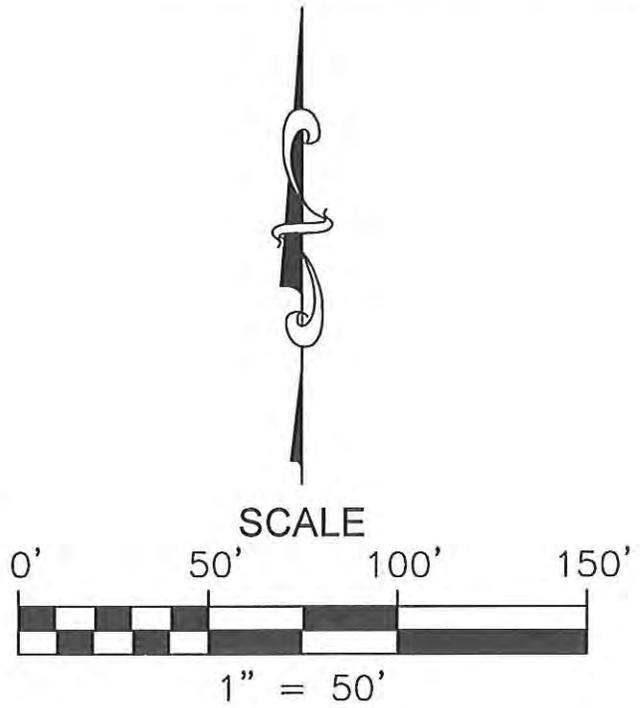
Richard A. Maddock, PLS 8131

Exp 12/31/2014





VICINITY MAP
NOT TO SCALE
LOCATED WITH IN THE CITY OF SONOMA



City of Sonoma
Sidewalk, Paving, and Drainage Easement
EXHIBIT "B"
608 Curtin Lane
Sonoma, California

Job Number | 8410963
Revision | -
Date | Feb, 2014

Figure 1

City of Sonoma

No. 1 The Plaza
Sonoma California 95476-6690
Phone (707) 938-3681 Fax (707) 938-8775
E-Mail: cityhall@sonomacity.org



February 12, 2014

Edith Mazzaferri
599 Oregon St.
Sonoma, CA 95476

Re: Curtin Lane Rehabilitation Project

There is no sidewalk in front of your property at 583 Curtin Lane. As part of the Curtin Lane Rehabilitation Project, the City proposes at its own cost to install new sidewalk, curb, gutter, a driveway curb cut, and street paving as part of this project. Attached is a sketch of the proposed work.

The City will provide the services necessary to prepare a Grant of Easement document that provides the City with an easement over the new sidewalk within your existing property. The Grant of Easement Document will need to be signed and notarized by you as owner of the property. In order not to delay the construction work, processing the Grant of Easement may occur after construction. This letter of agreement acknowledges that the construction of these frontage improvements may proceed and that the agreement to process a Grant of Easement will follow at a later date.

In order to construct the sidewalk, construction crews will need to access the area shown on the attached sketch that is within your property limits. The City will need your permission to enter your property and enclosed is a Right of Entry form for your signature to obtain this permission.

Please sign below to acknowledge and agree to these terms and deliver this signed letter and the Right of Entry form as soon as possible to City Hall, at the address above, attention Public Works Director. The work is anticipated to occur in about the May or June 2014 timeframe. We appreciate the opportunity to work with you and your neighbors on this project.

Sincerely,



Dan Takasugi
Public Works Director / City Engineer

Attachment: Consent/Right-of-Entry Agreement

ACKNOWLEDGED AND AGREED:

Signature: Edith Mazzaferri
Edith Mazzaferri, Property Owner

Date: Feb. 15 - 2014

CONSENT/RIGHT-OF-ENTRY AGREEMENT

Edith Mazzaferri, ("Owner"), hereby permits CITY OF SONOMA, a municipal corporation of the State of California, ("City"), to enter upon Owner's property located at 583 Curtin Lane, Sonoma, County of Sonoma, State of California, and bearing APN 018-540-007 ("Premises") subject to all licenses, easements, encumbrances and claims of title affecting the Premises and upon the following terms and conditions:

1. This Consent shall become effective as of April 1, 2014. City, its officials, employees, agents, contractors and assigns may enter the Premises for the following purposes:
 - (a) Construction of new sidewalk, curb, gutter, driveway curb cut, and paving within Premises as detailed in attached sketch, Exhibit A.
2. This Consent shall be effective for a period of 120 (one-hundred and twenty) days from the date referenced in Section 1 and shall automatically terminate thereafter unless extended as herein provided. Should it become necessary for City to extend the term of this Consent to complete the work identified in Section 1, City shall notify Owner in writing within five (5) days of the expiration of the term hereof and, at the option of City, this Consent shall be automatically extended for an additional twenty (20) days.
3. All costs related to City's operations upon the Premises shall be at City's expense and all work by City upon the Premises shall be performed in a good and workmanlike manner.
4. Owner represents and warrants that s/he enjoys full fee title interest in the Premises and that s/he has full authority and the right to execute this Consent.
5. City shall provide advance written notice of the date City elects to enter upon the Premises. Said notice shall be by letter to the Owner or by door hanger at 583 Curtin Lane, Sonoma, CA 95476.

OWNER(S)

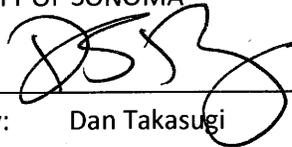


Edith Mazzaferri

AGREED TO AND ACCEPTED THIS

18TH DAY OF FEBRUARY 2014.

CITY OF SONOMA



By: Dan Takasugi

Title: Public Works Director

City of Sonoma

No. 1 The Plaza
Sonoma California 95476-6690
Phone (707) 938-3681 Fax (707) 938-8775
E-Mail: cityhall@sonomacity.org



February 12, 2014

Gloria Crow and David Lewis
608 Curtin Lane
Sonoma, CA 95476

Re: Curtin Lane Rehabilitation Project

There is no sidewalk and limited street paving in front of your property at 608 Curtin Lane. As part of the Curtin Lane Rehabilitation Project, the City proposes at its own cost to install new expanded street paving as part of this project, part of which is on your property. Attached is a sketch of the proposed work.

The City will provide the services necessary to prepare a Grant of Easement document that provides the City with an easement over the new expanded street paving within your existing property. The Grant of Easement Document will need to be signed and notarized by you as owner of the property. In order not to delay the construction work, processing the Grant of Easement may occur after construction. This letter of agreement acknowledges that the construction of these frontage improvements may proceed and that the agreement to process a Grant of Easement will follow at a later date.

In order to construct the expanded street paving on your property, construction crews will need to access the area shown on the attached sketch that is within your property limits. The City will need your permission to enter your property and enclosed is a Right of Entry form for your signature to obtain this permission.

Please sign below to acknowledge and agree to these terms and deliver this signed letter and the Right of Entry form as soon as possible to City Hall, at the address above, attention Public Works Director. The work is anticipated to occur in about the May or June 2014 timeframe. We appreciate the opportunity to work with you and your neighbors on this project.

Sincerely,

Dan Takasugi
Public Works Director / City Engineer

Attachment: Consent/Right-of-Entry Agreement

ACKNOWLEDGED AND AGREED:

Signature: Gloria Crow Date: 2-14-14
Gloria Crow

Signature: David Lewis Date: 2-18-14
David Lewis

CONSENT/RIGHT-OF-ENTRY AGREEMENT

Gloria Crow and David Lewis, ("Owner"), hereby permits CITY OF SONOMA, a municipal corporation of the State of California, ("City"), to enter upon Owner's property located at 608 Curtin Lane, Sonoma, County of Sonoma, State of California, and bearing APN 018-540-022 ("Premises") subject to all licenses, easements, encumbrances and claims of title affecting the Premises and upon the following terms and conditions:

1. This Consent shall become effective as of April 1, 2014. City, its officials, employees, agents, contractors and assigns may enter the Premises for the following purposes:
 - (a) Construction of new expanded paving within Premises as detailed in attached sketch, Exhibit A.
2. This Consent shall be effective for a period of 120 (one-hundred and twenty) days from the date referenced in Section 1 and shall automatically terminate thereafter unless extended as herein provided. Should it become necessary for City to extend the term of this Consent to complete the work identified in Section 1, City shall notify Owner in writing within five (5) days of the expiration of the term hereof and, at the option of City, this Consent shall be automatically extended for an additional twenty (20) days.
3. All costs related to City's operations upon the Premises shall be at City's expense and all work by City upon the Premises shall be performed in a good and workmanlike manner.
4. Owner represents and warrants that s/he enjoys full fee title interest in the Premises and that s/he has full authority and the right to execute this Consent.
5. City shall provide advance written notice of the date City elects to enter upon the Premises. Said notice shall be by letter to the Owner or by door hanger at 608 Curtin Lane, Sonoma, CA 95476.

OWNER(S) Gloria Crow

Gloria Crow
David Lewis
David Lewis

AGREED TO AND ACCEPTED THIS
20th DAY OF FEBRUARY 2014.

CITY OF SONOMA
DST
By: Dan Takasugi
Title: Public Works Director



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5D

Meeting Date: 04/21/2014

Department

Planning

Staff Contact

David Goodison, Planning Director

Agenda Item Title

Adoption of a resolution denying an appeal of the Planning Commission's determination to uphold staff interpretations associated with provisions of the Development Code pertaining to driveway cuts and non-conforming uses as applied to the property located at 639 Third Street West.

Summary

The subject property is a residential parcel located on the southwest corner of Third Street West and Vigna Street. In 1978, the Planning Commission approved a use permit allowing the conversion of the residence to a medical office, a project that included the removal of a carport and the development of a parking lot and a second driveway cut on the Vigna Street frontage. The zoning rules allowing this use permit subsequently changed and the office use became legal-nonconforming. In 2013, the property reverted back to use as a single-family residence. (This conversion involved changes to the interior of the building, but did not entail any expansion of the floor area of the structure.) The policy of the Public Works Department is to require the removal of secondary driveways on residential properties of less than two acres in conjunction with projects having a building permit valuation of \$40,000 or greater. The Third Street West driveway was deemed the redundant one, because, as set forth in section 19.48.100 of the Development Code, driveway access is generally supposed to be located on the street having the lowest traffic volume. A neighboring property owner residing at 313 Vigna Street, Janet Wedekind, wrote to protest the staff interpretations that: 1) led to the removal of the driveway cut on the Third Street West frontage, and 2) did not require the provision of a covered parking space in conjunction with the property's return to residential use. Staff brought these concerns to the Planning Commission, which reviewed them at its meeting of February 13, 2014. After taking public testimony and discussing the matter, the Commission voted 6-0 (with one abstention) to uphold staff's interpretations. This determination was appealed to the City Council, which heard the matter at its meeting of April 7, 2014. After holding a public hearing, the City Council voted 4-1 (Councilmember Barbose dissenting) to deny the appeal and to direct staff to prepare an implementing resolution.

Recommended Council Action

Adopt the attached resolution denying the appeal.

Alternative Actions

Modify the resolution as may be deemed necessary.

Financial Impact

This item does not raise any significant issues with respect to financial impacts on the City.

Environmental Review

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

Status

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

Alignment with Council Goals:

N/A

Attachments:

1. Draft Resolution

cc: Dan Takasugi, Public Works Director/City Engineer

Janet Wedekind

Diann Sorenson

Shawn Montoya, Montoya and Associates

CITY OF SONOMA

RESOLUTION NO.

A RESOLUTION OF THE SONOMA CITY COUNCIL UPHOLDING THE PLANNING COMMISSION'S INTERPRETATION OF DEVELOPMENT CODE PROVISIONS PERTAINING TO NON-CONFORMING USES AND DRIVEWAY STANDARDS AS APPLIED TO THE PROPERTY LOCATED AT 639 THIRD STREET WEST

WHEREAS, in 2013, a legal-nonconforming office located at 639 Third Street West forfeited its non-conforming status through the application of section 19.82.030 of the Development Code because the office use had ceased for a period of at least one year; and,

WHEREAS, the current owner of the property decided to use the property as a single-family residence, which is a permitted use under the Low Density Residential zoning designation applicable to the property; and,

WHEREAS, in reviewing building plans for an interior remodeling of the residence on the property, staff found that two drive-way cuts existed on the site, one on the Third Street West frontage and one on the Vigna Street frontage; and,

WHEREAS, the value of the building permit exceeded \$40,000, which triggers the application of public improvement requirements pursuant to Chapter 12.14 of the Municipal Code ("Public Improvements Construction"); and,

WHEREAS, in determining the requirements for improvements to the curb, gutter, and sidewalk along the frontages of the property, the Public Works Department was guided by Section 19.48.100 of the Development Code, which reads as follows:

Up to two driveways shall be allowed for each parcel two acres or more in size unless the city engineer determines that more than two driveways are required to accommodate traffic volumes on specific projects. Additional driveways shall not be allowed if it is determined to be detrimental to traffic flow on the adjacent street(s). Whenever a property has access to more than one street, access shall be generally limited to the lowest volume street, where the impact of a new access will be minimized, unless otherwise approved by the city engineer.

WHEREAS, the Public Works Department determined that because neither driveway cut served a covered off-street parking space and because traffic volumes on Vigna Street were substantially lower than traffic volumes on Third Street West, the driveway cut on Third Street West was selected for removal; and,

WHEREAS, on January 10, 2014, following the construction of the required public improvements, including the removal of the driveway cut on Third Street West, a neighboring property owner wrote to the City to protest that 1) the driveway cut on Vigna Street should have been removed as it was developed in conjunction with the former medical office use, and 2) that a covered off-street parking space should have been required in conjunction with the conversion of the property back to residential use; and,

WHEREAS, when the Planning Commission reviewed this matter at its meeting of February 13, 2014, it voted 6-0 (with one abstention) to uphold the staff interpretations regarding the parking and driveway cuts on the subject property; and,

WHEREAS, this decision was appealed to the City Council by the neighboring property owner, Janet Wedekind; and,

WHEREAS, the City Council considered the appeal in a duly noticed public hearing held on April 7, 2014; and,

WHEREAS, on a vote of 4-1, the City Council determined that it wished to deny the appeal and uphold the interpretations of staff and the Planning Commission with respect to the provisions of the Development Code in question.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sonoma hereby denies the appeal of Janet Wedekind, thereby upholding the interpretations of staff and the Planning Commission with respect to the removal of a driveway cut and the determination that covered parking was not required in association with the reversion of the property to use as a single-family residence.

The foregoing Resolution was duly adopted this 21th day of April 2014, by the following roll call vote:

AYES:
NOES:
ABSENT:

Tom Rouse, Mayor

ATTEST:

Gay Johann, CMC
City Clerk



CITY OF SONOMA
City Council/Successor Agency
Agenda Item Summary

City Council Agenda Item: 6A

Meeting Date: 04/21/2014

Department

Administration

Staff Contact

Gay Johann, Assistant City Manager/City Clerk

Agenda Item Title

Approval of the portions of the Minutes of the April 7, 2014 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: 7A

Meeting Date: 04/21/2014

Department

Planning

Staff Contact

Associate Planner Atkins

Agenda Item Title

Discussion, consideration and possible action on the update of the Sonoma Bicycle and Pedestrian Master Plan.

Summary

The Sonoma Bicycle & Pedestrian Master Plan (Plan) was last completed and adopted in 2008. The Plan was developed as a component of the Sonoma County Transportation Authority's (SCTA's) 2008 *Countywide Bicycle and Pedestrian Master Plan*. While part of the countywide *Master Plan*, the Sonoma Plan is also a stand-alone document to be used by the City of Sonoma to guide implementation of local projects and programs and document city policy. However, as a component of the SCTA *Countywide Bicycle & Pedestrian Master Plan* it is also designed to improve coordination in realizing the countywide bicycle and pedestrian system. There are various reasons to update the Plan, such as updating project lists, maps, and census data. The majority of the changes involve updating a number of proposed bike routes to existing routes. The updated Plan was developed over the course of a year through the coordinated efforts of the SCTA's Bicycle and Pedestrian Advisory Committee, a project steering committee, Sonoma City staff, and input from the public.

Recommended Council Action

Review, and modify if desired, the improvements and improvement priorities set forth in the Sonoma Bicycle & Pedestrian Master Plan and adopt the plan by resolution.

Alternative Actions

Direct staff to provide additional information.

Financial Impact

The Plan identifies a number of programs and improvements. Some can be accommodated with existing staffing and funding sources. Others would require new resources, but the adoption of the updated Plan will make it easier for the City to obtain grants and other outside funding. Individual projects would be reviewed by the City Council prior to implementation to ensure that adequate funds are available.

Environmental Review

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

Status

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

Attachments:

1. Supplemental Report
2. Resolution

The Sonoma Bicycle & Pedestrian Master Plan is available on the City's website using this link:
http://www.sonomacity.org/uploadimg/SonomaBikePedPlanUpdate2014_03242014_draft.pdf

Alignment with Council Goals: N/A

cc:

SUPPLEMENTAL REPORT

Review of the Sonoma Bicycle and Pedestrian Master Plan *For the City Council meeting of April 21, 2014*

Background

On September 3, 2008, the City Council adopted Resolution No. 43-2008, which adopted the Sonoma Bicycle and Pedestrian Master Plan as part of the Sonoma County Transportation Authority's 2008 Countywide Bicycle and Pedestrian master Plan.

Review of the Bicycle and Pedestrian Master Plan

The Sonoma Bicycle & Pedestrian Master Plan (Plan) was last completed and adopted in 2008. The Plan was developed as a component of the Sonoma County Transportation Authority's (SCTA's) 2008 *Countywide Bicycle and Pedestrian Master Plan*. While part of the countywide *Master Plan*, the Sonoma Plan is also a stand-alone document to be used by the City of Sonoma to guide implementation of local projects and programs and document city policy. However, as a component of the SCTA *Countywide Bicycle & Pedestrian Master Plan* it is also designed to improve coordination in realizing the countywide bicycle and pedestrian system. There are various reasons to update the Plan, such as updating project lists, maps, and census data.

Key Changes. The majority of the changes involve updating a number of bike routes formerly identified as "proposed" to "existing", in recognition of the many projects that have been implemented since the adoption of the Plan in 2008. The following is a list of bike projects that have been completed since the Plan adoption:

- Class II bike routes on Fifth Street West.
- Class II bike routes on West MacArthur Street.
- Crosswalk improvement at the Maxwell Village Shopping Center on Sonoma Highway.
- Class III bike routes on Oregon Street, Curtain Lane, and Third Street West.
- Comprehensive bike signage program.

In addition, as previously directed by the City Council, a proposed Class II bike route has been removed from West Spain Street.

Update and Review Process. The updated Plan was developed over the course of a year through the coordinated efforts of the SCTA's Bicycle and Pedestrian Advisory Committee, a project steering committee, Sonoma City staff, and input from the public. The draft updated Plan then underwent review by applicable City Commissions. At its meeting of February 12, 2014, the Community Services and Environment Commission reviewed the Plan and recommended that the City Council approve the plan. When the Planning Commission subsequently reviewed the document, at its meeting of March 13, 2014, it voted unanimously to recommend that the City Council adopt the Plan as proposed.

Next Steps. The SCTA Countywide Bicycle and Pedestrian Master Plan is also being updated. It is anticipated that the SCTA Board of Directors will review the final updated Countywide Bicycle and Pedestrian Master Plan on May 12, 2014.

Recommendation

Staff recommends that the City Council adopt the Sonoma Bicycle and Pedestrian Master Plan by resolution.

CITY OF SONOMA

RESOLUTION NO. __ - 2014

WHEREAS, the Metropolitan Transportation Commission's Regional Transportation Plan supports and encourages local agencies to develop comprehensive bicycle plans consistent with the regional plan; and

WHEREAS, the City of Sonoma has collaborated with the County of Sonoma and the Cities of Cloverdale, Cotati, Healdsburg, Rohnert Park, Sebastopol, and Windsor, under the auspices of the Sonoma County Transportation Authority to develop the comprehensive Sonoma County Transportation Authority Countywide Bicycle and Pedestrian Master Plan Update; and

WHEREAS, the Countywide plan includes individual bicycle and pedestrian plans for each participating agency; and

WHEREAS, the City of Sonoma Community Services and Environment Commission (CSEC) and the City of Sonoma Planning Commission have reviewed the Sonoma Bicycle and Pedestrian Plan Update and recommend its adoption; and

WHEREAS, the City Council of the City of Sonoma has reviewed and conducted a public hearing on the Sonoma Bicycle and Pedestrian Master Plan; and

WHEREAS, the proposed Bicycle Plan is consistent with the City of Sonoma General Plan and General Plan environmental impact report, and no additional environmental review is necessary; and

WHEREAS, the Sonoma Bicycle and Pedestrian Master Plan is a document to guide future actions with specific projects and goals will require further council approval and funding; and

WHEREAS, the Legislature of the State of California has established a Bicycle Transportation Account (BTA) to fund the construction of bikeway projects, and has required local agencies requesting funds from this account to have an adopted Bicycle Plan as a minimum requirement for eligibility.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sonoma hereby finds and declares as follows:

1. The proposed Sonoma Bicycle and Pedestrian Master Plan is consistent with the City of Sonoma General Plan and General Plan environmental impact report, and no additional environmental review is necessary.
2. The update of the Sonoma Bicycle and Pedestrian Master Plan is hereby approved and adopted.

The foregoing Resolution was duly adopted this 21st day of April 2014, by the following roll call vote:

AYES:
NOES:
ABSENT:

Tom Rouse, Mayor

ATTEST:

Gay Johann
Assistant City Manager / City Clerk



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 8A

Meeting Date: 04/21/14

Department

Planning

Staff Contact

David Goodison, Planning Director

Agenda Item Title

Presentation by the Sonoma League for Historic Preservation on a program to identify historic structures and resources with QR (Quick Response) Codes as an educational tool and request for City participation in said program.

Summary

A long-standing educational program of the Sonoma League for Historic Preservation is its walking tour of historic buildings and resources. As noted in the attached letter, the League intends to enhance this program by placing small plaques on buildings highlighted in the tour that would incorporate QR Codes enabling persons taking the tour to learn more about the specific resource by reading the code through a smartphone. These plaques are not subject to design review due their small size and informational nature. However, the League is seeking authorization from the City Council to allow the placement of plaques on City Hall and the Carnegie Library, as those buildings are included in the walking tour.

Recommended Council Action

Receive presentation from the League for Historic Preservation and authorize City participation in the program, subject to staff review of the placement of the plaques on City-owned buildings.

Alternative Actions

Decline to participate in the program.

Financial Impact

There is no financial impact on the City associated with this program, as it will be fully managed by the League for Historic Preservation.

Alignment with Council Goals:

This issue is not directly related to any of the Council's adopted goals.

Environmental Review

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

Status

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

Attachments:

1. Letter from the League for Historic Preservation
-

cc: Sonoma League for Historic Preservation, Attn. Robert Demler



*Robert C. Demler, Jr., Vice President
291 1st Street East, Sonoma, CA 95476*

April 9, 2014

Mr. David Goodison
City Planner
City of Sonoma
City Hall
One, The Plaza
Sonoma, CA 95476

By Hand

Dear David...

The Sonoma League would be grateful to be placed on the Agenda for the Sonoma City Council for its meeting of Monday, April 21, 2014.

The purpose of our request is to present to the City Council the League's Program for the placement of QR Plaques on historic buildings in Sonoma for the ease of the passerby [whether a tourist visitor or a Sonoma resident] to have a quick introduction to the history of that particular structure.

I am attaching photocopies of the first five of these QR Plaques that we are proposing to install. The one for the Sonoma City Hall we are hoping will be the first plaque installed as soon as possible after we receive permission from the Sonoma City Council.

Thank you for your guidance with this proposal.

With kind regards,

A handwritten signature in black ink, appearing to be "R. Demler", written over a horizontal line.

cc: Barbara Wimmer, President, Sonoma League for Historic Preservation

Attachments: Five (5)

SONOMA CITY HALL

1908

The Sonoma City Hall has graced the Sonoma Plaza for over a century. It still houses several city offices, but at one time it also housed the municipal court and jail, the fire department and a museum.



To learn more, scan this QR code with a smart phone or similar device.



The Sonoma League for Historic Preservation
<http://sonomaleague.org>

MAYSONNAVE HOUSE

1910

This was the long-time home of Henry Maysonnave who bequeathed it to the City of Sonoma.

It is now the Heritage Center of the Sonoma League for Historic Preservation.



To learn more, scan this QR code with a smart phone or similar device.



The Sonoma League for Historic Preservation
<http://sonomaleague.org>

GENERAL HOOKER HOUSE

c. 1855

This redwood house was built by Lt. Col. Joseph Hooker on First Street West and was moved to its present site in the 1970s as a gift to the Sonoma League for Historic Preservation from Mr. and Mrs. Robert Lynch.



To learn more, scan this QR code with a smart phone or similar device.



The Sonoma League for Historic Preservation
<http://sonomaleague.org>

DUHRING GENERAL STORE

1891

This structure was replicated through the efforts of the Sonoma League for Historic Preservation after a disastrous fire in 1990.

For years this was the location of the Mission Hardware Store.



To learn more, scan this QR code with a smart phone or similar device.



The Sonoma League for Historic Preservation
<http://sonomaleague.org>

VALLEJO-CASTEÑADA ADOBE

c. 1842

This Mexican Period adobe was
built by Captain Salvador Vallejo.

The first recorded occupant was
Don Juan Casteñada.

It is now the offices of
the Three Sticks Winery.



To learn more, scan this QR code
with a smart phone or similar device.



The Sonoma League for Historic Preservation
<http://sonomaleague.org>



CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 8B
Meeting Date: 04/21/14

Department

City Attorney

Staff Contact

Jeff Walter, City Attorney

Agenda Item Title

Discussion, consideration, and possible action adopting a resolution interpreting an easement recorded on the property located at 19725 Seventh Street East and adopting findings that project is exempt from the California Environmental Quality Act (CEQA) under 14 Cal. Code Regs. 15303 because it involves construction, location and/or conversion of small structures.

Summary

The property located at 19725 Seventh Street East, although located outside of city limits, is subject to a scenic easement granted to the City by its former owners in 1985. Last year, the current property owner (Selma Blanusa) wrote to the City Council requesting that the easement be eliminated or clarified. This request was initially heard by the City Council at its meeting of October 21, 2013. At that time, the Council agreed that it wished to retain the easement, but expressed some willingness to entertain an amendment to the easement that would allow for the conversion of an existing structure (a barn) on the property into a second unit. At its meeting of March 17, 2014, when the City Council took up the issue again, including the question of whether a second unit could be allowed under the existing terms of the easement, the Council made a preliminary determination to the effect that although a "guesthouse" was an allowed use under the terms of the easement, a second dwelling unit was not, because the construction of a second unit would constitute an increase in "dwelling density" on the site, which is prohibited by the easement. In addition, the Council decided that it did not wish to amend the easement to allow for a second unit. On a vote of 5-0, the City Council directed staff to prepare a resolution setting forth these findings and directions.

As directed by the City Council, staff has prepared a draft resolution for Council consideration. However, there may be an outstanding issue that the City Council may wish to address. At the meeting of March 17th and in a subsequent letter to the City, the property owner has asserted that a building referred to a "cottage" existing on the property at the time that the easement was recorded in 1985 had the functional capacity to be used as a second dwelling unit. The property owner makes a similar assertion with the respect to the building referred as the "barn" (which the property owner claims was the original residence on the site). There is a provision in the easement that recognizes improvements on the property existing at the time that the easement was recorded and could be construed as making those structures the baseline with respect to increasing "dwelling density." If the Council construes that language as permitting owners of the property to have as many dwelling units on the property as existed in 1985, and if the evidence shows that a second dwelling unit existed on the property in 1985, then, depending upon the Council's construction of the easement, the re-introduction of a second unit may not constitute an increase in dwelling density.

It is up to the City Council to weigh the available evidence and reach a conclusion. Whatever determination the Council makes will be incorporated into the final resolution.

Recommended Council Action

1. Take no action.
2. Adopt the attached Resolution permitting a guest house but no second dwelling unit.
3. Direct staff to prepare a different Resolution.

Alternative Actions

Council discretion.

Financial Impact

There is no direct financial impact on the City associated with any of the options identified above.

52-1

Alignment with Council Goals:

This issue is not directly related to any of the Council's adopted goals.

Environmental Review

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

Status

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

Attachments:

1. Supplemental Report
 2. Draft resolution
 3. Correspondence from Selma Blanusa dated April 5, 2014
 4. Existing easement
 5. Minutes of the meeting of March 17, 2014
 6. Chronology of Historical Events
-

cc: Selma Blanusa
Easement mailing list

SUPPLEMENTAL REPORT

Discussion, consideration, and possible action adopting a resolution interpreting an easement recorded on the property located at 19725 Seventh Street East.

For the City Council Meeting of April 21, 2014

THE EASEMENT IN QUESTION

In 1985, Dr. Dowd processed an application to divide his property for the purpose of creating a 16 lot subdivision (the Laurel Wood Farms subdivision) on the western one-half (approximate) of his property on 7th Street East and retaining ownership and use of the remaining eastern one-half (approximate) for his and his family's principal residence. As a condition of its approval of the subdivision and its annexation into the City, the City Council required Dr. Dowd to sign and record an open space easement encumbering the eastern portion of Dr. Dowd's property. In pertinent part, by that easement, Dr. Dowd agreed:

[to transfer] to the public the right in perpetuity to have the said land remain free of dwelling houses and other structures designed or intended for human habitation, for control of building density in the immediate neighborhood

[not to] erect, construct, place or maintain . . . any improvement, building or structure or other whatsoever on the subject property which by design or intent might be used for human habitation in a manner which would increase the dwelling density of the lands owned by [the Dowds] . . . other than such improvements, buildings, structures or other things existing on the said property at the time of this grant.

See, Attachment "4" at page 2.

Last year, the current owner, Selma Blanusa, came to the Council seeking the elimination or an interpretation of this easement so as to allow her to build a second dwelling unit on the property. Her previous submittals and presentations are well known to the Council and will not be belabored here.

HISTORICAL STATEMENTS AND COUNCIL RESOLUTIONS LEADING UP TO THE APPROVAL AND RECORDATION OF THE EASEMENT

Suffice it to say, the core issue here is whether the language quoted above allows Ms. Blanusa to build a second dwelling unit on the property. A second dwelling unit is considered to be a residential structure that has complete, independent living facilities,

including permanent provisions for living, sleeping, eating, cooking and sanitation.¹ If any of these features or facilities is missing in a residential structure, it is not considered to be a dwelling unit, habitable for living purposes.

To assist the Council in understanding the intent of this easement, reference is made to Attachment “6” which is a chronology of events, resolutions, actions and discussions had by the Council and its staff during the early 1980’s when the Dowd project was being processed and considered by the Council.

In 1981, the Council adopted Resolution No. 77-81 which included a condition that “the remaining acreage of [the Dowd property] be restricted from any further residential development in perpetuity.” The minutes reflect that preceding that action, then Planning Director Steinbeck responded to a council question by stating that “Dr. Dowd will keep his [remaining] land as open space with his one house on the parcel.” In 1982, the Council adopted Resolution No. 57-82 initiating the annexation of the Dowd subdivision and therein stated:

“The applicant shall file with the City of Sonoma a scenic easement deed or other instrument acceptable to the City Council guaranteeing that no additional dwelling units be constructed on the easterly portion of the subject property not being annexed to the City of Sonoma.”

In January 1984, the Council adopted several resolutions, one of which ordered the annexation. That resolution (No. 8-84) provided that:

“The applicant shall file with the City of Sonoma a scenic easement deed or other instrument acceptable to the City Council guaranteeing that no additional dwelling units be constructed on the easterly portion of the subject property not being annexed to the City of Sonoma by this reorganization.”

THE EVIDENCE OF THE RESIDENTIAL USES OF THE PROPERTY IN 1985

Ms. Blanusa has submitted an April 5, 2014, letter (Attachment 3) setting forth the facts and arguments which she believes compel the Council to construe the easement as she wishes. She again contends that because the County’s zoning code and State law prohibit counting second dwelling units (meeting County and State law requirements) in determining whether the zoning density of the property in question would be exceeded by the construction of such a dwelling unit on that property, the easement should be construed to allow second dwelling units because they do not increase density under

¹ This is the definition found in the City’s Building Code which the City’s building official interprets and enforces. He reports that this definition was in existence in 1985 and has remained the applicable definition, without substantial change, to the present time. Provisions for eating and cooking is interpreted to mean a stove, range, cooktop or oven and a refrigerator for food storage. Permanent provisions for sleeping is not defined, but is interpreted to mean an area that is designed for sleeping or contains a bed. Additionally, in order for a structure to be considered a dwelling unit, it must have a toilet and bathtub or shower, a sink for use in washing hands and cleaning dishes, hot and cold running water, electrical lighting and comfort heating.

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those zoning code provisions. There is nothing in the easement that indicates that State or County zoning density calculations are to govern whether additional dwelling units may be constructed on Ms. Blanusa's property. If that were the case, then County zoning provisions would trump contrary provisions in the easement, potentially rendering its limitations meaningless. Moreover, the easement precludes increasing the "dwelling" density on the property, not the "zoning" density.

Ms. Blanusa also states that in 1985, located on the Dowd's property was a barn and a cottage. She maintains that because each of these structures had the "capacity" to be used as second dwelling units, the easement should be construed to allow her to modify or replace the barn or replace the cottage. In essence, she is arguing that the easement, properly construed, allowed the Dowds, and now her, to retain the same number of dwelling units that existed on the property in 1985. And the fact that the cottage was demolished before she bought the property should not preclude its replacement since such a project would not increase the density of dwelling units extant in 1985.

With respect to the cottage's condition in 1985, she states:

The cottage was built approximately during the 1930s and contained a kitchen, bath and living quarters. Although it is unclear whether there were cooking facilities at the time that the easement was put into place, it was clearly designed and had the capacity to be used as a second unit.

This description of the cottage's living facilities in 1985 is admittedly ambiguous. From this description we are not told whether the cottage had a refrigerator, was heated, or had electrical lighting, a toilet, or cooking facilities.

With respect to the barn (which Ms. Blanusa calls the "homestead"), she reports that when the barn was built in 1936, it "contained a kitchen with cooking facilities, a bedroom, a sleeping loft and living quarters." But she also states that at some point, presumably prior to 1985, the structure was converted into a barn for storage purposes. Again, the evidence appears to point in the direction that in 1985, the barn was used for storage and that the living facilities that once existed were removed or abandoned.

As to both structures, there is no evidence as to whether, in 1985, either was actually being used for living purposes.

Ms. Blanusa argues that because either or both of these structures had the "capacity" to be used as a second unit in 1985, they should be treated as though they were second dwelling units at that time. Such an argument proves too much. For example, every guest house (which, by definition, cannot have, say, permanent cooking facilities) has the capacity of becoming a dwelling unit by installing in that guest house the facilities that constitute a dwelling unit (see footnote 1, *ante*): in this example, an oven or a cooktop. But that does not mean it *is* a dwelling unit with permanent living facilities. And with respect to the barn, thus far, there is no evidence that in 1985 it could have been

52-5

converted to a residential structure containing all of the facilities which constitute a dwelling unit.

THE VARIOUS WAYS THAT THE EASEMENT COULD BE INTERPRETED

Admittedly, the evidence about the existence and number of “dwelling units” located on the property in 1985 is unclear and ambiguous. Obviously, this does not make the Council’s decision-making any easier. However, the issue framed by these historical facts can be boiled down to the following questions:

1. **Does the 1985 easement prohibit the construction of any dwelling units beyond the principal residential structure then existing on the property?** If the answer to this question is “yes,” then Ms. Blanus’s request to have the easement construed to allow her to build a second dwelling unit should be denied.
2. **Does the 1985 easement prohibit the construction of any dwelling units beyond the number of structures then (in 1985) actually being used for dwelling purposes?** If the answer to this question is “yes,” then Ms. Blanus’s request to have the easement construed to allow her to build a second dwelling unit should be denied.
3. **Does the 1985 easement prohibit the construction of any dwelling units beyond the number of structures then existing on the property which at that time permanently provided for, but were not necessarily being used for, independent living purposes?** If the answer to this question is “yes,” then the response to Ms. Blanus’s request to have the easement construed to allow her to build a second dwelling unit is unclear for the reasons outline above.
4. **Does the 1985 easement prohibit the construction of any dwelling units beyond the number of structures then existing on the property which at that time (a) provided for independent living and/or (b) could have been improved to permanently provide for, but were not necessarily being used for, independent living purposes?** If the answer to this question is “yes,” then the response to Ms. Blanus’s request to have the easement construed to allow her to build a second dwelling unit depends upon whether there is credible and sufficient evidence establishing that in 1985 the cottage and/or the barn could have been improved or modified to provide for such independent living such that it could have constituted a “dwelling unit.”
5. **Does the 1985 easement only allow the dwelling structures that existed on the property in 1985, and because the cottage – even assuming it permanently provided living facilities at that time – was demolished before Ms. Blanus purchased the property, the right to replace that structure with a new dwelling unit was permanently lost?** If the answer to this question is

52-6

“yes,” then Ms. Blanusas request to have the easement construed to allow her to build a second dwelling unit should be denied.

CONCLUSIONS AND RECOMMENDATIONS

In accordance with the directions given by the Council at its March 17, 2014, meeting, attached is a resolution that interprets the easement as allowing one dwelling unit and a guest house. Although at that meeting, Ms. Blanusas revealed an aerial photograph which she stated showed the cottage which is mentioned in this report, complete details as to its contents and facilities were not provided. Since that meeting, she has supplied her April 5, 2014, letter outlining her evidence pertaining to the cottage (and the barn) and arguments supporting her claim that the easement should be construed to allow her to build a second dwelling unit consistent with County zoning restrictions.

Should the Council determine that the easement was intended to allow the Dowds and their successors to have two dwelling units on the property, then a new resolution will need to be prepared and submitted at a future Council meeting for the Council's consideration.

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52-8

CITY OF SONOMA

RESOLUTION NO.

A RESOLUTION OF THE SONOMA CITY COUNCIL INTERPRETING THE TERMS OF A DEED OF EASEMENT RECORDED ON PROPERTY LOCATED AT 19725 SEVENTH STREET EAST

WHEREAS, on March 11, 1985, the City Council, pursuant to Resolution #15-85, accepted a Deed of Easement ("Deed of Easement" or "easement") encumbering the property located at 19725 Seventh Street East ("subject property"); and,

WHEREAS, the Deed of Easement was required as a condition of approval and annexation to the City of the Laurel Wood Farms Subdivision, a 16-lot residential development approved for the western portion of the subject property, leaving a 4.64-acre remainder portion that was not annexed to the City of Sonoma; and,

WHEREAS, the Deed of Easement, which remains in effect, provides, among other things, that:

- A. *" . . . the grantors [the Dowds] transfer to the public the right in perpetuity to have the said land remain free of dwelling houses and other structures designed or intended for human habitation, for control of building density in the immediate neighborhood pursuant to City of Sonoma approval issued to the grantor for subdivision development on adjacent property. Reference is made to the proceedings of the Planning Commission and City Council of the City of Sonoma for further particulars. . . .*
- B. *"[no] building or structures [shall be erected, constructed, placed or maintained] . . . which by design or intent might be used for human habitation in a manner which would increase the dwelling density of the lands owned by [the grantors] in the vicinity of the described property on the date of this deed, other than such improvements, buildings, structures or other things existing on the said property at the time of this grant. . . .*
- C. *"Grantors also covenant for themselves and their successors and assigns that they will not use or permit the use of the subject property for any purpose inconsistent with the easement hereby granted and with the findings of the City Council of the City of Sonoma relative to the subject property. The said property shall not be used as a parking lot, storage area or dump site, or otherwise be utilized for the deposit of movable property upon the said property or of anything else that is not natural or compatible to the neighboring properties. . . ." and,*

WHEREAS, the current property owner has requested clarification and interpretation of the terms of the easement, specifically with regard as to how or whether the easement restrictions apply to residential accessory structures and in particular whether the easement provisions prohibit the development of a second dwelling unit and/or guest house on the subject property; and,

WHEREAS, as the holder of the easement, the City Council has the authority to make interpretations of its provisions, so long as any such interpretations are consistent with the language and expressed purposes of the easement; and

WHEREAS, the City Council considered this request for interpretation in duly noticed public hearings held on October 21, 2013, March 17, 2014, and April 21, 2014; and

WHEREAS, the evidence produced by the current property owner in support of her contention that the easement should be construed to allow her to construct a dwelling unit in addition to the principal, residential structure ("principal residence") that she and her family now occupy and which was located on the subject property in 1985 at the time the easement was executed and recorded is ambiguous and inconclusive, particularly with respect to the whether or not, at such time, there existed any structures in addition to the principal residence that provided complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation. As such, since only one dwelling has been established by the evidence to have existed on the subject property at the time of execution and recordation of the easement, allowing any additional dwelling unit to be constructed on the subject

property would constitute an "increase" in dwelling density, which is expressly precluded by the terms of the easement:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sonoma hereby finds and determines as follows:

- A. A dwelling unit is a structure designed or intended for human habitation which provides complete independent living facilities and which must include permanent provisions for living, sleeping, eating, cooking and sanitation. At the time the easement was executed and recorded, only one such dwelling unit existed on the subject property. To construe the easement to allow the current owner to construct on the subject property an additional dwelling unit would violate, among others, the easement's prohibition against increasing dwelling density. Thus, the City Council cannot and will not interpret the easement to allow the construction, erection, placement or maintenance on the subject property of more than one dwelling unit.
- B. A guest house constructed on the subject property in accordance with the applicable laws and regulations of Sonoma County is determined not to increase the "dwelling density" of the subject property because it would not and cannot have a kitchen, cooking, or refrigeration facilities, cannot be rented separately, would not exceed 640 square feet in area, and would not be authorized for use and cannot be used as a dwelling.
- C. Because the construction of a guest house (as defined and limited in subsection B, above) on the subject property would not increase its dwelling density, the allowance for a guest house on the subject property is determined to be consistent with the purposes and limitations of the Deed of Easement.
- D. To the extent that the adoption of this Resolution is a "project" within the meaning of the California Environmental Quality Act ("CEQA"), it is categorically exempt under 14 Cal.Code Regs. Section 15303 which exempts projects involving construction and/or location of new, small structures.
- E. The recitals are incorporated by this reference.

The foregoing Resolution was duly adopted this _____ day of _____ 2014, by the following roll call vote:

AYES:
NOES:
ABSENT:

Tom Rouse, Mayor

ATTEST:

Gay Johann
Assistant City Manager / City Clerk

52-10

April 5, 2014

Dear Sonoma City Council Members and Staff:

As you are all aware, I have submitted to the City Council for clarification on an easement regarding my property at 19725 7th St E. This easement requires that I obtain city approval before embarking on any grading or excavation. As has always been the case, I am not seeking a modification or adjustment to the easement, I am seeing a clarification that a second dwelling unit and a guest house are allowable and confirmation to proceed.

In interpreting and confirming direction, the history and intent of this easement are important. In 1985, after much effort and angst with the City, two easements were drafted and signed by the Dowd family. These easements were specifically between the Dowd family and the City. No neighbors, developers of Appleton, or any other parties are named as parties to these agreements. It is important to note that although there are meeting minutes that relate to the property, the legal documents that were created and signed by the Dowds that bind the property are specifically two Easements.

Easement 1 – Deed of Drainage Easement (Ref 85-020283): This easement provided an avenue to the city to allow for “a drainage channel” for the “contemplation of development of the Nathanson Creek Bypass channel” and provided access to the property for the placement of drains. This easement was abandoned by the City in 1990 after the City decided to abandon the project.

Easement 2 – Deed of Easement (Ref 85-020284): This easement was intended to control building density on the remainder property. Key language contained in this easement is as follows:

“... said land remain free of dwelling houses and other structures designed or intended for human habitation for control of building density in the immediate neighborhood”

“... will not at any time erect, construct, place or maintain or permit the erection, construction, placement or maintenance of any improvement, building or structure or other thing whatsoever on the subject property which by design or intent might be used for human habitation in a manner which would increase the dwelling density of the lands owned by the grantors in the vicinity of the described property on the date of this deed, other than such improvements, buildings structures or other things existing on the said property at the time of this grant”

In answering the question of whether a second dwelling unit or guest house is allowable, one must look to see if it violates these guidelines with a key point of each and every instance noted being the “control of building density”. Although the document does not specifically define “density”, it does refer to guidelines of governing bodies for such rules and regulations. Specifically, the wording contained in the easement is as follows: “Grantors reserve the right to use the subject property in any manner consistent with the stated purposes, terms, conditions, restrictions and covenants of this instrument and with existing zoning and other laws, rules and regulations of the State of California, County of Sonoma and the City of Sonoma, their successors or assigns, as such laws, rules and regulations may hereafter be amended from time to time”

The rules and regulations of all governing bodies – State of California, Sonoma County, and the City of Sonoma – ***indicate that second dwelling units or guest houses do not increase density.***

State of California: Reference 65852.2¹. Reference paragraph (5) of the regulations:

(5) A second unit which conforms to the requirements of this subdivision shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot. ***The second units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.***

Sonoma County: Reference PJR-032². Reference paragraph (g) of the regulations:

(g) **Density.** As provided by Government Code Section 65852.2(b)(5), ***second dwelling units are exempt from the density limitations of the general plan, provided that no more than one (1) second dwelling unit may be located on any parcel.*** A second dwelling unit may not be located on any parcel already containing a dwelling unit that is non-conforming with respect to land use or density, or developed with a duplex, triplex, apartment or condominium.

City of Sonoma: Reference 19.50.090³ **Second dwelling units.** It is important to note that requests are to be reviewed and approved ministerially – done after review of a specified state of facts in obedience to a legal order ***without exercise of personal judgment or discretion.*** Reference section (B) of the regulations:

B. Ministerial Review. ***Second units that comply with the following requirements, criteria, and limitations shall be reviewed and approved ministerially,*** through the issuance of a zoning clearance:

1. Site Requirements. A minimum parcel size shall not be required, but all applicable residential zoning district requirements regarding coverage and floor area ratio shall be met. A primary residence must be in existence on the lot for which the second unit is proposed at the time the application for a zoning clearance is made.

Summarizing all the above, the language and guidance indicate that both a second dwelling and a guest unit would be allowable.

In regards to other key wording regarding dwellings (“other than such improvements, buildings structures or other things existing on the said property at the time of this grant”), the buildings which were on the property at the time the easement that had formerly or were a dwelling were as follows:

- Main house. The house, built in 1917, was and remains the primary residence and dwelling.

¹ Full text of the State of California regulations are available using this link: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=65001-66000&file=65850-65863.13>

² Full text of the County Regulations are available using this link: <http://www.co.sonoma.ca.us/prmd/docs/handouts/pjr-032.pdf>

³ Full text of the City of Sonoma regulations are available using this link: <http://www.codepublishing.com/CA/Sonoma/html/Sonoma19/sonoma1950.html#19.50.090>

- Cottage. During the purchase process in 2011, when discussing the issue of the easement and a second dwelling directly with the Dowds, they indicated that there was a second dwelling or cottage on the property at the time of the easement and provided me with an aerial view of the property that provided evidence of such. The cottage was built approximately during the 1930s and contained a kitchen, bath and living quarters. Although it is unclear whether there were cooking facilities at the time that the easement was put into place, it was clearly designed and had the capacity to be used as a second unit.
- Homestead. The Shaw family built the original homestead in 1863. This building contained a kitchen with cooking facilities, a bedroom, a sleeping loft, and living quarters. The building had been converted from a home into a barn for storage sometime post 1920, but was in continual use between 1863 and 1917 as a home.

With the analysis of the easement in its entirety, the language of all regulations by applicable governing bodies and history regarding the property, I am within my rights to be able to either modify or replace the original homestead or replace the cottage structure for use as a second dwelling. Taking it a step further, the above has been independently reviewed and confirmed in a letter dated March 17, 2014, to the City by a land-use attorney, Anthony Cermak.

The above are the facts and history of the property and the easements. The neighbors would have the city council believe that they have been wronged when the Nathanson Bypass Easement was removed in 1990 and that they are to be afforded a right which was never granted in any document – that of a right to a view or any scenic perspective of my property. Of the five property owners on Appleton, only **one** property owner on Appleton purchased their property prior to 1990. Had any of the neighbors read the document that is that easement, they would have seen that they were never afforded any rights for view or anything remotely related. The neighbors were misled by realtors or their own lack of detail or follow-through, however, those misunderstandings are completely their own and should not affect the property rights of another.

Additionally, I believe that the city council members have become victims of emotional embellishments of information or details being skewed by my neighbors for their benefit. So many issues as raised by the neighbors are not even directly related to the easement, any violations against the easement or language contained in the easement. Comments in city council meetings regarding fences, views, and other unrelated points indicate that city council members as being swayed toward taking away my rights in favor of the neighbors based upon irrelevant points.

I believe that the city is in violation of due process regarding this issue. On a multitude of occasions, I have reached out to city council members to discuss this issue, as have my neighbors. City council members have met with my neighbors and have not responded to nor accepted my offer of meeting. The city should know it is not acceptable to have my rights limited. As the city council members have been made aware, my property has been burglarized on a multitude of occasions. I seek a second dwelling to provide housing for another adult and provide for additional safety for me and my two children. A limitation of a guest house without cooking facilities would be unacceptable.

As I come before the City Council on April 21, 2014, I ask that the city focus exclusively on the legal documents as they are written and the guidelines of all applicable governing bodies and grant confirmation as requested.

Sincerely,

Selma Blanus

52-14

When recorded
mail document to
CITY OF SONOMA
No. 1 the Plaza
Sonoma, Ca 95476

RECORDED AT REQUEST OF
Don Ly
APR 3 10 44 AM '05
OFFICIAL RECORDS
SONOMA COUNTY CAL
BERNICE A. PETERSON

85020284

CITY OF SONOMA
DEED OF EASEMENT

FREE

WHEREAS, the undersigned Grantors, ROBERT F. DOWD and CAROL J. DOWD, husband and wife, are the owners in fee simple of the property described in this deed, situated in the unincorporated area of the County of Sonoma, State of California, adjacent to the corporate boundary of the Grantee, CITY OF SONOMA, and it is the desire of the grantors to convey to the City of Sonoma an easement on, upon, over, across and under the property described below to satisfy conditions imposed upon the grantors for the subdivision approval of adjacent property now owned by them within the corporate limits of the grantee; now therefore, for valuable consideration:

The undersigned grantors hereby grant to the CITY OF SONOMA, a municipal corporation, an easement on, upon, over, across, above and under the following described real property in the County of Sonoma, State of California:

BEGINNING at a point on the Northerly line of the parcel of land conveyed to Robert F. Dowd and Carol J. Dowd by deed recorded in Book 3595 of Official Records, page 273, Sonoma County Records, said point being distant S.82°57'35"E. 520.00 feet from the Northwesterly corner of said parcel conveyed to Dowd; thence, from said Point of Beginning, S.07°03'57"W. 347.61 feet to a point on the Southerly line of said parcel conveyed to Dowd, said point being distant S.82°50'50"E. 520.00 feet from the Southwesterly corner of said Dowd parcel; thence, along said Southerly line of said Dowd parcel, S.82°50'50"E. 422.94 feet to an angle point on the boundary of said Dowd parcel, N.08°58'E. 97.00 feet and S.84°21'30"E. 207.57 feet to the Westerly line of Seventh Street East; thence, along said Westerly line of Seventh Street East, N.06°29'E. 248.79 feet to the Northeasterly corner of said Dowd parcel; thence, along the aforesaid Northerly line of said Dowd parcel, N.82°57'35"W. 635.43 feet to the Point of Beginning.

A.P. 128-031-37 (Ptn.)

By this present instrument the grantors transfer to the public the right in perpetuity to have the said land remain free of dwelling houses and other structures designed or intended for human habitation, for control of building density in the immediate neighborhood pursuant to City of Sonoma approval issued to the grantor for subdivision development on adjacent property. Reference is made to the proceedings of the Planning Commission and City Council of the City of Sonoma for further particulars.

In consideration of the said approvals prior to this date authorized, and as consideration for acceptance of this grant, the grantors covenant and agree for themselves and their successors and assigns, singularly or in any combination, that they will not at any time erect, construct, place or maintain or permit the erection, construction, placement or maintenance of any improvement, building or structure or other thing whatsoever on the subject property which by design or intent might be used for human habitation in a manner which would increase the dwelling density of the lands owned by grantors in the vicinity of the described property on the date of this deed, other than such improvements, buildings, structures or other things existing on the said property at the time of this grant.

Grantors also covenant for themselves and their successors and assigns that they will not use or permit the use of the subject property for any purpose inconsistent with the easement hereby granted and with the findings of the City Council of the City of Sonoma relative to the subject property. The said property shall not be used as a parking lot, storage area or dump site, or otherwise be utilized for the deposit of movable property upon the said property or of anything else that is not natural or compatible to the neighboring properties.

Grantors covenant for themselves and their successors and assigns that they shall not divide or subdivide the said property or any portion of it, and that among themselves they

waive and surrender any rights as co-owners to have the property partitioned in kind.

Grantors also covenant for themselves and their successors and assigns that they will not excavate or grade or permit excavation or grading of the said property without the written consent of the City of Sonoma.

It is expressly understood that the City of Sonoma does not obtain or reserve any right by reason of this grant to open the property for public recreation or any other use by members of the public generally.

By this deed only the City of Sonoma acquires the right but not the obligation to enter upon the subject property for the purpose of removing any building, structure, improvement or other thing found in violation of the covenants contained in this grant, and otherwise to enforce this grant for the benefit of itself and the general public. The parties agree that the stated purposes, terms, conditions, restrictions and covenants set forth herein and each and all of them may be specifically enforced or enjoined by appropriate proceedings in any court of competent jurisdiction upon application by the City of Sonoma or grantors, its successors or assigns, only.

The grant of this easement and its acceptance by the City of Sonoma does not authorize and is not to be construed as authorizing the public or any member of the public to trespass upon or use all or any portion of the subject property, or as granting to the public or any member thereof any tangible rights in or to the subject property or the right to go upon or use or utilize the subject property in any manner whatsoever. It is understood that the purpose of this easement is solely to restrict the uses to which the subject property may be put.

Grantors reserve the right to use the subject property in any manner consistent with the stated purposes, terms, conditions, restrictions and covenants of this instrument and with existing zoning and other laws, rules and regulations of the

State of California, the County of Sonoma and the City of Sonoma, their successors or assigns, as such laws, rules and regulations may hereafter be amended from time to time.

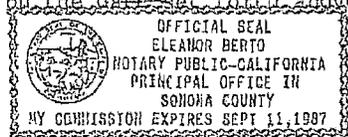
In the event the subject property or some portion thereof during the term of this easement is sought to be condemned for public use, the easement and each and every term, condition, restriction and covenant contained herein shall terminate as of the time of the taking in condemnation or taking under threat of condemnation as to that portion of the subject property taken for public use only, but shall remain in effect relative to all other portions of the subject property. The Grantors shall be entitled to such compensation for the taking as they would have been entitled had the subject property not been burdened by this easement; provided, however, that each and every stated term, condition, restriction and covenant of this easement shall be observed by grantors, their successors or assigns, during the pendency of such action and provided further that in the event such action is abandoned prior to the recordation of a final order of condemnation, or the subject property or some portion thereof is not actually acquired for a public use, the subject property shall, at the time of such abandonment, or at the time it is determined that such property shall not be taken for public use, once again be subject to this easement and to each and every stated purpose, term, condition, restriction and covenant of this easement.

This easement shall not be rescinded, altered, amended or abandoned in whole or in part as to the entire property or any portion thereof or as to any term, condition, restriction or covenant of this instrument without the written approval of the City of Sonoma. The City of Sonoma may abandon this easement in any particular on its own motion if it finds that no public purpose will be served any longer by the keeping of it. Abandonment of this easement or of any right hereunder at the request of the grantor or grantors' successors or assigns shall

STATE OF CALIFORNIA)
County of Sonoma) ss.

On this 28th day of February, 1985, before me, Eleanor BERTO, a Notary Public, State of California, duly commissioned and sworn, personally appeared ROBERT F. DOWD and CAROL J. DOWD, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed by official seal in the State of California, County of Sonoma on the date set forth above in this certificate.



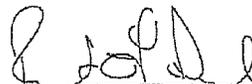
Eleanor Berto
Notary Public
State of California

85020284

be had strictly according to provisions of law for such abandon-
ment. This easement in each and every term, condition, restric-
tion and covenant contained in this instrument is intended for
the benefit of the public and constitute enforceable restric-
tions intended to bind grantors and their successors and assigns
and each and all of them, and shall and are intended to run
with the land.

This easement is granted in perpetuity, but subject to
abandonment by the grantee or its successors, in the manner
provided by law.

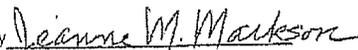
Dated: February 28, 1985


ROBERT F. DOWD


CAROL J. DOWD

This is to certify that the interest in
real property conveyed above is hereby
accepted by order of the Council of the
City of Sonoma by Resolution #15-85 on
March 11, 1985 and grantee consents to
recording thereof by its duly authorized
officer.

CITY OF SONOMA
A Municipal Corporation

By 
Mayor
Dated: *March 28, 1985

4. PRESENTATIONS

Item 4A: Presentation by the Family Justice Center of Sonoma County

Mayor Rouse announced that this presentation would be carried over to the next meeting.

Item 4B: National Surveyor's Week Proclamation

Mayor Rouse read aloud the proclamation and presented it to Patricia Wagner, representative of the California Land Surveyors Association.

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 February 19 and March 3, 2014 City Council meetings.

Item 5C: Adoption of a resolution approving modifications to and authorizing the Mayor to execute the Joint Powers Agreement between the County of Sonoma and the City of Sonoma continuing the Sonoma Valley Citizens Advisory Commission for a period of five years. (Res. No. 12-2014)

Item 5D: Approval and Ratification of the Reappointment of Gary Edwards to the Planning Commission for an Additional Two-Year Term.

Item 5E: Adoption of a resolution upholding an appeal of the Planning Commission's decision to exclude a fenced courtyard from its approval of an Exception from the fence height standards to allow a seven-foot tall fence within required front and street-side setback areas at 639 Third Street West. (Res. No. 13-2014)

Item 5F: Resolution upholding the appeal of the Design Review and Historic Preservation Commission's decision to approve the application of Troy and Dawn Marmaduke for Design Review for exterior color modifications and an awning sign and upholding staff's decision to approve the application of Troy and Dawn Marmaduke for the re-facing of a wall sign and a projecting sign (408 First Street East). (Res. No. 14-2014)

Item 5G: Approval of a Resolution Authorizing the City Manager to Execute a Lease Amendment with the Sonoma Valley Field of Dreams to Upgrade the Existing Well for Municipal Water Supply. (Res. No. 15-2014)

The public comment period was opened and closed with none received. It was moved by Clm. Brown, seconded by Clm. Barbose, to approve the Consent Calendar. The motion carried unanimously except that Clm. Cook registered a no vote on Item 5E.

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

Item 6A: Approval of the portions of the Minutes of the February 19 and March 3, 2014 City Council / Successor Agency Meetings pertaining to the Successor Agency.

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

7. PUBLIC HEARING

Item 7A: Discussion, consideration, and possible action on an allowance for a second unit and/or guesthouse to be developed on the property located at 19725 Seventh Street East. This consideration includes the possible amendment or replacement of an existing Deed of Easement that applies to the subject property, while retaining limitations and restrictions associated with said easement.

Planning Director Goodison reported that the property located at 19725 Seventh Street East, although located outside of City limits, was subject to a scenic easement granted to the City by its former owners in 1985. Last year, the current property owner, Selma Blanusa, requested that the easement be eliminated or clarified. It was her understanding that the easement should be interpreted to allow residential accessory structures such as a guesthouse and/or an

Item 7A: 19725 7th Street East, Blanusa Easement, Continued

auxiliary dwelling unit and she requested that the City Council verify that interpretation. The matter came before the City Council on October 21, 2013. In her presentation to the Council, Ms. Blanusa made specific reference to her desire to convert an existing barn on the property to a second unit or guesthouse; however, in support of this request, she reiterated her view that residential accessory structures should be considered a permitted use under the existing terms of the easement. Neighboring property owners did not address the interpretation suggested by the property owner, as that was not a focus of discussion, although they did express support for the specific proposal to convert the barn to a second unit. Ultimately, the City Council determined that it wished to retain the easement, but was willing to consider approving a document that allowed for the conversion of the barn into a second unit, subject to conformance with applicable County regulations.

Goodison stated that, in accordance with the Council's direction, the City Attorney prepared the following: 1) A draft replacement easement that would expressly allow for the existing barn to be converted into a second dwelling unit, subject to County zoning regulations and other conditions; and 2) A draft amendment to the easement that would expressly allow for the existing barn to be converted into a second dwelling unit, subject to County zoning regulations and other conditions. In addition, the property owner had proposed a third option for the City Council to consider; namely, a draft resolution that found that residential accessory structures were permitted under the existing terms of the easement. The City Attorney's preference was for Option #1, the replacement easement. He added that staff was also seeking direction from the Council as to whether a guesthouse was permitted under the terms of the existing easement.

Clm. Barbose clarified with the City Attorney that the replacement easement would allow a second dwelling unit; however, the original easement would only allow a guesthouse. Clm. Barbose also clarified that the County would require a parking pad and driveway for a second dwelling unit.

Mayor Rouse invited comments from the public. Selma Blanusa stated that she did not feel that adding a second dwelling unit violated the easement and questioned if a second unit would meet the definition of increased density. Blanusa stated that adding a second unit with a regular or occasional guest would provide additional safety to her and her children. She reported that her property had been intruded upon four times in the last several months.

John Ciatti stated that Ms. Blanusa knew about the easement when she purchased the property. He stated that she had already made many improvements to the property, and noted that she was an experienced developer. Speaking on behalf of other neighboring property owners, he said they did not agree that the easement allowed a second dwelling unit but noted that they had agreed to the renovation of the historic barn as a guesthouse.

Jack Wagner stated he was in favor of safety and supported Ms. Blanusa's request.

Clm. Barbose stated that when he made the October 2013 motion to modify the easement, he was not aware that the neighbors had not made the distinction between the terms "guest house" and "second dwelling unit" in their support for the motion at that time and given that the City Attorney's interpretation of the original easement did not allow for a second dwelling unit; he had a change of mind. He said he would agree to a document that would allow conversion of the existing barn into a guesthouse with no other buildings being allowed.

Mayor Rouse stated he had understood that Ms. Blanusa wanted to move the barn closer to her primary residence and convert it to a guesthouse and that he would agree with that.

Clm. Brown asked Ms. Blanusa if the barn might have to be demolished. She stated that if the barn could be restored she would have to alter the height to meet County zoning regulations. She said she never requested permission to renovate the barn, what she asked for was permission to construct a second dwelling unit and that she had only mentioned renovation of the barn as one available option.

Clm. Barbose stated that he not agree with allowing a second dwelling unit on the property and he would only agree that the barn could be converted to a guesthouse. Clm. Gallian agreed.

It was moved by Clm. Barbose, seconded by Clm. Gallian, to direct staff to prepare a resolution clarifying that two dwelling units were not allowed either in the barn or elsewhere; however a guesthouse would be allowed. The motion carried unanimously.

52-22

ATTACHMENT

This Summary was initially prepared by David Goodison, and edited/supplemented by Richard Hicks.

Summary of Actions Related to the Monte Vista Estates #5/Laurel Wood Subdivision		
Date	Review Body/Action	Document
September 3, 1981	Planning Commission. Review of negative declaration, rezoning and tentative map for Monte Vista Estates #5. Following a public hearing, the item was continued with direction to develop additional information. The minutes note that <i>the adjoining "easterly 4.74 acres would remain perpetually as a single parcel. This will be assured by means of a 'scenic easement' granted to the City or by any other legal instrument that might be satisfactory to the City Attorney."</i>	Minutes
October 1, 1981	Planning Commission. Continued review of negative declaration, rezoning and tentative map. Neighborhood opposition includes concerns that, if project allowed, there will be a "[d]ecrease open space in area since this subdivision would 'open the door' to other developments." "[City] Planner Steinbeck explained that <i>further development would not be allowed on Dr. Dowd's property.</i> " Motion on a recommendation to the City Council to deny project approved on a vote of 5-2.	Minutes
October 26, 1981	City Council. Consideration of rezoning, annexation, and tentative map for the Dowd subdivision. Following the public hearing, the City Council voted 3-2 to adopt Resolution 77-81, approving a tentative map and rezoning the property to R-1. The Minutes include the following: "Planner Steinbeck replied [to a Council member's question] that <i>Dr. Dowd will keep his [remaining] land as open space with his one house on the parcel.</i> " Mayor Tuller also referred to " <i>Dr. Dowd's willingness to legally bind himself to keeping his parcel in open space.</i> " The rezoning component of the approval included a condition in the Resolution that " <i>the remaining acreage of [the Dowd property] be restricted from any further residential development in perpetuity.</i> "	Minutes Resolution 77-81
July 27, 1982	City Council. As a consent calendar item, Council adopted Resolution 57-82 initiating the annexation of Monte Vista Estates #5 and set a public hearing for August 23, 1983. (3-0 with 2 absent.) Included in the Resolution is the following requirement: " <i>The applicant shall file with the City of Sonoma a scenic easement deed or other instrument acceptable to the City Council guaranteeing that no additional dwelling units be constructed on the easterly portion of the subject property not being annexed to the City of Sonoma by this reorganization.</i> "	Minutes Resolution 57-82

<p>Note: In July 1982, Judge Kenneth Eymann of the Sonoma County Superior Court issued a ruling in response to a legal challenge brought by neighboring landowners opposed to the project that an environmental impact report on the project was required. (See Final Certified EIR, pages 1 & 8.)</p>		
August 23, 1982	<p>City Council. The hearing on the reorganization is continued indefinitely at the request of the applicant.</p>	Minutes
October 6, 1983	<p>Planning Commission. Consideration of Draft EIR, General Plan amendment, and rezoning for the Laurel Wood Farms development (formerly known as Monte Vista Estates #5). The Commission agreed on a recommendation to the City Council that an "area wide review" be undertaken in conjunction with the General Plan amendment. However, it was subsequently determined that this did not constitute a final action on the project, so an additional Planning Commission hearing was scheduled.</p>	Minutes
November 3, 1983	<p>Planning Commission. Consideration of Draft Environmental Impact Report (EIR), General Plan amendment, and rezoning for the Laurel Wood Farms development. On a vote of 4-2, the Planning Commission recommended to the City Council that the application be withdrawn until a larger General Plan review of the vicinity is completed.</p>	Minutes
December 12, 1983	<p>City Council. Hearing on Draft EIR for Laurel Wood Farms project. By consensus, the City Council ordered the preparation of the Final EIR.</p>	Minutes
January 23, 1984	<p>City Council. Consideration of EIR, General Plan amendment, rezoning and tentative map for the Laurel Wood Farms development. After the public hearing, the following actions were taken:</p> <ul style="list-style-type: none"> • Certify EIR, 5-0. (Resolution 5-84) • Direct staff to investigate process for larger General Plan study of area, 5-0. (Minute motion) • Approve General Plan amendment, 4-1. (Resolution 6-84) • Approve rezoning, 4-1. (Resolution 7-84) • Order annexation, 4-1. (Resolution 8-84) • Continue the discussion of the tentative map to a subsequent meeting and direct staff to return with design alternatives. (By consensus, per Mayor.) <p>Included in Resolution 8-84 is the following requirement: <i>"The applicant shall file with the City of Sonoma a scenic easement deed or other instrument acceptable to the City Council guaranteeing that no additional dwelling units be constructed on the easterly portion of the subject property and not being annexed to the City of Sonoma by this reorganization."</i></p>	<p>Minutes Resolution 5-85 Resolution 6-84 Resolution 7-84 Resolution 8-84</p>

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February 27, 1984	<p>City Council. Consideration of the tentative map for the Laurel Wood farms development. Following the public hearing, the City Council voted 4-1 to approve the tentative map (design alternative #1), subject to conditions including those conditions included in Appendix B of the Certified Environmental Impact Report. The Final Certified EIR includes language stating that <i>the "scenic" or "open space" easement was to include a provision reserving, in perpetuity, the most western 150 feet of the Dowd property from any further development.</i> (Please reference paragraphs 2 on pages AD-38 and AD-39 of the EIR; the 150 foot wide strip appears on two alternative plans for the Subdivision on pages 66 and 67.) The City's Planning Director, in discussing one of <u>these alternative plans</u> at the meeting, commented that it showed the <i>"reservation of the 150' open space easement to the east of the subdivision which is a requirement of any subdivision map that you approve according to the Conditions of Approval which we have listed in previous reports."</i> (Meeting Minutes.)</p>	Minutes Resolution 18-84
March 11, 1985	<p>City Council. As a consent calendar item, the City Council accepts "<i>Dowd Easements for Open Space and Nathanson Creek Bypass</i>" (see Minutes). The Resolution refers to "<i>the Deed of Easement offered by [the Dowds] for open space purposes.</i>"</p>	Minutes Resolution 15-85 Easement
November 7, 1990	<p>City Council. As a consent calendar item, the City Council approved the vacation of the Nathanson Creek Bypass easement as the Sonoma County Water Agency decided not to pursue that project.</p>	Minutes Resolution 75-90

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CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 8C

Meeting Date: 4/21/2014

Department

Administration

Staff Contact

Carol E. Giovanatto, City Manager

Agenda Item Title

Discussion, Consideration and Possible Action on the Approval of the Amended Sonoma County Library Joint Powers Authority Agreement and Initiate Application Process for Library Commissioner.

Summary

The Sonoma County Library was established in 1975 with a Joint Powers Agreement (JPA). While there are Library branches in most of the County's cities, current JPA members include only the County and the Cities of Healdsburg, Petaluma, Santa Rosa, and Sonoma. The Library is governed by a seven-member Library Commission. Five of the seven members are appointed by the Board of Supervisors, and one each by the Cities of Santa Rosa and Petaluma.

In 2012, the Board of Supervisors approached the Sonoma County Mayors and Council members, who agreed to initiate a review of the Joint Powers Agreement in light of challenges at the Library and changes in demographics, technology, and finances since 1975. All of the cities in the County agreed to participate in the review, along with the Library Commission, and formed the Sonoma County Library JPA Review Advisory Committee. The Committee began meeting in October, 2012, and is unanimously recommending the attached amended Joint Powers Agreement to the County and all cities for approval.

The Advisory Committee has met 15 times since October, 2012. It has included extensive public participation at its meetings, including input from library advocates, staff, and managers. The Committee also dedicated time for input from the Library Advisory Boards (LABs) for each branch, and reached out to the LABs through a survey and attendance at the annual meeting for all LABs.

The Committee reviewed multiple drafts of the amended JPA and made several requests for changes. These changes have largely been incorporated in the Amended JPA, including removing the option for community-funded hours for individual branches, and adding language citing the importance of libraries as community resources. In December, the final outstanding issue remained on the number of seats representing the County and the City of Santa Rosa. In February, the JPA Advisory Committee agreed to a compromise that provided each jurisdiction with one seat on the Library Commission, with an additional seat to be shared between the County and Santa Rosa. This compromise is reflected in the Amended JPA.

Specific changes to the Amended JPA Agreement include:

1. Expanding membership to include all cities and the County so that all jurisdictions have a role in decision-making, with each member having one vote on a new Library Commission.
2. Providing the Library with full budget and employment authority, removing the Board of Supervisors from the role of providing final budget approval, after adoption of the FY 14-15 budget.
3. Making explicit the Library's authority to levy taxes with a 2/3 vote of the entire Library Commission; other requirements at the time would also have to be met.
4. Requiring approval from the relevant jurisdiction before exercising powers of eminent domain.
5. Requiring leases for all buildings not owned by the Library.
6. Requiring an equal number of core hours.
7. Requiring an appeals process for the Library Director's decisions on key issues such as collections and facilities.
8. Requiring a strategic plan at least once every ten years.

- 9. Increasing the role for the LABs including a designated liaison and annual reports from each LAB to the Commission.
- 10. Requiring a review of the JPA every ten years.

Next Steps: The Advisory Committee has asked all cities to review and approve the Amended Agreement and to start the recruitment process for Commissioners by May 21st, and to complete appointments to the Commission by the middle of July. The Amended JPA is scheduled to take effect on August 1, with the first meeting of the new Library Commission to be held on August 4.

Appointment of Library Commissioner: The Library Commissioner to be appointed by the Sonoma City Council will be appointed for an initial 2-year term. Applicants need not be a resident of the City but may be appointed from the City, Sonoma Valley or any other location within Sonoma County. As verified with the County, there is not specific district jurisdictional boundaries for the Sonoma Library. Staff recommends the appointment be made in the established commission appointment process. Appointment must be made and reported to the County by July 16, 2014.

Recommended Council Action

- 1 Approve Amended Sonoma County Library Joint Powers Agreement.
- 2 Give direction to staff to begin application process for appointment of Library Commissioner

Alternative Actions

Request additional information

Financial Impact

There is no direct fiscal impact resulting from the Final JPA language.

Environmental Review

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

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

Final Amended JPA
 Timeline
 Library Commissioner Job Description

Alignment with Council Goals:

While amending the Library JPA Agreement is not directly related to any of the Council's adopted goals, it does reflect the Council's commitment to work on Countywide issues while maintaining local control.

cc:

**First Amended and Restated Joint Powers Agreement
for the County-Wide Provision of Library
Services by the Sonoma County Library**

This First Amended and Restated Joint Powers Agreement for the County-Wide Provision of Library Services by the Sonoma County Library (“Agreement”) is made and entered into pursuant to the provisions of Title 1, Division 7, Chapter 5, Article 1 (Sections 6500 *et seq.*) of the California Government Code relating to the joint exercise of powers among the Parties hereto, and amends the original Joint Powers Agreement dated January 27, 1975 (the “Original Agreement”).

RECITALS

A. In the Original Agreement, the County of Sonoma and the Cities of Santa Rosa, Healdsburg, Petaluma, and Sonoma created a separate joint powers authority entity pursuant to California Government Code Sections 6500, *et seq.* (the “JPA Act”) named the Sonoma County Library, which was established for the purpose of consolidating their existing public library services and continuing the operation of free public library services throughout the County of Sonoma.

B. The Sonoma County Library is a county free library pursuant to California Education Code Sections 19100, *et seq.*, a local agency pursuant to California Revenue and Taxation Code Section 95(m), and a special district pursuant to California Revenue and Taxation Code Section 2216.

C. The Sonoma County Library has been successful in providing county-wide free public library services to the public in the County of Sonoma, providing community education and literacy services, and fulfilling its mission since its creation on January 27, 1975.

D. The Parties to this Agreement hereby desire to continue the Sonoma County Library and the provision of free public library services throughout the County of Sonoma, and to amend the Original Agreement with respect to the terms and provisions set forth herein.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth below, the executing Parties agree to the following terms and provisions:

I. PURPOSE

A. Amended and Restated Agreement. The purpose of this Agreement is to modify and amend the Original Agreement with respect to matters relating to membership, governance, administration, and operations of the Sonoma County Library (“Library”), a JPA Act entity. The terms and provisions of this Agreement replace the Original Agreement in its entirety. Unless expressly stated herein, this Agreement does not affect any of the Library’s contracts, debts, revenues, claims, obligations, policies, procedures, or bylaws that pre-date this Agreement, which will continue to remain in full force and effect in accordance with their terms and/or applicable law.

B. Continuation of the Sonoma County Library as a JPA Act Public Entity. The parties to the Original Agreement created the Library as a distinct public entity, separate and apart from the parties to such agreement, pursuant to the provisions of the JPA Act (Government Code Section 6506) and Education Code Sections 19100, *et seq.* It is the intent of the Parties that, under this Agreement, the Library continue as a distinct public entity under the JPA Act and other applicable law. Pursuant to Government Code Section 6508.1, the debts, liabilities or obligations of the Library shall not be debts, liabilities or obligations of the individual Parties to this Agreement, unless the governing body of a Party expressly agrees in writing to assume any of the debts, liabilities or obligations of the Library.

C. Library Services Provided. The Library shall be responsible for operating, managing, and administering the integrated free public library system in the County of Sonoma, consistent with the terms of this Agreement.

D. Commitment to County-Wide Library System. The Parties to this Agreement agree to collaborate and work cooperatively with one another and the Library in good faith to ensure the provision of library services to Sonoma County citizens across the regional county-wide library system.

II. POWERS

A. General Powers. The Library shall have the powers common to the Parties to this Agreement that are necessary or convenient to the operation of the free public library system in the County of Sonoma, as well as other powers accorded to it by law, subject to the restrictions set forth herein.

B. Specific Powers. The Sonoma County Library is authorized in its own name to perform all acts necessary for the exercise of common powers to carry out this Agreement, including, but not limited to, the following:

1. To make and enter into contracts;
2. To employ agents and employees;
3. To obtain legal, financial, accounting, technical, and other services as needed to carry out its mission;
4. To acquire, construct, manage, maintain and operate any buildings, works, or improvements;
5. To acquire, hold, lease, or dispose of property;
6. To incur debts, liabilities, and obligations, including but not limited to loans from private lending sources pursuant to its temporary borrowing powers such as Government Code §§ 53850, *et seq.*, and authority under the JPA Act;
7. To issue revenue bonds and other forms of indebtedness;

8. To impose, levy, collect or cause to be collected, to receive and use sales taxes, parcel taxes, Mello Roos taxes, property taxes, special taxes, or any other type of tax or assessment, as authorized by law;

9. To apply for, accept, and receive all permits, grants, loans, or other aids from any federal, state, or local public agency;

10. To receive and administer trusts, gifts, contributions, and bequests, as well as receive donations of property, funds, services and other forms of financial assistance, from any person, entity, or agency;

11. To sue and be sued in its own name;

12. To promulgate, adopt, and enforce any ordinances, policies, rules and regulations as may be necessary and proper to implement and effectuate the terms, provisions, and purposes of this Agreement; and

13. To exercise all powers reasonable or necessary to accomplish the foregoing.

C. Eminent Domain. The Library shall not have the power to acquire property by eminent domain unless the Member having jurisdiction over the subject property has expressly granted it such power in writing. Alternatively, Members may exercise their own eminent domain powers for the benefit of the Library. The Members shall work cooperatively and in good faith with the Library to address any eminent domain issues for the benefit of the regional library system.

D. Restriction on Exercise of Powers. Pursuant to the JPA Act (i.e., Government Code Sections 6508 and 6509), all common powers exercised by the Library shall be exercised in a manner consistent with, and subject to, the restrictions and limitations upon the exercise of such powers as are applicable to the County of Sonoma, a general law county.

III. EFFECTIVE DATE AND TERM

A. Effective Date. This Agreement shall become effective on August 1, 2014, or the date by which the governing bodies of all of the parties to the Original Agreement (the County of Sonoma and the Cities of Santa Rosa, Healdsburg, Petaluma, and Sonoma) have executed this Agreement, whichever is later. Such date shall be the "Effective Date" for purposes identified herein.

B. Term. This Agreement shall remain effective until it is terminated in accordance with the provisions set forth below in Section XI.A, subject to the rights of individual Parties to withdraw from the Library.

IV. MEMBERSHIP

A. Current JPA Members. Prior to the Effective Date of this Agreement, the sole Members of the Sonoma County Library are the County of Sonoma and the Cities of Santa Rosa, Healdsburg, Petaluma, and Sonoma. These parties shall remain Members of the Library after the Effective Date of this Agreement, subject to the terms and conditions herein.

B. Membership Eligibility. After the Effective Date of this Agreement, other incorporated cities within the geographic boundaries of the County of Sonoma may also become Members of the Library. To become a Member, the governing body of a city must: (1) approve of and request membership in writing; (2) execute this Agreement; and (3) present such documents to the Library Commission. Admission of a new Member under this provision shall not require this Agreement to be modified or amended.

C. “Member” Defined. For the purposes of this Agreement and after its Effective Date, the term “Member” shall refer to the County of Sonoma and any incorporated city within the geographic boundaries of the County which: (1) are eligible to join the Library as a Member pursuant to the provisions of this Agreement; (2) have signed this Agreement as a Party; and (3) have satisfied all other requirements to become a Member set forth herein.

V. LIBRARY ADVISORY BOARDS

A. LAB Creation. The Library shall establish a Library Advisory Board (“LAB”) in each city or community in which at least one regional branch library operates. The LABs shall be comprised of, and shall be operated by, the residents of their respective service areas who shall be appointed by the Commission. Each LAB shall set its own procedural rules and operational bylaws, and shall comply with the provisions of the Ralph M. Brown Act, California Government Code Section 54950, *et seq.* As of the Effective Date, all existing LABs shall continue to remain in effect.

B. LAB Purpose. The purpose of the LABs shall be to provide information and make recommendations to the Commission and the Library Director on matters affecting library service based on input from their respective service areas.

C. LAB Liaisons. Each LAB may appoint one LAB member to act as a liaison to the Library Commission, who shall present an annual report on the activities of the LAB to the Library Commission.

D. Annual LAB Meeting. All LABs are encouraged to hold one combined meeting at least once a year to address system-wide library service and related issues.

VI. GOVERNANCE

A. Library Commission. The Library Commission (“Commission”) is the governing and administrative body of the Sonoma County Library. Generally, it shall be responsible for exercising the powers set forth in this Agreement and applicable law to accomplish the purposes of the Library. Specific responsibilities of the Commission are as follows:

1. Provide structure and direction for operational, administrative and fiscal oversight of the Library;

2. Before the beginning of each Fiscal Year (as defined in Section IX.E), adopt, in its sole discretion, either an annual or a multi-year budget for the Library, and revise it periodically as necessary;

3. Ensure strict accountability of all funds and reports of all receipts and disbursements;
4. Identify and pursue additional funding sources for the Library;
5. If approved by a 2/3 vote of the Commission, issue bonds or other forms of indebtedness, and/or impose or levy taxes as authorized by this Agreement and/or applicable law;
6. Approve a strategic plan which addresses existing and proposed new facilities, operations, technology, and budget, at least once every ten years;
7. Adopt a facilities maintenance plan at least once every three years, and revise it as necessary;
8. Contract for, employ or otherwise engage sufficient administrative, technical, support and other staff, consultants and contractors, and provide for necessary direction, management and oversight for all staff, consultants and contractors;
9. Approve employment agreements or memoranda of understanding with employees and/or their representative bargaining units;
10. Adopt personnel rules and regulations;
11. Oversee the Library Director's performance of duties;
12. Adopt rules for procuring supplies, equipment and services, and for the disposal of surplus property;
13. Adopt a conflict of interest code, as required by law;
14. Adopt bylaws, policies, rules and regulations as necessary for the purposes of this Agreement; provided that nothing in the bylaws, policies, rules and regulations shall conflict with this Agreement or applicable law;
15. Review this Agreement once every ten years to determine its continuing effectiveness, and present written findings to Members; and
16. Discharge other duties consistent with the purposes of this Agreement as appropriate or required by statute.

B. Commissioners Appointed by Parties. The governing body of each Member of the Library shall be entitled to appoint one representative to sit on the Commission as a voting member ("Commissioner"). In addition, the County of Sonoma and the City of Santa Rosa shall also be entitled to jointly appoint one additional representative to sit on the Commission as a voting member. When a vacancy for said joint appointment occurs, the City of Santa Rosa and the County of Sonoma will advertise the vacancy, accept applications, review the applications, and forward them to the City of Santa Rosa Mayor and Chair of the Sonoma County Board of Supervisors for consideration. Interviews will be held if deemed appropriate. The Mayor and Chair shall jointly recommend one Commissioner candidate to the Sonoma County Board of

Supervisors and the Santa Rosa City Council, who shall approve the recommended candidate, which said approval shall not be unreasonably withheld. Should such candidate not be approved, then the Mayor and Chair shall jointly recommend subsequent candidate(s) until such time as a candidate is approved by the City Council and Board of Supervisors. Removal of said jointly appointed Commissioner shall only be by joint action of both the Sonoma County Board of Supervisors and the City Council of Santa Rosa.

Commissioners must be Sonoma County residents, and shall be appointed and serve pursuant to the rules of appointment adopted by each Member's governing body.

1. Each Commissioner shall be appointed to serve for a term of four years; provided, however, that ½ of the number of Commissioners initially appointed (as chosen by lots) shall serve for an initial term of two years, though all subsequent appointments shall be for a term of four years. There is no limit on the number of terms a Commissioner may serve.

2. Initial appointments to the Commission by Members shall become effective on the Effective Date, or immediately after a city first becomes a Member of the Library, whichever is later.

3. If a Member's seat on the Commission becomes vacant at any time, the governing body of the Member shall appoint another representative to fill the vacancy within 60 days of the date on which such position became vacant.

4. Commissioners newly appointed to the Commission shall be provided with training for their position by the Commission, Library Director, or other persons, as designated by the Commission.

C. Commission Officers. The Commissioners shall select, from among themselves, a Chair who shall be the presiding officer of all Commission meetings, and a Vice Chair who shall serve in the absence of the Chair. In addition, the Commission shall appoint a Secretary and/or Clerk (who need not be Commissioners) to be responsible for keeping the minutes of all meetings of the Commission and posting agendas.

D. Reimbursement of Expenses. Commissioners shall serve without compensation, but may be paid actual expenses incurred in the performance of their duties.

E. No Personal Liability of Commission Members. Under the JPA Act, no Commissioner shall be personally liable for any debts, obligations or liabilities of the Library, or on any bonds issued by the Library, nor subject to any personal liability or accountability by reason of the Library's incurrence of debts, obligations or liabilities or issuance of bonds.

VII. COMMISSION MEETINGS AND VOTING

A. Regular Meetings. The Commission shall hold its regular meetings on a monthly basis pursuant to a meeting schedule, but may reschedule or dispense with particular meetings as it deems necessary or appropriate.

B. Special Meetings. Special meetings of the Commission may be called by the Chair or as provided for in the bylaws.

C. Call, Notice, and Conduct of Meetings. All meetings of the Commission shall be noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act, California Government Code Section 54950, *et seq.* As soon as practicable, but no later than the time of posting, the Secretary or Clerk shall provide a copy of the posted agenda to each Member and Commissioner. Commissioners may attend meetings remotely (via telephone, video conferencing, etc.) with full voting rights, to the extent practicable and as permitted by law.

D. Minutes. The Secretary or Clerk shall prepare minutes of all Commission meetings as soon as practicable after each meeting, and shall make the draft minutes available to each Commissioner, the Members, and other interested parties upon request. The Commission shall consider the minutes at the next regularly scheduled meeting for approval.

E. Quorum. A majority of the Commissioners duly appointed to the Commission as of any meeting date shall constitute a quorum of the Commission for the transaction of business. If there is less than a quorum present at a meeting, no Commission action can be taken, and the meeting may be adjourned.

F. Voting. All voting power of the Library shall reside in the Commission. Each Commissioner shall have one vote. No absentee ballot or proxy is permitted. The affirmative vote of at least a majority of the Commissioners attending a meeting is required for the Commission to take any action. However, a 2/3 vote of all duly-appointed Commissioners is required for those actions expressly identified in Section VI.A.5 of this Agreement, and a vote of at least a quorum of all duly-appointed Commissioners is required for any of the following actions: (1) approval of the budget; (2) approval of collective bargaining agreements; (3) approval of new regional branch libraries; (4) decisions to incur debts from public or private lending sources that do not otherwise require a 2/3 vote; and (5) adoption or revision of bylaws.

VIII. OFFICERS, COMMITTEES, AND LIAISONS

A. Library Director. The Commission shall appoint a Library Director who shall meet the qualifications of a “county librarian” as specified in Education Code Section 19142. The Library Director shall report directly to the Commission, and shall serve at the pleasure of the Commission. The Library Director shall be responsible for the day-to-day operation, administration, and management of the Library, and shall perform duties as assigned by the Commission and specified in this Agreement.

1. Subject to the general policies adopted by the Commission, the Library Director shall build up and manage, according to accepted principles of library management, the library for the use of the residents of Sonoma County and shall, subject to budget limitations, determine what materials, furniture, fixtures, and equipment shall be purchased.

2. The Library Director shall have the power to employ staff, consultants and independent contractors as may be necessary to carry out the purposes of this Agreement, subject to the policies, rules and regulations set by the Commission.

3. The Library Director is authorized to make payments for the Library under any contract or agreement previously approved by the Commission where the payments are identified therein. The Commission may also, by resolution, authorize the Library Director to pay claims of the Library which do not exceed amounts identified in the resolution.

4. The Library Director shall apply for and, with the approval of the Commission, accept and administer grants and subventions from outside funding sources, both public and private.

5. The Library Director shall prepare and file all notices with the Secretary of State as required by Government Code Sections 6503.5, *et seq.*, and shall be responsible for preparing and filing any other notices required by law.

6. The Library Director is the custodian of Library property and, pursuant to Government Code Section 6505.1, is required to file an official bond in an amount set by the Commission or as otherwise required by law.

7. Decisions of the Library Director regarding policies, facilities, and materials may be appealed to the Commission pursuant to criteria and procedures established in its bylaws.

B. Chief Financial Officer. The Library Director shall appoint a person, firm or entity to act as the Chief Financial Officer to the Library. The Chief Financial Officer shall be responsible for overseeing the Library's financial activities and shall, in writing, approve the accuracy of figures contained in each recommended budget presented to the Commission. The Chief Financial Officer shall report directly to the Library Director.

C. Treasurer, Controller, and Annual Audit. The Sonoma County Auditor-Controller-Treasurer-Tax Collector shall act as the Treasurer and Controller for the Library. The Treasurer and Controller shall perform all usual and customary duties of their offices for the Library, including but not limited to receiving all deposits, issuing warrants per direction, and other duties specified in Government Code Section 6505.5. The Commission may transfer the responsibilities of the Treasurer and/or Controller to any other person or entity as the law may provide at the time (see e.g., Government Code Section 6505.5). The Commission shall cause an independent annual audit to be made by a certified public accountant, or public accountant, in compliance with Government Code Section 6505.

D. Legal Counsel. The Commission shall appoint a person, firm or entity to act as general legal counsel to the Library.

E. Committees. The Commission may establish any advisory committees it deems appropriate to assist it in carrying out its functions, including both standing and ad hoc committees.

F. Liaisons. The Commission may appoint liaisons to the Commission as it deems appropriate to assist it in carrying out its functions, and to assist with outreach to school districts and other community institutions. In addition, each LAB may appoint one LAB member to act as a liaison to the Commission, per Section V.C of this Agreement.

IX. LIBRARY BUDGET, TAX LEVIES AND REPORTING

A. Budget Requirements. The Library shall operate only under an approved and balanced budget, which must be reviewed, adopted, and/or revised by the Commission each

Fiscal Year. The Commission may revise an adopted budget as may be reasonably necessary to address contingencies, and unexpected expenses or financial circumstances.

B. Budget Process. The Library Director is responsible for preparing the recommended budget to present to the Commission with assistance from the Chief Financial Officer. At least one month prior to the Commission's annual public sessions to be held on the budget, the Library Director and Chief Financial Officer shall hold a public discussion or workshop with respect to the budget.

C. Tax Levies. The County of Sonoma (and any other Member as applicable) shall continue to annually levy, in the same manner and at the same time as other similar taxes are levied, and in addition to all other taxes, the tax upon all property to maintain and improve the Library system. Such library tax revenues shall be deposited with the Library's Treasurer, and paid out for the purposes authorized by this Agreement.

D. Annual Report. The Commission shall comply with Education Code Section 18927, and shall provide an annual report to the State Librarian and the Members on the condition of the Library. The Library Director shall comply with Education Code Section 19169, and shall provide an annual report to the Commission, the Members, and the State Librarian on the condition of the Library.

E. Fiscal Year. The Library's Fiscal Year shall be 12 months commencing July 1 and ending June 30.

X. SERVICES, RESOURCES, AND FACILITIES

A. Services. It is the intention of the Parties that the services the Library presently offers to the public be continued at or above current levels in all of its regional branch libraries. Such services include, but are not limited to, the size and quality of collections, hours of operation, qualifications of staff, and availability of technology. The Library shall endeavor to increase existing levels of services, and the locations in which services are provided, as allowable.

B. Distribution of Resources. The Library shall distribute its personnel, financial and technological resources among the various regional library branches in an equitable fashion, unless such distribution is expressly restricted (such as conditions in a gift or bequest).

1. With respect to hours of operation, an equitable distribution of resources requires that all regional branch libraries be funded in a manner allowing them to remain open to the public the same baseline number of hours, with the exception of the Central Branch in Santa Rosa (which may be funded to allow it to remain open to the public for more hours than the other regional branch libraries).

2. Nothing in this Agreement shall be construed as prohibiting a Member, person, or other entity from providing a gift, devise, endowment, donation or bequest ("endowment or donation") to a particular regional branch library for a specific purpose, or prohibiting a particular regional branch library from accepting such endowment or donation; provided, however, that access to any such conferred benefit at the regional branch at issue must be made be available to all Sonoma County residents, and the endowment or donation not be

used to extend or expand hours of service at the regional branch(es). The Commission may elect to develop policies, procedures and requirements in its bylaws to establish conditions for endowments and donations.

C. Facilities. All facilities used or operated by the Library shall meet minimum standards satisfactory to the Commission.

1. The Library shall enter into and maintain lease agreements for each facility in which it operates, or intends to operate, a regional branch or rural station library, unless the facility is owned by the Library. The Commission shall establish lease agreement standards and requirements in its bylaws, and shall approve Library leases that are consistent therewith.

2. The Library and Members who own library facilities shall work together to plan for the provision and payment of capital improvements and capital repairs to facilities operated by the Library, including but not limited to major repair and replacement of building structures, HVAC systems, plumbing, roofing, ADA improvements, and other structural elements or external features such as parking lots.

3. Any temporary or permanent relocation of a regional branch library shall be mutually agreed upon by the Library and the Member(s) owning the subject library facility or facilities.

a. Notwithstanding the foregoing, in consideration of its unique and important role in the provision of county-wide library services, the Library shall continue to have the exclusive occupancy and control of the Central Library building and grounds in Santa Rosa, California, subject to a written lease. The Library has previously paid the City of Santa Rosa approximately \$1,355,895 to allow it to retire its outstanding bonded indebtedness for which the City was liable on account of the Central Library building. Upon retirement of such indebtedness, the City of Santa Rosa has agreed to allow the Library to continue to occupy and control it without further debt service from the Library.

b. In the event the City of Santa Rosa withdraws from the Library, and provided the County of Sonoma continues to be a Member of the Library, the Library shall have the right to lease such portions of the Central Library building as are essential for the operation of the County library, under terms which are mutually agreeable to the Library and the City of Santa Rosa.

4. Members shall obtain the prior written approval of the Commission with respect to any proposed new library branches and any expansion/remodeling of existing library branches, including approval of plans and specifications. With respect to any library facility owned by a Member, the Commission shall not unreasonably withhold its approval of modifications proposed by that Member if they are required by state or federal law. Any architects retained by a Member for such purposes shall consult with the Library Director as often as the latter deems necessary to the proper exercise of his/her responsibilities.

XI. TERMINATION AND WITHDRAWAL

A. Mutual Termination. This Agreement may be terminated only by the mutual agreement of all of the Parties; withdrawal of all but one of the Parties shall constitute a mutual termination of this Agreement by all Parties as of the end of the Fiscal Year in which the penultimate Party withdraws. Upon termination of this Agreement, Members shall mutually agree upon the disposition of Library funds and assets remaining after satisfaction of all of its debts and obligations, and Members shall retain any real property interests already owned by the Members (i.e. the buildings, underlying land, etc.). If the Members are unable to reach an agreement on such disposition, the Library funds and assets shall be apportioned pursuant to each Member's proportionate share (based on assessed values for library tax purposes), which shall be determined by the Library's Treasurer.

B. Withdrawal. Individual Members may withdraw from the Library without affecting the continuing operation or administration of the Library. Individual Members may withdraw from the Library by complying with all applicable laws and by giving a minimum of one year's written notice to the Commission and all other Members, which withdrawal shall be effective only at end of a given Fiscal Year. Subject to the terms of any lease and Section XC3b, any Member who withdraws from the Library shall retain any real property interests already owned by such Member (i.e. the buildings, underlying land, etc.). Upon withdrawal, the withdrawing Member shall not be entitled to distribution of any Library property or funds; rather, the Library shall retain all property used in the provision of library services at the Member's facilities, including but not limited to furniture, fixtures, technology, equipment, library collections and materials, and the like. Further, a withdrawing Member shall be responsible for satisfying its proportionate share (based on assessed values for library tax purposes) of all outstanding debt and obligations for system-wide costs, and all costs relegated to any regional branch library in the Member's jurisdiction, that exist at the time of withdrawal. Upon withdrawal, all future library tax revenues attributable to the withdrawing Member shall revert to that Member only if it assumes the responsibilities of providing a free public library within its jurisdiction and if otherwise allowed by law. Upon the withdrawal of an Individual Member, the Library may elect to continue to provide library services in the withdrawing Member's jurisdiction as it deems fit, but is not obligated to do so.

XII. MISCELLANEOUS PROVISIONS

A. Privileges and Immunities from Liability. All of the privileges and immunities from liability, applicable to the activities of officers, agents or employees of a public agency when performing their respective functions, shall apply to the officers, agents or employees of the Library to the same degree and extent while performing any of the functions and other duties of such officers, agents or employees under this Agreement. None of the officers, agents or employees directly employed by the Library shall be deemed, by reason of their employment by the Library, to be employed by the Parties to this Agreement or subject to any of the requirements of the Parties.

B. Insurance. The Library shall be required to obtain insurance, or join a self-insurance program(s) in which one or more of the Parties participate, appropriate for its operations. Any and all insurance coverages provided by the Library, and/or any self-insurance programs joined by the Library, shall name each and every Party to this agreement as an

additional insured for all liability arising out of or in connection with the operations by or on behalf of the named insured in the performance of this Agreement. Minimum levels of the insurance or self-insurance program shall be set by the Library in its ordinary course of business. The Library shall also require all of its contractors and subcontractors to have insurance appropriate for their operations.

C. Indemnification of Parties and Participants. The Library shall defend, indemnify, and hold harmless the Parties and each of their respective officers, agents, and employees, from any and all claims, losses, damages, costs, injuries, and liabilities of every kind arising directly or indirectly from the conduct, activities, operations, acts, and omissions of the Library.

D. Amendment of this Agreement. This Agreement may be amended only by the written agreement of all Parties.

E. Severability. If one or more clauses, sentences, paragraphs or provisions of this Agreement shall be held to be unlawful, invalid or unenforceable, it is hereby agreed by the Parties that the remainder of the Agreement shall not be affected thereby. Such clauses, sentences, paragraphs or provision shall be deemed reformed so as to be lawful, valid and enforced to the maximum extent possible.

F. Parties to be Served Notice. Any notice authorized or required to be given pursuant to this Agreement shall be validly given if served in writing either personally, by deposit in the United States mail, first class postage prepaid with return receipt requested, or by a recognized courier service. Notices given (a) personally or by courier service shall be conclusively deemed received at the time of delivery and receipt and (b) by mail shall be conclusively deemed given 48 hours after the deposit thereof (excluding Saturdays, Sundays and holidays) if the sender receives the return receipt. All notices directed to the Library shall be addressed to the Chair of the Library Commission, or such other person designated in writing by the Commission, and shall be copied to all Parties.

G. Complete Agreement. This Agreement constitutes the full and complete agreement of the Parties with respect to the subject matter hereof. All prior negotiations and written and/or oral agreements between the Parties with respect to the subject matter of this Agreement are merged into this Agreement.

H. Execution in Counterparts. This Agreement may be executed in any number of counterparts, and each executed counterpart shall have the same force and effect as an original instrument and as if all signing Parties had signed the same instrument.

WHEREFORE, the Parties agree to and execute this Agreement as of the dates set forth below.

Signed on _____ 2014, by

CITY OF CLOVERDALE

by _____

its duly authorized officer whose position is that

of _____

Signed on _____ 2014, by

CITY OF COTATI

by _____

its duly authorized officer whose position is that

of _____

Signed on _____ 2014, by

CITY OF HEALDSBURG

by _____

its duly authorized officer whose position is that

of _____

Signed on _____ 2014, by

CITY OF PETALUMA

by _____

its duly authorized officer whose position is that

of _____

Signed on _____ 2014, by

CITY OF ROHNERT PARK

by _____

its duly authorized officer whose position is that

of _____

Signed on _____ 2014, by

CITY OF SANTA ROSA

by _____

its duly authorized officer whose position is that

of _____

Signed on _____ 2014, by

CITY OF SEBASTOPOL

by _____

its duly authorized officer whose position is that

of _____

Signed on _____ 2014, by

CITY OF SONOMA

by _____

its duly authorized officer whose position is that

of _____

Signed on _____ 2014, by

TOWN OF WINDSOR

by _____

its duly authorized officer whose position is that

of _____

Signed on _____ 2014, by

COUNTY OF SONOMA

by _____

its duly authorized officer whose position is that

of _____

Sonoma County Library Amended JPA Proposed Timeline

April 7: Amended JPA approved by Advisory Committee

April 14 - May 21: Ratification by all jurisdictions and opening of process for appointments of Commissioners

July 16: All Commissioners appointed; contact information provided to Library Management and Clerk of the Board of Supervisors

Late July: Orientation/Training for New Commissioners

August 1: Effective date of Amended JPA

August 4: Signing Ceremony hosted by JPA Review Advisory Committee and First meeting of new Commission

Sonoma County Library Commissioner Job Description

Summary

Provides governance for the Sonoma County Library; establishes policy; sets goals and objectives; hires and evaluates the director; establishes and monitors the annual budget; signs necessary contracts; exercises such other powers, consistent with the law to foster the effective use and management of the library.

Responsibilities

- Hires, sets salary, evaluates and supervises a qualified library Director to implement Commission decisions and directions and to carry out day-to-day operation of the library and its programs and services
- Determines and adopts written policies to govern the operation and services of the library
- Works with Director to establish short and long range goals for the library
- Attends all regular and special meetings of the Commission and participates in subcommittees as necessary
- Attends appropriate library functions including Library Advisory Board meetings, fundraisers, special events and other activities
- Sets an annual budget and approves expenditure of funds; monitors budget and expenses throughout the year
- Understands pertinent local, state, and federal laws; actively supports library legislation in the state and nation
- Advocates for the interests and needs of the countywide library system
- Represents the interests and needs of the community
- Acts as liaison with the public, interpreting and informing local government, media and public of library services and needs
- Sets parameters and authority level for Library Management's labor negotiations with the Union; adopts MOU contract; serves as the employer to library staff
- Lends expertise and experience to the organization
- Maintains knowledge of library issues, laws, and trends, and their implications for library use
- Understands the Brown Act as it applies to Library governance
- Is familiar with the Joint Powers Agreement governing the Library
- Reviews and signs necessary contracts
- Reports activities to local officials

Qualifications

- Is interested in the library and its services
- Has the ability and time to participate effectively in Commission activities and decision making
- Is able to represent varied needs and interests of the community and of the library
- Has strong interpersonal and communication skills

- Has the ability to work with governing bodies, agencies, elected officials, library staff and members of the public
- Has the ability to handle opposition and make decisions in the interest of library service

Desired Experience

- Familiarity with the Sonoma County Library
- Experience working with one of the Library's Advisory Boards, Friends of the Library groups, or other support group

Time Commitment

- The Commission meets monthly at a time convenient for members. (Currently, meetings are held the first Monday of each month at 6:30pm). Meetings can last up to four hours, and considerable preparation time is needed prior to each meeting.
- It has been common practice for the Commission to devote two all-day workshop meetings to budget planning.
- Commissioners may serve on one or more subcommittees or ad hoc task forces in addition to their regular duties.
- Under terms of the Joint Powers Agreement, trustees shall hold their office for four years from the date of appointment and until their successors are appointed.
- Special meetings or committee meetings may be called as necessary at times that are convenient to members and that comply with the open public meeting law.



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

City Council Agenda Item: 9A

Meeting Date: 04/21/2014

Department

Administration

Staff Contact

Carol E. Giovanatto, City Manager

Agenda Item Title

Discussion, consideration and possible action on appointment of a Negotiating Committee for the sale of property located at 32 Patten Street.

Summary

In October 2013, the City as Successor Agency issued a Request for Qualifications for the retention of a real estate professional to assist in the marketing and sale of the property located at 32 Patten Street. Subsequently, the firm of Cassidy Turley Northern California was selected for that task. Ryan Snow of Cassidy Turley reports that interest from potential buyers is high with approximately 59 different parties discussing and/or touring the property.

The firm has been actively marketing the property to potential buyers since March 1st, with the offer closing date of April 30th. It is now necessary to appoint two Councilmembers to sit as negotiators to represent the City [as Successor Agency] to review a select from some number of best offers as recommended by the Real Estate firm. The Negotiating Committee will be vested with the authority to provide a tentative commitment to the buyer based on "best and final" offer from buyer subject to ratification by the City Council as Successor Agency at a regularly scheduled meeting. This same action will take place at the May Oversight Board meeting at which time the Oversight Board will appoint two Board members to the Negotiating Committee.

For informational purposes only, the schedule moving forward is tentatively set as follows:

- May 15 city's responses to selected offers (15 days)
- June 1 receive "best and final" from buyers (15 days)
- June 15 committee acceptance of buyer and terms (15 days)
- August 1 successor agency approval (45 days)
- Sept 1 oversight board approval (30 days)
- Nov 1 state approval (60 days), hoping buyer's due diligence can occur simultaneously with state approval; non refundable deposit to follow
- Dec 1 close of escrow (30 days)

NOTE: This schedule is for timeline presentation purposes only and all buyers have been made aware of the stipulations of this sale. The State Department of Finance has not set any response criteria for issuing their letter of authorization of property sale. Per the DOF website, they refer to 45 days, but no information is available from other agencies to verify whether that timeframe is correct.

Recommended Council Action

Appoint two Councilmembers to Negotiating Committee to represent the City as Successor Agency. Review of offers to take place in May - June.

Alternative Actions

N/A

Financial Impact

N/A

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt

Status

- Approved/Certified
- No Action Required
- Action Requested

Not Applicable

Alignment with Council Goals:

The sale of the property at 32 Patten Street relates to the "Policy and Leadership" goal, as it responds to the requirements of State legislation while emphasizing local control to the extent possible.

Attachments:



CITY OF SONOMA
 City Council
 Agenda Item Summary

Agenda Item: 10A
Meeting Date: 04/21/2014

Department Administration	Staff Contact Gay Johann, Assistant City Manager/City Clerk
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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 ROUSE	MPT COOK	CLM. BARBOSE	CLM. BROWN	CLM. GALLIAN
ABAG Alternate	AB939 Local Task Force	Cittaslow Sonoma Valley Advisory Council, Alt.	Oversight Board to the Dissolved CDA	ABAG Delegate
City Audit Committee	City Facilities Committee	North Bay Watershed Association	Sonoma County Health Action	Cittaslow Sonoma Valley Advisory Council
City Facilities Committee	LOCC North Bay Division Liaison	Sonoma Clean Power	S. V. Citizens Advisory Commission	City Audit Committee
Sonoma County Mayors & Clm. Assoc. BOD	Oversight Board to the Dissolved CDA, Alt.	Sonoma County Transportation Authority & Regional Climate Protection Authority, Alternate	S.V. Economic Development Steering Committee	LOCC North Bay Division Liaison, Alternate
Sonoma County M & C Assoc. Legislative Committee, Alt.	Sonoma Clean Power Alt.	Sonoma County Waste Management Agency	S. V. Library Advisory Committee, Alternate	Sonoma County Transportation Authority & Regional Climate Protection Authority
Sonoma Disaster Council	Sonoma County Mayors & Clm. Assoc. BOD	VOM Water District Ad Hoc Committee, Alternate	Substance Abuse Prevention Coalition	LOCC North Bay Division, LOCC E-Board, Alternate (M & C Appointment)
Sonoma Housing Corporation	Sonoma County M & C Assoc. Legislative Committee	Water Advisory Committee, Alternate	Mobilehome Park Rent Control Ad Hoc Committee (1/8/14)	Sonoma County Ag Preservation and Open Space Advisory Committee (M & C Appointment)
Sonoma Valley Citizens Advisory Comm. Alt.	Sonoma Disaster Council, Alternate			VOM Water District Ad Hoc Committee
S.V.C. Sanitation District BOD	Sonoma Housing Corporation			Water Advisory Committee
S.V. Fire & Rescue Authority Oversight Committee	S.V.C. Sanitation District BOD, Alt.			Mobilehome Park Rent Control Ad Hoc Committee (1/8/14)
	S.V. Economic Development Steering Committee, Alt.			
	S. V. Library Advisory Committee			
	S.V. Fire & Rescue Authority Oversight Committee			

Recommended Council Action – Receive Reports

Attachments: None