

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

Community Meeting Room, 177 First Street West, Sonoma CA



Monday, December 1, 2014

6:00 p.m.

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.

OPENING

**CALL TO ORDER & PLEDGE OF ALLEGIANCE
ROLL CALL (Gallian, Barbose, Cook, Brown, Rouse)**

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. MEETING DEDICATIONS

3. PRESENTATIONS – None Scheduled

4. 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 4A: Waive further reading and authorize Introduction and/or adoption of ordinances by title only. (Standard procedural action - no backup information provided)

**Item 4B: Approval of the minutes of the November 17, 2014 City Council meeting.
Staff Recommendation: Approve the minutes.**

**Item 4C: Adoption of a resolution declaring the results of the November 4, 2014 General Municipal Election.
Staff Recommendation: Adopt the resolution.**

**Item 4D: Approval and ratification of the appointment of James Bohar to the Countywide Bicycle & Pedestrian Advisory Committee for a two-year term.
Staff Recommendation: Approve and ratify the appointment.**

4. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL, Continued

Item 4E: Adopt a resolution approving a Memorandum of Understanding with Sonoma Employees' Association (SEIU Local 1021) for the period January 1, 2015 through June 30, 2017.

Staff Recommendation: Adopt the resolution.

Item 4F: Adopt resolutions approving changes to terms and conditions of employment for the Executive, Management, Administrative and Non-Represented Confidential personnel for the period January 1, 2015 through June 30, 2017 and fixing the salaries and wages of officers and employees of the City.

Staff Recommendation: Adopt the resolutions.

5. 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 5A: Approval of the portions of the minutes of the November 17, 2014 City Council meeting pertaining to the Successor Agency.

Staff Recommendation: Approve the minutes.

WORDS OF APPRECIATION & GOODBYES

- Presentation of a Mayor's gavel to Mayor Tom Rouse
- Presentation of plaques for service to the City to Tom Rouse, Steve Barbose, and Ken Brown
- Comments by Councilmembers
- Comments by the Public

SWEARING IN CEREMONY

The City Clerk will administer the Oath of Office to:

- Gary Edwards
- Madolyn Agrimonti
- Rachel Hundley

RECESS – 10 Minutes

The meeting will reconvene with the new Councilmembers seated at the dais.

SELECTION OF THE MAYOR AND MAYOR PRO TEM

6. PUBLIC HEARINGS

Item 6A: Discussion, consideration, and possible action on the extension of an Urgency Ordinance placing a moratorium on Automated Purchasing Machines in the City of Sonoma. (Planning Director)

Staff Recommendation: Adopt the ordinance extending the Urgency Ordinance.

6. PUBLIC HEARINGS, Continued

Item 6B: Discussion, consideration, and possible action on an ordinance amending the Development Code to establish a process for addressing requests for reasonable accommodation. (Planning Director)
Staff Recommendation: Introduce the Ordinance.

7. REGULAR CALENDAR – CITY COUNCIL

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

Item 7A: Discussion, Consideration and Possible Action to change Council meeting days to the second and fourth Wednesdays of the Month. [Requested by Mayor Pro Tem Cook] (City Manager)
Staff Recommendation: Council discretion.

8. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

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

9. COUNCILMEMBERS’ REPORTS AND COMMENTS

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

11. COMMENTS FROM THE PUBLIC

12. ADJOURNMENT

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

Meeting Date: 12/01/2014

Department

Administration

Staff Contact

Gay Johann, Assistant City Manager/City Clerk

Agenda Item Title

Approval of the Minutes of the November 17, 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

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

Community Meeting Room, 177 First Street West, Sonoma CA



Monday, November 17, 2014

6:00 p.m.

MINUTES

City Council

Tom Rouse, Mayor

David Cook, Mayor Pro Tem

Steve Barbose

Ken Brown

Laurie Gallian

OPENING

Mayor Rouse called the meeting to order at 6:00 p.m. Patricia Shults and Laurie Decker led the Pledge of Allegiance.

CITY COUNCILMEMBERS PRESENT: Barbose, Cook, Brown, Gallian and Mayor Rouse

ABSENT: None

OTHERS PRESENT: City Manager Giovanatto, Assistant City Manager/City Clerk Johann, City Attorney Walter, Public Works Director Takasugi, Finance Director Hilbrants

1. COMMENTS FROM THE PUBLIC

Jack Wagner commented on things he learned as a result of campaigning for a seat on the City Council. He stated that he intended to stay active in the community and keep up with City affairs.

Constance Grizzell and Mara Kahn reported on the second year of the Sonoma Valley Holiday Program which will provide holiday gifts to local families and individuals in need. They will also host a Holiday Community Dinner for the homeless.

Councilmember Elect Rachel Hundley stated that the recent campaign season had been one of most positive experiences of her life. She met so many interested and engaged citizens and wanted to remind all that there was a place for everyone who wanted to get involved.

Gerry Simmel expressed appreciation to Mayor Rouse and Councilmembers Barbose and Brown for their service on the City Council.

2. MEETING DEDICATIONS - None

3. PRESENTATIONS

Item 3A: Proclamation declaring the weekend after Thanksgiving, November 28 – December 1, 2014, as “Shop Sonoma Days”

Mayor Rouse read aloud the proclamation and presented it to the new Chamber Executive Director Patricia Shults and the Economic Vitality Program Manager Laurie Decker.

4. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL

- Item 4A:** Waive Further reading and Authorize Introduction and/or Adoption of Ordinances by Title Only.
- Item 4B:** Approval of the Minutes of the October 20 and November 3, 2014 City Council meetings.
- Item 4C:** Approval and ratification of the reappointment of Charles Bouey to the Marin/Sonoma Mosquito and Vector Control District Board of Directors for a four-year term ending December 31, 2018.

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

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

- Item 5A:** Approval of the portions of the Minutes of October 20 and November 3, 2014 City Council meetings pertaining to the Successor Agency.

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

6. PUBLIC HEARING

- Item 6A:** Discussion, consideration and possible action on approving a City Water Rate Update.

Public Works Director Takasugi reported that the City water rates had not been updated since 2007. A 2012 analysis of water rates showed that the existing rate structure and model were not sustainable in the long term. In June 2013 Council gave staff direction to pursue a water rate study update. He stated that the water rate study update process followed rigid guidelines of the State's Proposition 218 mandate. On August 25, 2014 staff presented the proposed updated water rates to Council and they directed staff to incorporate steeper conservation tiers for the residential rates and to implement a conservation tier structure for multi-family and commercial customers. Takasugi stated that those changes had been implemented into the current Draft Water Rate Study. Takasugi explained the noticing process that had been followed and that if the number of protest letters received by the end of the public hearing did not exceed 2,177 (half plus one of the 4,353 parcels served) the Council could then consider the resolution to adopt the water rate changes. Takasugi provided detailed information regarding the proposed water rate structure, and responded to frequently asked questions.

Mayor Rouse opened the public hearing. City Attorney Walter reminded those present that protest letters would only be accepted until the close of the public hearing.

DRAFT MINUTES

John Dunning presented a graph, which he said indicated there was plenty of water available from the Russian River especially if flood pooling was utilized. He stated that the new rates would encourage conservation that was not really necessary.

Sarah Sugarman commented that she used more water in her small home than her parents who did a lot more laundry and allowed several family members to shower at their home. She said the water rates put a burden on homeowners and the low income residents and suggested using a chain CPI in the future.

Marilyn Kelly stated that the proposed rates put a greater burden on the single-family homeowners. She said the water meters were unreliable and the water bills needed to contain additional information. Ms. Kelly added that there had not been enough opportunity for the public to weigh in on the matter and the Council should put off making a decision.

Gerry Simmel stated that the City had not followed up on the issues that came to light a couple of years ago when a new rate structure had been proposed. He stated that as a single person living alone the fixed costs constituted two-thirds of his water bill and added that it did not promote conservation and he felt the single family homeowners were subsidizing commercial users. Simmel recommended denial of the rate increase.

Fred Allebach stated that the tourist and the tourism industry should pay its fair share.

Patty Dufern submitted a letter of protest. She stated that there should be a moratorium on new construction and developers should be required to identify a water source for each new project.

Herbert Heil stated the Council should consider that residents were being encouraged to conserve water and at the same time, new hookups were still being approved.

Elaine Aicher submitted two protest letters.

Mark Pisbroski stated that Valley of the Moon Water District rates were lower than the City's and he suggested the City join them to reduce costs.

Armando Zimmerman stated there were loose ends in the City's conservation efforts. He said that under the current Phase 2 Conservation mode, people were allowed to water two days a week from 7:00 p.m. until 7:00 a.m. Zimmerman stated that the Council should not make a decision tonight and instead should work towards gaining some buy in from the ratepayers.

Karen Mason stated she conserved a lot of water and found the prices punitive with small residential users getting the brunt of the increase.

Councilmember Elect Gary Edwards said he was not in favor of the proposed rates and would be in favor of exploring the idea of combining with Valley of the Moon Water District. He suggested the City have crews that could help property owners detect water leaks and repair any leaks on City property.

Seeing there were no additional comments from the public, Mayor Rouse closed the public hearing. He called for a recess to allow the City Clerk time to count the number of protest letters that had been received.

RECESS: The meeting recessed from 7:11 to 7:15 p.m.

Mayor Rouse called the meeting back to order and reported that forty-two protest letters, representing .9% of the total parcels served, had submitted protests thus allowing the City Council to move ahead with consideration of adoption of the rate structure.

CIm. Cook stated that this subject was not new and that the Council had been studying the issue for several months. He stated he did not agree with the suggestion made by some that the Council should not act and instead carry the issue over for the new Council to deal with. He added he also did not agree with merging with Valley of the Moon Water District but he would like to see a well in the Plaza and rebates for grey water usage.

CIm. Barbose stated that this was the third public meeting the Council had held regarding the water rate study and it was unfortunate that people did not show up until now. He stated his interest in raising the threshold for Tier 1 single family residential because he realized the burden for those with families. CIm. Barbose stated that the Council came up with the best scenarios possible to encourage conservation.

CIm. Gallian stated she supported the rate structure even though it was not a popular decision. She explained that she had sat in Water agency meetings for the last six years and was aware of the issues and progress that had been made with water strategies. CIm. Brown stated his agreement and added he had no desire to kick the can down the road for the future Council to decide.

Mayor Rouse stated that in the long run the City needed to do something about the multiple agencies that exist and should research combining. He stated that although he did not support the rate increases, he would vote in favor of it because it was what needed to be done to keep the City's water infrastructure strong.

It was moved by CIm. Gallian, seconded by CIm. Cook, to adopt the resolution entitled Resolution of the City Council of the City of Sonoma Adopting a Program of Water Rate and Fee Increases for Fiscal Year 2014-15 Through 2018-19 and Setting Water Rates and Connection Fees to be Effective January 1, 2015 and each January 1st Thereafter to January 1, 2019. The motion carried unanimously.

7. REGULAR CALENDAR – CITY COUNCIL

8. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

9. COUNCILMEMBERS' REPORTS AND COMMENTS

CIm. Gallian stated that she enjoyed the Women in Leadership Breakfast and the Lighting of the Plaza.

CIm. Cook reported attendance at the Library Advisory Board and Legislative Committee meetings.

CIm. Barbose reported on the meetings of the North Bay Watershed Association and Sonoma Clean Power.

Mayor Rouse reported attendance at the first annual Plaza Lighting ceremony and meeting with the delegation from Tokaj.

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

City Manager Giovanatto reported that the Plaza Lighting project had been funded by the Tourism Improvement District (TID). She noted that the TID also upgraded the Plaza electrical system.

11. COMMENTS FROM THE PUBLIC

Fred Allebach thanked the outgoing Councilmember for their service.

12. ADJOURNMENT

The meeting was adjourned at 7:59 p.m.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma City Council on the day of 2014.

Gay Johann
Assistant City Manager / City Clerk



CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 4C

Meeting Date: 12/01/14

Department

Administration

Staff Contact

Gay Johann, Assistant City Manager / City Clerk

Agenda Item Title

Adoption of a resolution declaring the results of the November 4, 2014 General Municipal Election.

Summary

A General Municipal election was conducted in the City of Sonoma on November 4, 2014 for the purpose of electing three members of the City Council. At the time of preparation of the agenda packet, the official statement of votes cast had not been received from the County Clerk; however staff has been assured it will be available prior to the December 1 City Council Meeting. The resolution will be completed and copies of the official statement of votes cast will be made available at, or prior to, the City Council meeting.

Recommended Council Action

Adopt the resolution.

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:

Resolution

CITY OF SONOMA

RESOLUTION NO. xx - 2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 4, 2014, DECLARING THE RESULT AND SUCH OTHER MATTERS AS REQUIRED BY LAW

WHEREAS, a General Municipal Election was held and conducted in the City of Sonoma, California, on Tuesday, November 4, 2014, as required by law; and

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

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SONOMA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

- Section 1. That the whole number of ballots cast in the precincts except absent voter ballots and provisional ballots was ____.
- That the whole number of vote by mail ballots cast in the City was ____, the whole number of provisional ballots cast in the City was ____, making a total of ____ ballots cast in the City.
- Section 2. That the names of persons voted for at the election for Member of the City Council are as follows: Madolyn Agrimonti, Ken Brown, Lynda Corrado, Gary Edwards, Rachel Hundley, Andrew Sawicki, Cameron Stuckey and Jack Wagner.
- Section 3. That the number of votes given at each precinct and the number of votes given in the City to each of the persons above named for the respective offices for which the persons were candidates were as listed in "Exhibit A" attached.
- Section 4. The City Council does declare and determine that: _____, _____ and _____ were elected as Members of the City Council for the full term of four years.
- Section 5. That the City Clerk shall enter on the records of the City Council of the City, a statement of the result of the election, showing: (1) The whole number of ballots cast in the City; (2) The names of the persons voted for; (3) For what office each person was voted for; (4) The number of votes given at each precinct to each person; and (5) The total number of votes given to each person.

Section 6. That the City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

Section 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED 1st day of December 2014, by the following
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: 4D

Meeting Date: 12/01/14

Department

Administration

Staff Contact

Gay Johann, Assistant City Manager / City Clerk

Agenda Item Title

Approval and ratification of the appointment of James Bohar to the Countywide Bicycle & Pedestrian Advisory Committee for a two-year term.

Summary

The Countywide Bicycle & Pedestrian Advisory Committee (CBPAC) serves as an advisory committee to the Sonoma County Transportation Authority (SCTA). It is composed of representatives from every jurisdiction in Sonoma County. The City's representative may be chosen from the general public and the process for appointment is at the City's discretion.

The primary function of CBPAC is to review applications for Transportation Development Act (TDA) Article 3 projects and to advise the SCTA on all matters relating to bicycle facilities. They also plan bicycle and pedestrian educational activities and develop funding strategies beyond TDA Article 3 funding. Meetings are held on the fourth Tuesday of every other month at 2:00 p.m. in Santa Rosa.

In response to the advertisement of this position, the City received two applications. Mayor Rouse and Mayor Pro Tem Cook interviewed both applicants and Mayor Rouse has nominated James Bohar for appointment to the Countywide Bicycle & Pedestrian Advisory Committee for an initial two-year term ending 12/01/2016.

Recommended Council Action

Approve and ratify the nomination.

Alternative Actions

Council discretion.

Financial Impact

N/A

Environmental Review

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

Status

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

Attachments:

Application of James Bohar

cc: James Bohar via email



CITY OF SONOMA

COMMISSION APPLICATION

NAME: James B. Bohar

ADDRESS: 299 First Street West Sonoma, CA 95470

MAILING ADDRESS: same

CONTACT INFO (Please include daytime & evening phone numbers and email address):

office : 510.923.6201 cell 510.697.4490

email : jbohar@ccareynkf.com

COMMISSION OF INTEREST: CBPAC

HAVE YOU EVER ATTENDED A MEETING OF THIS COMMISSION? NO HOW MANY?

If you are not selected for the commission listed above, would you be interested in serving on any of our other commissions? If so, please indicate which commission(s): NOT AT PRESENT

HOW MANY YEARS HAVE YOU RESIDED IN SONOMA? 15 as a weekender; 3 as full time
 PRESENT OCCUPATION: Commercial real estate broker, investor, developer

EDUCATION		
SCHOOL	MAJOR	GRADUATION DATE & DEGREE
University of Maryland	Psychology	1964, B.A.

COMMUNITY SERVICE EXPERIENCE		
ORGANIZATION	DATES SERVED	POSITION
Camp Augusta Piedmont CA	1988-1992	Board Member
Episcopal Homes Foundation	Board 1990-1997	Chairman of Finance Committee
Oakland Strakes Jr. Rowing Club	2000-2003	Chairman of the Board
Lake Merritt Rowing Club	2004-2011	Board Member

(Use additional paper if necessary)

OTHER RELEVANT EXPERIENCE OR EXPERTISE: Lifetime active cyclist in urban and country settings. Cycle in Sonoma Valley area every week.

WHAT IS YOUR UNDERSTANDING OF THE ROLE AND RESPONSIBILITY OF THIS COMMISSION?

For members of the public to advise and review applications for TDA Article 3 projects and to advise SCTA on bicycle facility matters.

WHICH ACTIVITIES OF THIS COMMISSION INTEREST YOU THE MOST?

Promoting and supporting safe, accessible bicycle transportation as a transportation alternative to cars and as a cultural and life style attraction.

WHICH ACTIVITIES INTEREST YOU THE LEAST?

I don't have enough information yet to have an opinion.

WHAT WOULD BE YOUR GOAL AS A COMMISSIONER?

To develop a county wide bicycle network and promote it to our citizens and also as an attraction to national and international ^{health} minded travelers.

WHAT DO YOU FEEL YOU COULD CONTRIBUTE TO SEE THESE GOALS REALIZED?

I am a passionate participant and I have leadership skills. I am an effective public speaker.

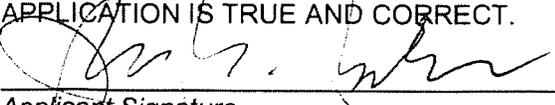
PLEASE LIST TWO LOCAL REFERENCES AND THEIR PHONE NUMBERS:

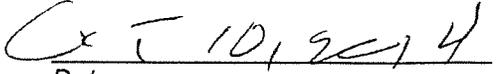
Dick Fogg - 707.996.1991 Michael Muscardini - 707.217.1822

SOME COMMISSION POSITIONS MUST BE FILLED BY A **QUALIFIED ELECTOR** OF THE CITY OF SONOMA. A QUALIFIED ELECTOR IS A PERSON WHO IS 1) A U.S. CITIZEN; 2) AT LEAST 18 YEARS OF AGE; AND 3) RESIDES WITHIN THE BOUNDARIES OF THE CITY OF SONOMA.

ARE YOU A QUALIFIED ELECTOR OF THE CITY OF SONOMA? YES NO

I DECLARE UNDER PENALTY OF PERJURY THE INFORMATION PROVIDED ON THIS APPLICATION IS TRUE AND CORRECT.


Applicant Signature James B. Bohar


Date 10.10.2014

All submitted applications are available for public inspection.

Return completed form to:
City Clerk
City of Sonoma
No. 1 The Plaza
Sonoma CA 95476



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 4E

Meeting Date: 12/01/2014

Department

Administration

Staff Contact

Carol E. Giovanatto, City Manager

Agenda Item Title

Adopt a resolution approving a Memorandum of Understanding with Sonoma Employees' Association (SEIU Local 1021) for the period January 1, 2015 through June 30, 2017.

Summary

The City of Sonoma Labor negotiating team has conducted meet and confer bargaining sessions with representatives of SEIU 1021 since October 8, 2014 for a successor agreement to the current agreement which expires on December 31, 2014. Tentative agreement has been reached between the City and SEIU 1021 and Council is asked to approve the attached Memorandum of Understanding (MOU) with SEIU.

BACKGROUND:

1. Local 1021 represents employees in 12 different classifications, ranging from Administrative Clerk to Maintenance Worker and Associate Planner.
2. From 2012 through 2014 employees stepped forward with financial concessions that totaled approximately \$100,000 in on-going savings. Savings provided through those concessions mitigated lay-offs and service reductions:
 - a. In 2012: Employees agreed to 0% salary increase and a 4% contribution to PERS.
 - b. In 2013: Employees agreed to a 2% salary increase and an additional 1.5% contribution to PERS for a total of 5.5% contribution to PERS.
 - c. In 2014: Employees agreed to a 2% salary increase and an additional 1.5% contribution to PERS for a total of 7% contribution to PERS.
3. Employees' currently receive approximately 3% less pay in 2014 than they did in 2012.

PROPOSED CHANGES TO CONTRACT (Expiring 12-31-2014):

1. **ARTICLE 3 JOB DESCRIPTION UPDATES** (formerly ARTICLE 38):
The City will review and update the job descriptions for all positions in City service including those represented by SEIU by June 30, 2016.
2. **ARTICLE 9 LABOR MANAGEMENT COMMITTEE** (New):
To promote labor-management cooperation and communication and to resolve non-disciplinary disputes, Association and the City agree to form a committee comprised of no more than two members of management and two members of the Association who receive paid release time. The Committee will meet as needed but no more than quarterly and only when a meeting agenda has been established one week prior to the established meeting date. The LMC is not intended to supersede any processes, rights or obligations otherwise provided in the Collective Bargaining Agreement.
3. **ARTICLE 10 SALARY:**
Effective the first full pay period in January 2015, following implementation of the MOU, Association employees shall receive a base salary increase of three and one-half percent (3.5%).

Effective the first full pay period in January 2016, Association employees shall receive a base salary increase of three and one-half percent (3.5%) and make an additional one-half percent (.5%) contribution to the City cost of pension benefits as outlined in Article 16 RETIREMENT. Effective the first full pay period in January 2017 Association employees shall receive a base salary increase of three and one-half percent (3.5%) and make an additional one-half percent (.5%) contribution to the City cost of pension benefits as outlined in Article 16 RETIREMENT.

4. ARTICLE 15 TOTAL COMPENSATION SURVEY (NEW):
The City will initiate a total compensation survey with comparable municipalities in the region by July 1, 2016. The results of this survey will be shared with the Association via the Labor Management Committee.

5. ARTICLE 16 RETIREMENT:
(NEW) Effective the first full pay period following January 1, 2016 employees eligible for the CalPERS 2% at age 55 retirement formula shall contribute an additional one-half percent (.5%) of persable compensation toward the City's cost of pension benefits for a total of seven and one-half percent (7.5%) contribution to CalPERS.
(NEW) Effective the first full pay period following January 1, 2017 employees eligible for the CalPERS 2% at age 55 retirement formula shall contribute an additional one-half percent (.5%) of persable compensation toward the City's cost of pension benefits for a total of eight percent (8%) contribution.

6. ARTICLE 17 IMPLEMENTATION OF INTERNAL REVENUE CODE SECTION 414 (h)(2)
(NEW): Association employees' contributions to CalPERS described in Article 16 shall be made through payroll deductions with state and federal income tax on the contribution deferred to the extent permitted by Internal Revenue Code, 26 USC Section 414(h)(2).

7. ARTICLE 29 PROBATION:
All employees covered under this Memorandum of Understanding shall have a probation period of twelve (12) months. The probation period may be extended to twice the designated period based on the recommendation of the department head with the approval of the City Manager.

8. ARTICLE 35 CONTRACTING-OUT:
The City will notify the Association at least 30 days prior to any decision to contract out any public service provided by any classification represented by the Association. A meet and confer with the Association will take place within 10 days of notification.

9. ARTICLE 36 TERM:
Establishes term of the MOU as January 1, 2015 through June 30, 2017

All modifications to the existing MOU have been negotiated through the meet and confer bargaining process pursuant to California Government Code, Sections 3500 et seq., and the City's Personnel Policies and Resolution. SEIU represents 22 employees including 11 maintenance positions, 4 mid-management positions and 6 clerical/finance positions.

Recommended Council Action

Adopt the Resolution approving the Memorandum of Understanding with SEIU Local 1021.

Alternative Actions

Do not approve MOU; return to Meet and Confer process with SEIU.

Financial Impact

Total fiscal impact of MOU provisions for the term of the MOU:

\$52,358 net cost to the General Fund over a two and one-half year period; \$79,930 net cost in all other funds over a two and one-half year period.

Environmental Review

Status

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

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

Resolution
Memorandum of Understanding

cc:

Lorenzo Sotelo, SEIU Local 1021 Negotiator
Michael Brett, SEIU Employee Association President

CITY OF SONOMA

RESOLUTION NO. XX - 2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA
APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY
OF SONOMA AND THE CITY OF SONOMA EMPLOYEES' ASSOCIATION /
SEIU 1021 AND SUPERSEDING ALL PREVIOUS MEMORANDUMS OF
UNDERSTANDING

WHEREAS, the City of Sonoma (City) and the City of Sonoma Employees' Association/SEIU 1021 (Association) have met and conferred in accordance with the requirements of the Meyers-Milas-Brown Act; and

WHEREAS, the City and the Association have reached agreement on wages, benefits, hours, and other conditions of employment for the period January 1, 2015 through June 30, 2017; and

WHEREAS, a previous Memorandum of Understanding between the City and the Association effective January 1, 2013 through December 31, 2014 was approved by the City Council on January 7, 2013.

NOW, THEREFORE, the City Council of the City of Sonoma does hereby resolve that the 2015-2017 Memorandum of Understanding, attached hereto, between the City and the Association is approved and adopted. All previously approved Memorandums of Understanding between the City and Association are hereby repealed.

ADOPTED this 1st day of December 2014 by the following vote:

AYES:
NOES:
ABSENT:

Tom Rouse, Mayor

ATTEST:

Gay Johann
Assistant City Manager/City Clerk

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF SONOMA AND
THE CITY OF SONOMA EMPLOYEES' ASSOCIATION/SEIU 1021
JANUARY 1, 2015 THROUGH June 30, 2017**

ARTICLE 1 PREAMBLE

This Memorandum of Understanding is made and entered into between the City Council of the City of Sonoma, hereinafter referred to as "the City" and the City of Sonoma Employees' Association/SEIU 1021, hereinafter referred to as "the Association," pursuant to California Government Code, Sections 3500 et seq., and the City's Personnel Policies and Resolution. The purpose of this Memorandum of Understanding is the establishment of rates of compensation, hours of work, and other terms and conditions of employment.

ARTICLE 2 RECOGNITION

1. The City of Sonoma recognizes the Association as the recognized and exclusive representative for the following classifications:

Administrative Clerk	Administrative Assistant	Management Analyst
Plans Examiner	Building Inspector	Assistant Planner
Associate Planner	Accounting Technician	Water Operations Supervisor
Maintenance Worker I, II, III	Maintenance Worker III- Foreman	Stormwater Specialist

2. This recognition is exclusive of (1) management employees, (2) administrative employees, (3) temporary employees, (4) elected officials, (5) contract employees, (6) at will employees, and (7) part-time employees.

3. The City agrees to meet and confer and otherwise deal exclusively with the Association on all matters relating to the scope of representation under the Meyers-Milias-Brown Act (Government Code Section 3500 et seq.), and as provided under the City's Personnel Resolution.

ARTICLE 3 JOB DESCRIPTION UPDATES

The City will review and update the job descriptions for all positions in City service including those represented by SEIU by June 30, 2016.

ARTICLE 4 SEVERANCE

1. If any provision of the agreement should be found invalid, unconstitutional, unlawful, or unenforceable by reason of any existing or subsequently enacted constitutional or legislative provision or by final judicial authority, the offending provision shall be severed, and all other provisions of the agreement shall remain in full force and effect for the duration of the agreement.

2. In the event that any provision of the Memorandum of Understanding should be found invalid, unconstitutional, unlawful, or unenforceable, the City and the Association agree to meet and confer in a timely manner in an attempt to negotiate a substitute provision. Such negotiations shall apply only to the severed provision of the agreement and shall not in any way modify or impact the remaining provisions of the existing Memorandum of Understanding.

ARTICLE 5 SOLE AGREEMENT

1. The policies collected in the Memorandum of Understanding constitute the entirety of the policies, which are subject to the meet and confer obligation as agreed to by the parties.

2. The City and Association agree that if any provision addressing wages, hours, and terms and conditions of employment negotiable under the Meyers-Milias-Brown Act is found outside this Memorandum of Understanding and in conflict thereof, then this Memorandum of Understanding shall prevail.

3. If, during the term of the Memorandum of Understanding, the parties should mutually agree to modify, amend, or alter the provisions of this Memorandum of Understanding in any respect, any such change shall be effective only if and when reduced to writing and executed by the authorized representatives of the City and the Association. Any such changes validly made shall become part of the Memorandum of Understanding and subject to its terms.

4. The waiver or breach of any condition of this Memorandum of Understanding shall not constitute a precedent in the future enforcement of all terms and conditions herein on the impacts as required by MMB [changed circumstances due to legislation or the introduction of new technology may require meet and confer discussions if requested by either party to the labor agreement

ARTICLE 6 CONCLUSIVENESS

The City and the Association agree that during the negotiations which resulted in this Memorandum of Understanding, each had an unlimited right and opportunity to make demands and proposals with respect to any subject or matter within the scope of representation; therefore, during the term of this agreement, the City and the Association shall not be obligated to meet and confer on any matter:

- (a) if not specifically referred to as open for further negotiation in this Memorandum of Understanding;
- (b) whether or not the matter was within the knowledge or contemplation of either party at the time of negotiations;
- (c) whether or not the matters were proposed and later withdrawn during negotiations.

ARTICLE 7 FULL FORCE AND EFFECT

1. All wages, hours, and terms and conditions of employment, which are negotiable subjects of bargaining under the Meyers-Milias-Brown Act, including those set in this Memorandum of Understanding, shall remain in full force and effect during the term of this Memorandum of Understanding unless changed by mutual agreement.

2. The City and the Association will abide by the Meyers-Milias-Brown Act where and when it applies to employees represented by the Association.

ARTICLE 8 MANAGEMENT RIGHTS

The City retains all its exclusive rights and authority under state law and expressly and exclusively retains its management rights, which include, but are not limited to:

- 1. the exclusive right to determine the mission of its constituent departments
- 2. set standards and levels of service
- 3. determine the procedures and standards of selection for employment and promotions
- 4. direct its employee
- 5. establish and enforce dress and grooming standards
- 6. determine the methods and means to relieve its employees from duty because of lack of work or other lawful reasons
- 7. maintain the efficiency of governmental operations
- 8. determine the methods, means and numbers and kinds of personnel by which government operations are to be conducted
- 9. determine the content and intent of job classifications
- 10. determine the methods of financing
- 11. determine and/or change the facilities, methods, technology, means, organizational structure and size and composition of the work force and allocate and assign work by which the City operations are to be conducted
- 12. determine and change the number of locations, relocations and types of operations, processes and materials to be used in carrying out all City functions including, but not limited to, the right to contract for or subcontract any work or operations of the City

13. to assign work to and schedule employees in accordance with requirements as determined by the City and to establish and change work schedules and assignments upon reasonable notice
14. establish and modify productivity and performance programs and standards
15. discharge, suspend, demote, reprimand, withhold salary increases and benefits, or otherwise discipline employees in accordance with applicable law
16. establish employee performance standards including, but not limited to, quality and quantity standards, and require compliance therewith
17. take all necessary actions to carry out its mission in emergencies
18. exercise complete control and discretion over its organization and the technology of performing its work

The exercise by the City through its Council and management representatives of its rights hereunder shall not in any way, directly or indirectly, be subject to the grievance procedure.

Section A: The Association recognizes that the City has and will continue to retain, whether exercised or not, the unilateral and exclusive right to operate, administer and manage its municipal services and work force performing those services in all respects subject to the Memorandum.

Section B: The City Manager and department heads have and will continue to retain the exclusive decision making authority on matters not officially and expressly modified by specific provisions of this Memorandum, and such decision making shall not be subject in any way, directly or indirectly, to the grievance procedure. It is understood that if the Association alleges a specific violation of the MOU, or extrinsic law those specific violations are subject to the grievance procedure.

Section C: The exclusive rights of the City shall include, but not be limited to, the right to determine the organization of City government and the purpose and mission of its constituent agencies, to set standards of service to be offered to the public, and through its management officials to exercise control and discretion over its organization and operations, to establish and effect administrative regulations and employment rules and regulations consistent with law and the specific provisions of the Memorandum, to direct its employees to take disciplinary action for just cause, to relieve its employees from duty because of lack of work or for other legitimate reasons, to determine whether goods or services shall be made, purchased or contracted for, to determine the methods, means and personnel by which the City's services are to be provided, including the right to schedule and assign work and overtime, and to otherwise act in the interest of efficient service to the community.

ARTICLE 9 LABOR MANAGEMENT COMMITTEE (LMC)

1. To promote labor-management cooperation and communication and to resolve non-disciplinary disputes, Association and the City agree to form a committee comprised of no more than two members of management and two members of the Association who receive paid release time.

2. The Committee will meet as needed but no more than quarterly and only when a meeting agenda has been established one week prior to the established meeting date. The LMC is not intended to supersede any processes, rights or obligations otherwise provided in the Collective Bargaining Agreement.

ARTICLE 10 HOURS OF WORK

1. Work Week: The normal workweek shall be forty (40) hours, allowing for a flexible schedule as agreed to by department head and employee.

2. Work Day: The usual workday shall be eight (8) consecutive hours within a twenty-four (24) hour period, exclusive of mealtime, but may be adjusted as agreed to by department head and employee.

3. Meal Time: Mealtime may consist of one (1) hour or one-half hour, at the sole discretion of the department head.

4. Rest Periods: Rest periods will normally be provided to employees at the rate of fifteen (15) minutes for each four (4) hours worked, to be scheduled at the sole discretion of the department head. Rest periods are not to be construed as mealtime.

ARTICLE 11 OVERTIME

1. Hours Paid: Overtime shall be paid after forty (40) hours worked in a week, exclusive of mealtime. Vacation, sick leave, alternate sick leave and compensatory time used during the week shall be included in the calculation of the forty (40) hours.

2. Overtime Compensation: Employees shall be paid overtime at the rate of time and one-half their regular rate of pay. All overtime shall be recorded and paid on the basis of fifteen (15) minute increments, such that for each full 15-minute period worked, the employee shall be compensated for one-quarter hour of overtime.

3. Double Time: Employees, who are required to work overtime on Sundays or holidays shall be paid at twice their normal hourly rate for all time worked. Employees who work more than twelve (12) hours in any twenty-four (24) hour period shall be paid at the rate of double their regular rate of pay.

4. Call out Pay: The City agrees to pay a minimum of three (3) hours overtime to any employee called in to work after their regular hours. The order of call out shall be set by the department head and shall be based on employees' proximity to the City, availability for work and qualifications for the assignment.

5. Stand-by Pay: The City agrees to pay any employee who is ordered in writing to stand by in case of an emergency at the minimum wage rate for that time for which the employee is required to be available.

ARTICLE 12. SALARY

1. Effective the first full pay period in January 2015, following implementation of the MOU, Association employees shall receive a base salary increase of three and one-half percent (3.5%).

2. Effective the first full pay period in January 2016, Association employees shall receive a base salary increase of three and one-half percent (3.5%) and make an additional one-half percent (.5%) contribution to the City cost of pension benefits as outlined in Article 16 RETIREMENT.

3. Effective the first full pay period in January 2017 Association employees shall receive a base salary increase of three and one-half percent (3.5%) and make an additional one-half percent (.5%) contribution to the City cost of pension benefits as outlined in Article 16 RETIREMENT.

ARTICLE 13 LONGEVITY PAY

The City agrees to pay two and one-half percent (2 1/2%) to all represented personnel who have been employed on a full-time regular basis for a period of five (5) consecutive years as regular employees and an additional two and one-half percent (2 1/2%) for all represented employees who have been employed as full time regular employees for a period of ten (10) consecutive years.

Employee's date of hire for purposes of longevity pay shall be the first day of employment with the City as a full time regular employee.

ARTICLE 14 OUT OF CLASSIFICATION PAY

An employee assigned by the Department Head to work in an out of class position with a higher pay grade shall receive enhanced compensation at the greater of Step A of the out of class position or a 5% increase over the employee's base wage rate. Out of class pay will take effect after the employee works at least two full pay periods in the out of class position and if the out of class position is an authorized, budgeted position.

ARTICLE 15 TOTAL COMPENSATION SURVEY

The City will initiate a total compensation survey with comparable municipalities in the region by July 1, 2016. The results of this survey will be shared with the Association via the Labor Management Committee.

ARTICLE 16 RETIREMENT

1. Employees who were hired on or before December 31, 2012 are considered "Classic" employees by the California Public Employees Retirement Systems (CalPERS) and shall be eligible for

the 2% at age 55 CalPERS benefit formula with the highest single year provision for all represented employees. Employees shall also be provided the sick leave conversion benefit and the 1959 survivor's benefit as defined in the PERS handbook.

- a. Effective the first full pay period following January 1, 2014, employees eligible for the CalPERS 2% at age 55 retirement formula shall pay 7% of salary to fund the employee share of the pension.
- b. Effective the first full pay period following January 1, 2016 employees eligible for the CalPERS 2% at age 55 retirement formula shall contribute an additional one-half percent (.5%) of persable compensation toward the City's cost of pension benefits for a total of seven and one-half percent (7.5%) contribution to CalPERS.
- c. Effective the first full pay period following January 1, 2017 employees eligible for the CalPERS 2% at age 55 retirement formula shall contribute an additional one-half percent (.5%) of persable compensation toward the City's cost of pension benefits for a total of eight percent (8%) contribution.

2. Employees who were hired on or after January 1, 2013 are subject to provisions of the Public Employee Pension Reform Act of 2013 (PEPRA), Assembly Bill No. 340 and Government Code 7522.02. PEPRA provides the following:

- A new defined benefit formula of 2% at age 62 for employees who first become members of CalPERS on or after January 1, 2013.
 - The final compensation based on the employee's highest annual compensation earnable averaged over a consecutive 36-month period.
- a. Employees subject to PEPRA provisions shall contribute 50 percent of the total annual normal cost of their pension benefit to the pension plan as determined by the City's CalPERS actuary.
 - b. Effective the first full pay period following January 1, 2016 employees subject to PEPRA provisions shall contribute the amount described in subparagraph a. plus an additional one-half percent (.5%) of persable compensation toward the City's cost of pension benefits.
 - c. Effective the first full pay period following January 1, 2017 employees subject to PEPRA provisions shall the amount described in subparagraph a. above plus an additional one-half percent (.5%) of persable compensation toward the City's cost of pension benefits for a total of one percent (1%) contribution to CalPERS in addition to half the normal cost as described in subparagraph a.

ARTICLE 17 IMPLEMENTATION OF INTERNAL REVENUE CODE SECTION 414 (h)(2)

Association employees' contributions to CalPERS described in Article 16 shall be made through payroll deductions with state and federal income tax on the contribution deferred to the extent permitted by Internal Revenue Code, 26 USC Section 414(h)(2).

ARTICLE 18 SICK LEAVE

1. Sick leave with pay is not a right, which an employee may use at his discretion, but shall be allowed only in case of necessity. Sick leave used for purposes other than legitimate illness of the employee, as allowed by City policy, constitutes an abuse of privilege and is dishonest. Abuse or improper use of sick leave will subject the employee to disciplinary action including possible dismissal.

2. In order to receive compensation while absent on sick leave, the employee shall notify his supervisor prior to the time set for beginning his daily duties or as may be specified by the head of his department. The department head may at any time require evidence of illness. After a sick leave absence of three days or more, the employee may be required to submit a physician's certificate stating the diagnosis, prognosis and the date the employee may return to work. In some instances, the employee may be required to submit a release form from his physician before returning to work. A physician's certificate is a written document signed by a licensed physician relative to an employee's illness. The employee must have been examined by the physician and have been determined, as a result of such examination, to be too ill to report for work.

3. Sick leave shall be granted at the rate of 8 hours for each calendar month of service. There is no limit on accumulated sick leave.

4. Represented employees shall have forty-eight (48) hours of sick leave designated as alternate leave per calendar year. The forty-eight (48) alternate leave hours may be used for any reason of the employee's choosing, subject to scheduling considerations by the department head. The forty-eight (48)

hours will be awarded on the basis of twenty-four (24) hours on January 1 and twenty-four (24) hours on July 1. Alternate leave cannot accumulate but must be used during the calendar year in which it is granted. Should an employee choose not to use the forty-eight (48) hours of alternate leave during the calendar year, the hours will be credited toward the employee's sick leave accumulation and will be subject to the same policies as other sick leave.

5. The City will purchase one-half of the current calendar year's unused alternate leave [if requested by the employee] to a maximum of 24 hours. The purchase will occur on the first payroll of November of each year. In order to exercise this option, forty [40] hours of sick leave must be remaining at the end of the purchase.

6. Employees covered under this Memorandum of Understanding who, after ten years of service, are separated from the service due to industrial disability shall be eligible for reimbursement of accrued sick/alternate leave and shall be provided health, dental and vision insurance for a period of time equal to the number of sick leave hours accrued.

7. Employees absent from work for sixty (60) calendar days or more due to injury or illness and eligible for long-term disability insurance benefits shall not accrue additional sick leave or vacation leave, nor shall such employee participate in the Public Employee's Retirement System during such an absence.

8. Sick leave with pay will not be granted to any employee who has served less than six (6) months in the service of the City.

9. With the preceding exceptions, all eligibility for sick leave with pay shall be canceled upon separation of the employee from the City service.

10. The City will comply to the best of its ability with Labor Code Section 233 concerning "Kin Care".

ARTICLE 19 VACATION

1. Regular employees shall be entitled to vacation leave with pay after having served six months.

2. Earned Vacation: Each eligible employee shall accumulate annual vacation at the rate applicable to his employment status as follows:

From date of hire to the completion of year three - 6.67 hours per month;

From day one of year four to the completion of year five - 8 hours per month;

From day one of year six to the completion of year ten - 11.33 hours per month;

From day one of year eleven to the completion of year fifteen - 12.67 hours per month;

From day one of year sixteen - 14.67 hours per month.

Employee's date of hire for purposes of vacation accruals shall be the first day of employment with the City as a full time regular employee.

3. On the fifth anniversary of the employee's date of hire, there will be a forty (40) hour vacation bonus granted on a one-time only basis, and a one-time only forty (40) hour bonus on the employee's fifteenth anniversary. Employee's date of hire for purposes of the vacation bonus shall be the first day of employment with the City as a full time regular employee.

4. Vacation may be taken on the first day following the completion of six months of service subject to scheduling considerations and at the sole discretion of the department head.

5. If an employee does not take all of his accrued vacation within an accrual year, the balance may be carried forward to the next year. The maximum accumulation of vacation leave shall be double the amount of vacation time earned by the employee in a twelve (12) month period. If, when an employee reaches their maximum accrual limit, and circumstances prevail due to workload or personal scheduling which precludes employee from taking vacation time, the City Manager, at his or her sole discretion, may consider extending the cap on accrual on a case-by-case basis.

6. Employees who terminate or retire shall be paid a lump sum for all unused vacation leave accrued prior to the effective date of separation.

7. If employee puts in for vacation and is denied due to staffing it can stay on books even if they have achieved maximum accrual, but to be used as soon as allowed.

8. Employees may request and receive payment at the base hourly rate for up to forty (40) hours of accrued vacation on an annual basis, provided that the employee has a minimum remaining vacation balance of eighty (80) hours following payment. An employee wishing to sell back vacation will enter on his/her time card the appropriate number of hours the employee wants to sell back. The sell back shall be paid separate and apart from the normal paycheck. Pay out on the sell back hours will be paid with the following paycheck. The vacation sell back option is only available once a fiscal year for each employee.

ARTICLE 20 SCHEDULING PAID LEAVE

Paid leave may be applied for by submitting a request to the department head. No time will be advanced. The responsibility for scheduling paid leave is solely the employee's. Requests shall be granted by the department head based upon legitimate operating needs and shall not be unreasonably denied. Changes to the leave schedule during the year shall be subject to the approval of the department head or his designee.

ARTICLE 21 HOLIDAYS

1. Employees covered by this Memorandum of Understanding are normally paid eight (8) hours for each of the following holidays:

- January 1 - New Years Day
- Third Monday in January - Martin Luther King Day
- Third Monday in February - Presidents' Day
- Last Monday in May- Memorial Day
- July 4 - Independence Day
- First Monday in September - Labor Day
- Second Monday in October- Columbus Day
- November 11- Veterans' Day
- Fourth Thursday in November- Thanksgiving Day
- The day following Thanksgiving
- December 25 – Christmas
- One Floating holiday, to be scheduled as outlined in Article 20
- Every day proclaimed by the Mayor as a holiday

2. Employees covered by this Memorandum of Understanding are normally paid four (4) hours for the afternoon of December 24 – Christmas Eve

3. Due to certain holidays falling on a weekend Christmas Eve holiday [4 hours paid leave] will be acknowledged on the day closest to Christmas Eve.

4. Employees whose normal schedule does not include any of the above mentioned holidays may arrange to take a different eight (8) hours off, or four hours (4) off for Christmas Eve, during the pay period in which the holiday occurs.

5. Maintenance Worker III-Foreman and Water Operations Supervisor shall receive four (4) additional floating holidays per year, to be scheduled as outlined in Article 20.

ARTICLE 22 MILITARY LEAVE

This leave is granted to employees ordered to active military service or training in accordance with the provisions of the California Military and Veterans' Code.

ARTICLE 23 JURY LEAVE

Jury Duty Leave shall be amended to place a cap on paid jury duty leave of two work weeks. Greater jury duty benefits may be awarded by the City Manager on a case-by-case basis.

ARTICLE 24 BEREAVEMENT LEAVE

Three days of paid bereavement leave shall be provided in the event of the death of a parent, parent-in-law, child / step-children, spouse / registered domestic partner or sibling. Greater bereavement benefits may be awarded by the City Manager on a case-by-case basis.

ARTICLE 25 COMPENSATORY TIME OFF

Employees shall be allowed to accumulate a maximum of 240 hours of compensatory time in lieu of overtime pay. Compensatory time may be taken as requested by the employee, provided the request does not unduly disrupt department operations. Employees may request payment for accrued compensatory time by submitting a request in writing to the Payroll Department. Sellback of

Compensatory Time will be paid with the first regular payroll following the request. The City reserves the right, as allowed under FLSA, to freely substitute cash for accrued compensatory time.

ARTICLE 26 HEALTH INSURANCE

1. The City agrees to pay a maximum dollar amount towards the health premium for employee and dependents as follows:

Employee = \$559.00
Employee+1 = \$1,077.00
Employee+Family = \$1,541.00

2. The City will pay for dental/orthodontic insurance through Redwood Empire Municipal Insurance Fund for the employee and dependents.

3. Vision coverage will be paid by the City for the employee and dependents.

4. All covered employees except Maintenance Worker III-Foreman and Water Operations Supervisor shall receive, at City expense, \$25,000 in term life insurance and an additional \$2,000 in accidental death and dismemberment. Maintenance Worker III-Foreman and Water Operations Supervisor shall receive, at City expense, \$100,000 in term life insurance.

5. The City agrees to provide employees with long-term disability insurance with all premiums paid by the City. The waiting period for long-term disability benefits shall be 60 days.

6. There shall be no City required elimination period for newly hired employees to become eligible for insurance coverage. There may be elimination period requirements imposed by the insurance providers, which shall be followed.

7. The City, at its cost, agrees to 90 days of health insurance coverage to any employee who is laid off pursuant to existing ordinances and policies. The cost for such coverage shall be limited to the premiums charged pursuant to the City's normal health insurance program and will not include any insurance other than the health coverage. The coverage shall include any dependents included in the employee's health coverage that was in effect prior to the lay off of the subject employee. The City also recognizes its responsibilities under federal law pertaining to the provision of health insurance coverage to separated employees who wish to maintain health coverage through the City at the sole expense of the separated employee.

8. The City agrees to pay fifty (50) percent of the amount that the City would normally pay for health insurance to the employee, if the employee provides proof of coverage under an alternate policy. The employee may be required to provide proof of insurance at any time at the discretion of the City. Payments will be made in June (50%) and December (50%).

ARTICLE 27 UNIFORMS

1. Uniforms, boots and other required safety apparel shall be provided to all Maintenance Workers.

2. Replacement of uniforms shall be of good quality and will be provided by the City at the sole discretion of the department head.

3. Maintenance Workers shall have the option of wearing shorts from April 1 through October 31, subject to the discretion of the department head and based upon the scheduled or unscheduled tasks to be done. The City shall provide two pairs of shorts to each employee who requests them. The department head shall select the style and quality of shorts.

ARTICLE 28 LEAVE OF ABSENCE

1. The City Manager may grant a regular or probationary employee a leave of absence without pay, seniority or credit for a period not to exceed three months. The department head may grant leave without pay up to one week.

2. All requests for a leave without pay shall be submitted, in writing, to the department head with all the reasons for the request. Approval for leaves without pay shall be in writing. An employee who is granted a leave without pay shall return to his former position upon expiration of the leave. Failure to report back to work shall result in immediate dismissal.

ARTICLE 29 PROBATION

All employees covered under this Memorandum of Understanding shall have a probation period of twelve (12) months. The probation period may be extended to twice the designated period based on the recommendation of the department head with the approval of the City Manager.

ARTICLE 30 DEFERRED COMPENSATION

The City agrees to allow full-time regular employees covered by this Memorandum of Understanding to participate in a deferred compensation program to be designated and administered by the City. The City shall contribute twenty-five (25) dollars per pay period for each represented employee. It is understood that the twenty-five (25) dollar contribution is being made on behalf of the employee and does not require an additional twenty-five (25) dollar contribution by the employee.

ARTICLE 31 EDUCATION

The cost of tuition, textbooks and supplies incurred by employees for approved courses shall be reimbursed by the City subject to the City Manager's approval. All textbooks and related educational material for which reimbursement is received shall become the property of the City to be retained in the department of the recipient. The cost of both the initial and reoccurring licenses and certificates required or recommended by the department will be reimbursed by the City.

ARTICLE 32 ANNIVERSARY DATE

The City agrees to utilize an employee's anniversary date for the purposes of vacation accrual, sick leave accrual and longevity. The anniversary date is defined as the first day of employment with the City as a full time, regular employee.

ARTICLE 33 LAY-OFF POLICY

In the case of lay-off during the term of this Memorandum, the City agrees to provide three months severance pay. The City also agrees to provide any employee subject to lay-off ninety (90) days of Health Insurance Coverage as outlined in Article 22 Section 7. This coverage is for Health insurance and not intended to include any insurance provisions in addition to Health coverage.

ARTICLE 34 AGENCY SHOP

A. Agency Fee Obligation

All permanent, non-probationary, non-management employees who are represented by SEIU, Local 1021, shall, as a condition of continued employment in the City become a member of the Union or pay the Union an agency fee. A Unit employee may authorize payroll deduction for the amount of the agency fee. If the bargaining Unit employee has not authorized a payroll deduction within fifteen (15) days from the date of commencement of assigned duties within the bargaining Unit the City shall immediately begin automatic payroll deductions.

B. Agency Fee Exemption

If an employee represented by SEIU, Local 1021, sincerely holds religious beliefs that include conscientious objections to joining or financially supporting a labor organization, the employee shall not be required to pay the agency fee. In lieu of paying the agency fee, the employee shall pay a charitable contribution equal to one of the following charitable organizations: (1) United Way of Sonoma County or (2) Sonoma Community Center. The charitable contribution shall be paid in the amounts and at the times the agency fee would otherwise be paid if the employee were not exempt under this paragraph. The employee shall provide the City and the Union with an acknowledgement of receipt on a monthly basis from the charitable organization or other satisfactory evidence that the charitable contribution has been paid.

C. City's Obligations

If the Union notifies the City in writing that a Unit member has not executed a payroll deduction authorization form, the City shall immediately begin automatic payroll deduction.

The City shall not be obligated to make the payroll deductions described in this Article during any period when an employee is in unpaid status, or does not have enough earnings to pay the fees. Notwithstanding any other provision in this Article, an employee's failure to make sufficient earnings to pay the agency fee does not constitute grounds for termination.

D. Union's Obligations

The agency fee payment shall be established annually by the Union, provided that this agency shop agency fee will be used by the Union only for the purposes of collective bargaining, contract administration, and matters authorized by law. Such agency fee shall in no event exceed the regular, periodic membership dues paid by Union members.

The Union will comply with all applicable agency fee laws and regulations. Annually, the Union will provide agency fee payers an explanation of the fee and sufficient financial information to enable the agency fee payer to gauge the appropriateness of the fee. The Union will provide agency fee payers a reasonably prompt opportunity to challenge the amount of the fee before an impartial decision maker not chosen by the Union and will make provisions for an escrow account to hold amounts reasonably in dispute while challenges are pending. The Union shall make available to agency fee payers a copy of the procedure for deciding any challenge to the amount and/or the Union's use of the agency fee.

E. Indemnification

The Union shall indemnify and save harmless the City, its officers, agents, and employees, from and against any and all liability, loss, damages, costs, expenses, claims, attorneys' fees, demands, actions, suits, judgments, and other proceedings arising from a claim, demand, or other action relating to the City's compliance with this provision.

ARTICLE 35 CONTRACTING OUT

The City will notify the Association at least 30 days prior to any decision to contract out any public service provided by any classification represented by the Association. A meet and confer with the Association will take place within 10 days of notification.

ARTICLE 36 TERM

The term of this Memorandum of Understanding shall commence on January 1, 2015 and expire on June 30, 2017. Concessions and increased benefits take effect the first full pay period following implementation of this Agreement or as soon thereafter as is jointly practicable.

ARTICLE 37 RULES AND REGULATIONS

The rules and regulations as they exist now or as they may be amended shall be applicable unless superseded by any provision of this agreement:

1. City of Sonoma Personnel Resolution No 73-81
2. Drug and Alcohol Abuse Policy in City of Sonoma Resolution 4-96
3. Disciplinary Appeals Process in City of Sonoma Resolution 4-96
4. Grievance Procedure of City of Sonoma Employees dated July 1, 1997
5. Sexual Harassment Policy dated March 2, 1994
6. Catastrophic Leave Policy

ARTICLE 38 SALARIES, WAGES, TERMS AND CONDITIONS

All other items regarding salaries, wages, terms and conditions of employment not modified by this Memorandum shall be in full force and effect during the term of this Memorandum of Understanding.

The parties to this agreement shall allow any changes, revisions, and amendments to existing resolutions, ordinances, agreements, and administrative procedures or the adoption of new resolutions, ordinances, and administrative procedures necessary for the implementation of any changes in conditions of employment contained herein.

The foregoing represents the full and complete understanding of the parties to the Memorandum of Understanding.

ARTICLE 39 RECOMMENDATION OF REPRESENTATIVES

The representatives of the City and the representatives of the Association, having met and conferred in good faith, have mutually agreed to recommend to the Sonoma City Council and the general membership of the Association, that this Memorandum of Understanding be adopted and ratified and that the wages, hours, and other terms and conditions set forth herein be implemented.

CITY OF SONOMA



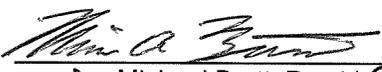
Cathy Lanning, Manager, Administrative Services



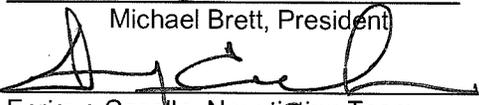
Carol Giovanatto, City Manager

Date

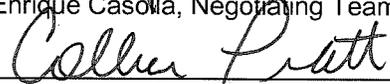
**CITY OF SONOMA
EMPLOYEES ASSOCIATION/SEIU**



Michael Brett, President



Enrique Casolla, Negotiating Team



Colleen Pratt, Negotiating Team



Lorenzo Sotelo, Business Agent, SEIU 1021

Date

Pete Castelli, Executive Director Date
SEIU 1021

Jason Klumb, Area Director Date
SEIU 1021

CITY OF SONOMA
CATASTROPHIC LEAVE POLICY

Catastrophic Leave allows an employee to donate vacation, compensatory or alternate sick leave to another employee who is experiencing a catastrophic illness/injury, to himself/herself, spouse, or dependent child. The following guidelines will apply:

1. Catastrophic Leave is a paid leave of absence due to verifiable long-term illness or injury such as, but not limited to, cancer and heart attack which clearly disables the individual.
2. The following conditions must be met to be eligible for Catastrophic Leave:
 - A. There must be a verifiable serious illness or injury to the employee, his/her spouse or dependent child.
 - B. The employee must exhaust all useable leave time.
 - C. The employee must have successfully completed at least one full year of full time regular employment in an allocated position for the City of Sonoma.
 - D. The employee must receive the recommendation of his/her department head and the approval of the City Manager.
 - E. The employee must have an acceptable sick leave use history as determined by the department head.
3. Catastrophic Leave may be granted for a maximum of 340 hours, with the option of a 340 hour extension where justified.
4. The decision of the department head to deny Catastrophic Leave may be appealed to the City Manager within 10 calendar days of the decision. The decision of the City Manager shall be final.
5. Catastrophic Leave shall not be used in conjunction with any long or short-term disability insurance, or retirement benefits.
6. While an employee is on Catastrophic Leave using donated hours, the employee shall not accrue any vacation or sick leave.
7. Employees may donate, to a specific employee, vacation, alternate/family sick leave, or compensatory leave. An employee may also donate a maximum of 24 hours of sick leave on the condition that the employee has sufficient sick leave time on the books to maintain 60 days of sick leave after the donation. Donors and hours shall be maintained as confidential payroll information.
8. Leave must be donated in increments of whole hours with an eight-hour minimum.

9. The donating employee must have a vacation leave balance of at least 40 hours after the donation of vacation time. Employees may donate all of their accrued compensatory time.

10. The City shall continue to pay the cost of all medical insurance for an employee on Catastrophic Leave.

11. The donations will be converted to sick leave hours on an hour-by-hour basis and posted to the recipients sick leave balance. All unused donated hours remaining in the recipient's sick leave balance when he/she returns to work will be retained by that employee for future use.

12. Employee organizations and/or individual employees will be responsible for securing donations for specific employees entitled to Catastrophic Leave. Employees wishing to donate leave hours must complete a Catastrophic Leave Transfer form, which is available at City Hall.

13. The Payroll Department will administer the program, accounting for the donation and disbursement of catastrophic leave donations



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 4F

Meeting Date: 12/01/2014

Department

Administration

Staff Contact

Carol E. Giovanatto, City Manager

Agenda Item Title

Adopt Resolutions approving changes to terms and conditions of employment for the Executive, Management, Administrative and Non-Represented Confidential personnel for the period January 1, 2015 through June 30, 2017 and fixing the salaries and wages of officers and employees of the City.

Summary

Council is asked to approve the attached resolutions setting forth changes to management compensation and benefits and a resolution updating the City salary schedule for all classifications. Changes to the Executive, Management and Administrative and Non Represented Confidential personnel resolution are as follows:

1. Effective with the pay period beginning on December 26, 2014, all employees will receive a salary increase of 3.5%. Effective the first full pay period following January 1, 2016, all employees will receive an increase of 3.5%. Effective the first full pay period following January 1, 2017, all employees will receive an increase of 3.5%.
2. Effective the first full pay period following January 1, 2016, all employees will begin paying .5% of salary to fund the employer share (City) of the pension. Effective the first full pay period following January 1, 2017, all employees will pay an additional .5% of salary to fund the employer share (City) of the pension raising the employee total pension contribution from 7% to 8%.
3. Establishes term of the agreement as January 1, 2015 through June 30, 2017
4. During the term of the agreement, the City intends to begin the process to review and update the job descriptions for all positions in City service including performing a total compensation study 12 months prior to contract term.
5. Increases Probationary Period from six months to one year for all new hires.

All provisions of the management agreement have been negotiated through the meet and confer bargaining process pursuant to California Government Code, Sections 3500 et seq., and the City's Personnel Policies and Resolution.

Recommended Council Action

1. Adopt the resolution setting terms and conditions of employment for Executive, Management, Administrative and Confidential personnel.
 2. Adopt the resolution updating Salary Schedule for all Classifications in City Employment.
-

Alternative Actions

Do not adopt resolutions; return to Meet and Confer process with management.

Financial Impact

Total fiscal impact of management agreement:

\$56,957 net cost to the General Fund over a two and one-half year period; \$26,998 net cost in all other funds.

Environmental Review

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

Status

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

Attachments:

Supplemental Report
Resolutions (2)
Salary Schedule

cc:

SUPPLEMENTAL REPORT

Negotiations with Sonoma Management, Confidential & Unrepresented Classifications

For City Council Meeting of December 1, 2014

Background:

1. Management Unit represents employees in 9 different classifications, ranging from Assistant City Manager to Public Works Operations Manager.
2. From 2012 through 2014 employees stepped forward with financial concessions that totaled approximately \$66,000 in on-going savings. Savings provided through those concessions mitigated lay-offs and service reductions:
 - a. In 2012: Employees agreed to 0% salary increase and a 4% contribution to PERS.
 - b. In 2013: Employees agreed to a 2% salary increase and an additional 1.5% contribution to PERS for a total of 5.5% contribution to PERS.
 - c. In 2014: Employees agreed to a 2% salary increase and an additional 1.5% contribution to PERS for a total of 7% contribution to PERS.
3. Employees' receive approximately 3% less pay in 2014 than they did in 2012.
4. Employees pay approximately 20% of healthcare premiums; the existing Memorandum of Understanding caps the City's contribution with no increases for the term of the new contract period.

Negotiations:

The City Met and Conferred in good faith in accordance with the Myers-Milias-Brown Act .

CITY OF SONOMA

RESOLUTION NO. __ - 2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA ADOPTING TERMS AND CONDITIONS OF EMPLOYMENT FOR NON-REPRESENTED CONFIDENTIAL PERSONNEL AND FOR EXECUTIVE, MANAGEMENT AND ADMINISTRATIVE PERSONNEL

WHEREAS, the City Council of the City of Sonoma wishes to establish terms and conditions of employment for Executive, Management, Administrative and Non-Represented Confidential personnel; and

WHEREAS, the Non-Represented Confidential personnel shall consist of the Accountant job classification; and

WHEREAS, the Executive, Management, Administrative and Confidential personnel shall consist of the following job classifications:

Executive

Assistant City Manager/City Clerk

Management/Administrative

Development Services Director/Building Official
Planning and Community Services Director
Public Works Director
Public Works Operations Manager
Administrative Services Manager
Senior Planner
Accountant

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. Non-Represented Confidential Personnel

The terms and conditions of employment for Non-Represented Confidential personnel [Accountant and Public Works Operations Manager] shall be the same as the terms and conditions of employment established for positions represented by the Sonoma Employees Association/SEIU Local 1021 and the current Salary Resolution of the City of Sonoma shall accurately reflect the salaries of all Non-Represented Confidential employees.

Section 2. Executive, Management and Administrative Personnel

The terms and conditions of employment for Executive, Management and Administrative personnel shall be as follows:

A. SALARY

1. Effective with the pay period beginning on December 26, 2014, all employees will receive a salary increase of 3.5%. Effective the first full pay period following January 1, 2016, all employees will receive an increase of 3.5%. Effective the first full pay period following

January 1, 2017, all employees will receive an increase of 3.5%. The City shall adopt salary ranges-by separate resolution.

B. OVERTIME

This section shall apply only to employees holding the position of Accountant and Public Works Operations Manager and not to any other Management positions. These positions shall be paid overtime at the rate of time and one-half their regular rate of pay. All overtime shall be recorded and paid on the basis of fifteen (15) minute increments, such that for each full 15-minute period worked, the employee shall be compensated for one-quarter hour of overtime.

C. LONGEVITY

The City shall pay 2.5% to all employees covered by this Resolution who have been employed on a full-time regular basis for a period of 5 consecutive years as regular employees and an additional 2.5% for all employees who have been employed as full time regular employees for a period of 10 consecutive years.

D. RETIREMENT

Employees who were hired on or before December 31, 2012 will be maintained in the 2% at age 55 Public Employees' Retirement System benefit formula with the highest single year provision for all represented employees. Members shall also be provided the sick leave conversion benefit and the 1959 survivor's benefit as defined in the PERS handbook.

Effective the first full pay period following January 1, 2014, all employees will pay 7% of salary to fund the employee share of the pension.

In the Pension Reform Act of 2013, Assembly Bill No. 340 and Government Code 7522.02, A new defined benefit formula of 2% at age 62 has been created for employees who first become members of CalPERS on or after January 1, 2013.

- The final compensation for this benefit formula will be based on the employee's highest annual compensation earnable averaged over a consecutive 36-month period.
- These members will contribute 50 percent of the total annual normal cost of their pension benefit to the pension plan as determined by the City's actuary.
- All other relevant provisions of the Pension Reform Act of 2013 and AB 340 will be followed."

Effective the first full pay period following January 1, 2016, all employees will begin paying .5% of salary to fund the employer share (City) of the pension. Effective the first full pay period following January 1, 2017, all employees will pay an additional .5% of salary to fund the employer share (City) of the pension raising the employee total pension contribution from 7% to 8%.

E. SICK LEAVE

Sick leave shall be available and administered according to the rules, regulations and policies established for SEIU member City employees.

F. VACATION

Vacation leave shall be available and administered according to the rules, regulations and policies established for SEIU member City employees.

Employees may request and receive payment at the base hourly rate for up to forty (40) hours of accrued vacation on an annual basis, provided that the employee has a minimum remaining vacation balance of eighty (80) hours following payment. An employee wishing to sell back vacation will enter on his/her time card the appropriate number of hours the employee wants to sell back. The sellback of vacation hours will be paid on a separate check apart from regular pay. Pay out on the sell back hours will be paid with the following paycheck. The vacation sell back option is only available once a fiscal year for each employee.

G. ADMINISTRATIVE LEAVE

The following classifications shall be entitled to 80 hours of Administrative Leave: Assistant City Manager/City Clerk, Development Services Director/Building Official, Planning and Community Services Director, Senior Planner and Public Works Director. The following classification shall be entitled to 64 hours of Administrative Leave: Administrative Services Manager. Accountant or Public Works Operations Manager positions shall not receive Administrative Leave due to the provision for Overtime pay. Administrative Leave days will be available on the first day of July of each year. Administrative Leave shall not accrue and will not be compensable under any circumstances.

H. SCHEDULING PAID LEAVE

Scheduling leave shall be done in accordance with established City Personnel Policies.

I. HOLIDAYS

Employees covered by this Resolution shall be paid for 12.5 holidays and every day proclaimed by the Mayor as a holiday.

J. JURY LEAVE

Jury Duty Leave shall be amended to place a cap on paid jury duty leave of two work weeks. Greater jury duty benefits may be awarded by the City Manager on a case-by-case basis.

K. BEREAVEMENT LEAVE

Bereavement Leave shall be added to provide three days of paid bereavement leave in the event of the death of a parent, parent-in-law, child / step-children, spouse / registered domestic partner or sibling. Greater bereavement benefits may be awarded by the City Manager on a case-by-case basis.

L. INSURANCE

Employees shall be entitled to all insurance coverage afforded to general employees and in addition shall be provided with life insurance in the amount of \$100,000. If employees elect medical, dental or vision coverage other than the group plans offered by City, City shall pay the premium on those plans, up to the amount currently paid by the City for Blue Cross medical and REMIF dental and vision.

The City agrees to pay a maximum dollar amount towards the health premium for employee and dependents as follows:

Employee = \$559.00
Employee+1 = \$1,077.00
Employee+Family = \$1,541.00

M. DEFERRED COMPENSATION

The City shall contribute \$25 per pay period for each employee. It is understood that the \$25 contribution is being made on behalf of the employee and does not require an additional \$25 contribution by the employee.

N. LAY-OFF POLICY

In the case of lay-off, the City agrees to provide three month's severance pay. The City also agrees to provide any employee subject to lay-off 90 days of Health Insurance Coverage. This coverage is for Health insurance and not intended to include any insurance provisions in addition to Health coverage.

O. RULES AND REGULATIONS

City of Sonoma Personnel Resolution No. 73-81 (and any subsequent revisions) is incorporated herein and, by reference, is binding except where in conflict with State or Federal law.

P. PROBATION

Personnel covered by this resolution will be subject, upon hire, to a probationary period equivalent to that of their respective departments.

Q. TERM

The term of this Resolution shall be January 1, 2015 through June 30, 2017.

R. CITY CLASSIFICATION PLAN AND COMPENSATION STUDY

During the term of the agreement, the City intends to begin the process to review and update the job descriptions for all positions in City service including performing a total compensation study 12 months prior to contract term.

PASSED AND ADOPTED as a resolution of the City Council of the City of Sonoma at their regular meeting held on the 1st day of December 2014 by the following vote:

Ayes:
Noes:
Absent:

Tom Rouse, Mayor

ATTEST:

Gay Johann, Assistant City Manager/City Clerk

CITY OF SONOMA

RESOLUTION NO. __ - 2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA FIXING THE SALARIES AND WAGES OF OFFICERS AND EMPLOYEES OF THE CITY OF SONOMA AND RESCINDING ALL PRIOR RESOLUTIONS REGARDING FIXING OF SALARIES AND WAGES

WHEREAS, a Memorandum of Understanding has been negotiated with the City of Sonoma Employees Association, including salary adjustments effective Dec. 26, 2014; and

WHEREAS, a resolution establishing the terms and conditions of employment for non-represented confidential, executive, management and administrative positions was adopted on Dec. 1, 2014, and

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

1. The salary schedules attached hereto as Exhibit "A" and by this reference made a part hereof is hereby adopted, incorporating the compensation rates effective as of the date indicated for each position classification.
2. All prior resolutions regarding fixing of salaries and wages are rescinded in their entirety.

PASSED, APPROVED AND ADOPTED at the meeting of December 1, 2014 by the following vote:

AYES:
NOES:
ABSENT:

Tom Rouse, Mayor

ATTEST:

Gay Johann
Assistant City Manager / City Clerk

Exhibit B						
City of Sonoma						
Assignments of Classifications to the Salary Schedule						
	Effective Dec. 26, 2014					
	Steps					
	A	B	C	D	E	Effective Date
General						
Administrative Clerk	3,520	3,696	3,881	4,075	4,279	12/26/2014
Administrative Assistant	4,139	4,346	4,563	4,791	5,031	12/26/2014
Accounting Technician	4,525	4,751	4,989	5,238	5,500	12/26/2014
Management Analyst	4,525	4,751	4,989	5,238	5,500	12/26/2014
Maintenance Worker I	3,744	3,931	4,128	4,334	4,551	12/26/2014
Maintenance Worker II	4,127	4,333	4,550	4,778	5,016	12/26/2014
Maintenance Worker III	4,800	5,040	5,292	5,557	5,834	12/26/2014
Maintenance Worker III - Foreman	5,039	5,291	5,555	5,833	6,125	12/26/2014
Water Operations Supervisor	5,293	5,558	5,836	6,127	6,434	12/26/2014
Stormwater Compliance Specialist	5,358	5,626	5,907	6,203	6,513	12/26/2014
Building Inspector	5,780	6,069	6,372	6,691	7,026	12/26/2014
Assistant Planner	5,358	5,626	5,907	6,203	6,513	12/26/2014
Associate Planner	6,328	6,644	6,977	7,325	7,692	12/26/2014
Plans Examiner	6,230	6,542	6,869	7,212	7,573	12/26/2014
Youth and Family Services Supervisor	4,525	4,751	4,989	5,238	5,500	12/26/2014
Administrative/Management						
Public Works Director/Engineer	9,125	9,581	10,060	10,563	11,091	12/26/2014
Planning and Community Services Director	8,520	8,946	9,393	9,863	10,356	12/26/2014
Assistant City Manager	8,520	8,946	9,393	9,863	10,356	12/26/2014
Administrative Services Manager	6,524	6,850	7,193	7,552	7,930	12/26/2014
Development Services Director/ Building Official	8,520	8,946	9,393	9,863	10,356	12/26/2014
City Clerk/Assist To City Manager	6,352	6,670	7,003	7,353	7,721	12/26/2014
Accountant	5,179	5,438	5,710	5,995	6,295	12/26/2014
Senior Planner	6,524	6,850	7,193	7,552	7,930	12/26/2014
Finance Director	8,520	8,946	9,393	9,863	10,356	12/26/2014
Public Works Operation Manager	5,558	5,836	6,128	6,434	6,756	12/26/2014
Executive						
City Manager/Exec. Dir. CDA	13,200					12/7/2013
Part Time (Part-Time rates are stated per hour)						
Administrative Intern	6.75-12.00	(Student)				2/15/2002
Parks Maintenance Worker	16.56					12/26/2014



CITY OF SONOMA
City Council/Successor Agency
Agenda Item Summary

City Council Agenda Item: 5A

Meeting Date: 12/01/2014

Department

Administration

Staff Contact

Gay Johann, Assistant City Manager/City Clerk

Agenda Item Title

Approval of the portions of the Minutes of November 17, 2014 City Council 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 4B for the minutes

Alignment with Council Goals: N/A

cc: NA



CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item:

Meeting Date: 12/01/14

Department

Administration

Staff Contact

Carol Giovanatto, City Manager

Agenda Item Title

Selection of Mayor and Mayor Pro Tempore

Summary

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

The selection process proceeds as follows: Mayor Pro Tem Cook will ask for nominations for the position of Mayor. To make a nomination, Council members need only state "I nominate _____". Nominations do not require seconds; however, other members may express support of a nomination by making a seconding speech. When there are no more nominations, Mayor Pro Tem Cook will declare nominations for the position of Mayor closed and will allow public comments, if any. A roll call vote will then be taken beginning with the first nominee. If that nominee receives a majority vote they are declared the winner and no additional votes are taken on the remaining nominees. If a majority vote is not achieved for any of the nominees, the nomination and voting process will be repeated, voting on the nominees in the order of their nomination, until a candidate has received a majority vote.

The same process will be followed in selecting the Mayor Pro Tempore.

Recommended Council Action

Select a Mayor and Mayor Pro Tempore

Alternative Actions

Council discretion.

Financial Impact

N/A

Environmental Review

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

Status

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

Attachments:

None

cc:



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 6A

Meeting Date: 12/01/14

Department

Planning and Community Services

Staff Contact

David Goodison, Planning Director

Agenda Item Title

Discussion, consideration, and possible action on the extension of an Urgency Ordinance placing a moratorium on Automated Purchasing Machines in the City of Sonoma.

Summary

Automated purchasing machines (ATPs) are a freestanding kiosk-type machines that enables the sale of cell phones, mp3 players, and similar devices for immediate cash. ATPs use specialized technology to assess the value of the device based on model, condition, and value on secondary markets. Newer devices in good working condition may generate as much as \$300 from the transaction. Although ATPs feature some security features, they are generally not sufficient to deter criminal exploitation and some cities report an increase in theft of personal electronic devices in cities that permit ATPs. Law enforcement agencies across the country cite the instant access to cash provided by ATPs as a draw for thieves and note the shortcomings of the machine's security features. Theft of personal electronic devices is already a problem in the City even without the addition of ATPs. Additionally, there is a concern that the presence of ATPs could bring thieves from other communities to Sonoma for quick cash and, once here, subject citizens to additional criminal acts.

For these reasons, at its meeting of October 20, 2014, the City Council adopted an Urgency Ordinance placing a temporary moratorium on ATPs in order to allow for the development, review and possible adoption of draft amendments to the Development Code that would regulate or prohibit their establishment and use. Pursuant to the State law, the Urgency Ordinance will expire on December 4th unless it is extended by a 4/5ths vote of the City Council. Because the development of a draft ordinance establishing permanent regulations on ATPs is still underway, it is staff's view that an extension of the Urgency Ordinance is necessary.

Recommended Council Action

Staff recommends that the City Council adopt the attached ordinance, extending the Urgency Ordinance placing a moratorium on ATPs. (Note: adoption requires a 4/5ths vote.)

Alternative Actions

Decline to extend Urgency Ordinance.

Financial Impact

N.A.

Environmental Review

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

Status

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

Alignment with Council Goals:

The development of regulations pertaining to ATPs is consistent with the "Policy and Leadership" goal, as it emphasizes local control through the planning process.

Attachments:

1. Draft Ordinance

cc: Bret Sacket, Police Chief

CITY OF SONOMA

ORDINANCE NO. XX - 2014

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA MAKING EXTENDING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF AUTOMATED PURCHASING MACHINES, TO BECOME EFFECTIVE IMMEDIATELY

WHEREAS, Automated Purchasing Machines are self-operating kiosks which allow users to sell their cell phones, tablets, or MP3 devices to a machine, for which the seller immediately receives cash for this transaction; and

WHEREAS, despite owner and operator claims that Automated Purchasing Machines are equipped with safety features to support public safety, Automated Purchasing Machines do not have the technology to verify whether the government-issued ID, fingerprint, and photograph collected by the machine belong to the person completing the transaction and whether the person is the true owner of the device being sold; and

WHEREAS, nationwide, there have been reported many cell phone robberies linked to Automated Purchasing Machines in which criminals intentionally rob individuals of their cell phone devices and sell them shortly thereafter at Automated Purchasing Machines; and

WHEREAS, Automated Purchasing Machines are responsible for a rise in violent and non-violent theft of personal electronic devices in cities permitting these machines, including the following:

1. In March of 2013, the Washington D.C. Police reported that 40% of all forced robberies in the last year involved a cell phone. In a recent investigation, the D.C police discovered six stolen cell phones inside Automated Purchasing Machines. The police even have video recorded thieves using an elderly woman as a middleman to complete the transaction.
2. In April 2013, police in El Cajon, California arrested two teenagers, ages 14 and 15, for six cell phone thefts in which they sold the phones to Automated Purchasing Machines for quick cash.
3. In July of 2013, Glendale Police reported several instances where juvenile suspects sold stolen devices to an Automated Purchasing Machine using the identification of others (adults) that looked nothing like the person using the machine. The stolen devices had already been exchanged for cash by the time the devices were reported stolen to the police.
4. San Diego Police reported a marked rise in cell phone thefts since the installation of Automated Purchasing Machines. From January 2011 to March 2013, there were 270 cell phone thefts and some of the cell phones were later found inside Automated Purchasing Machines.

WHEREAS, in August 2013, the City of Riverside, California, banned Automated Purchasing Machines to respond to the number of increased robberies in the city and on the U.C. Riverside campus by preventing the availability of quick cash in exchange for electronic devices; and

WHEREAS, in September 2013, the City of Baltimore, Maryland, banned Automated Purchasing Machines due to the amount of stolen goods which the city determined was being purchased by the machines in neighboring cities; and

WHEREAS, in June 2014, the City of Oakland banned Automated Purchasing Machines in response to the recent, marked increase in robberies in the city involving the theft of a cell phone; and

WHEREAS, while the purveyors of Automated Purchasing Machines brand them as green, environmentally-friendly options for reselling e-waste, it is believed most items purchased by Automated Purchasing Machines are shipped across the globe to international markets and thus have a minimal or negative environmental impact; and

WHEREAS, the Sonoma Municipal Code and Development Code are silent with regard to the regulation and location of Automated Purchasing Machines and there are currently no such machines operating in the City; and

WHEREAS, based on the foregoing, the City Council has found and continues to find that issuing permits, business licenses or other applicable licenses or entitlements providing for the establishment of and/or operation of Automated Purchasing Machines, prior to the study of the impact of such operations, poses a current and immediate threat to the public health, safety, and welfare, and that therefore a temporary moratorium on the issuance of such permits, licenses, and entitlements is necessary; and

WHEREAS, on October 20, 2014, the City Council voted 5-0 to adopt an urgency ordinance, pursuant to Government Code section 65858, placing a temporary moratorium on the on the issuance of any permits, licenses, and entitlements for an Automated Purchasing Machine; and

WHEREAS, the City of Sonoma Planning Department, as directed by the City Council, is studying the issues raised by of Automated Purchasing Machines and developing recommendations and a draft ordinance amending the Development Code regulating that activity for consideration by the Planning Commission and the City Council; and

WHEREAS, on or before December 1, 2014, the City issued the report described in said section 65858(d) ("Report") specifying the measures taken to alleviate the conditions which led to the adoption of Ordinance No. 04-2014, which said Report is adopted and ratified by the Council and in which it is stated that the said conditions giving rise to the necessity of adopting Ordinance No. 04-2014 have not been alleviated and that more time is necessary in order to study and address the issues involved in deciding whether to continue prohibiting Automated Purchasing Machines or regulate them, and, if so, how to regulate them; and

WHEREAS, in accordance with California Government Code Section 65858, subdivision (c), which provides that interim ordinances that have the effect of denying approvals needed for the development of projects with a significant component of multifamily housing (as defined in California Government Code Section 65858, subdivisions (g) and (h)) may not be extended except upon written findings adopted by the legislative body as specified in subdivision(c), the City Council hereby finds that the moratorium extended pursuant to this ordinance will not have the effect of denying approvals needed for the development of projects with a significant component of multi-family housing; and that, therefore, the findings specified in Section 65858, subdivision (c), need not be made,

NOW, THEREFORE, the City Council of the City of Sonoma does ordain as follows:

Section 1.

A. In accordance with the authority granted the City of Sonoma under Government Code Section 65858, from and after the date of this ordinance, no permit or any other applicable license or entitlement for use, including but not limited to the issuance of a business license, shall be approved or issued for the establishment or operation of an Automated Purchasing Machine for a period of 45 days.

B. For purposes of this ordinance, "Automated Purchasing Machine" means a self-service automated kiosk that, without the physical presence of a human agent, is capable of taking possession of personal electronic devices in exchange for immediate cash, store credit, or charitable donation, or other similar device or machine.

C. For purposes of this ordinance, "Personal Electronic Device" means any cell phone, mp3 player, tablet, or other similar device or machine.

D. This ordinance is an interim ordinance adopted as an urgency measure pursuant to the authority granted the City of Sonoma under Government Code Section 65858 and is for the immediate preservation of the public safety, health and welfare. The facts constituting the urgency are: cities which have permitted the establishment of Automated Purchasing Machines have recognized that doing so has resulted in the creation of negative secondary effects, such as an increase in the number of thefts and robberies involving a cell phone. The City of Sonoma does not currently have standards in its Development Code related to the location, operation and concentration of Automated Purchasing Machines within Sonoma. Absent the adoption of this urgency ordinance, the establishment and operation of Automated Purchasing Machines in Sonoma would result in the harmful secondary effects identified above. As a result of the potentially harmful secondary effects associated with Automated Purchasing Machines and the current and immediate threat such secondary effects pose to the public health, safety and welfare, it is necessary, in accordance with Government Code Section 65858, to establish temporarily a 45-day moratorium on the establishment and operation of new Automated Purchasing Machines within Sonoma pending the completion of studies of the potential impacts of these machines and amendments to the City's Development Code.

Section 2.

This Ordinance shall become effective immediately if passed and adopted by at least four-fifths vote of the City Council and shall remain in effect until the date that is ten months and fifteen days following the last day that Ordinance 04-2014 is in effect. Ordinance 04-2014's prohibition of uses and other terms and provisions set forth in sections 1 of Ordinance 04-2014 shall be extended to the date that is ten months and fifteen days following the last day that Ordinance 04-2014 is in effect. The Planning Director and/or his designee is delegated the authority to issue the report described in Cal. Gov't Code section 65858(d).

Section 3.

Pursuant to Section 15001 of the California Environmental Quality Act (CEQA) Guidelines, this ordinance is exempt from CEQA based on the following findings:

A. This ordinance is not a project within the meaning of Section 15378 of the State CEQA Guidelines, because it has no potential for resulting in physical change in the environment, directly or ultimately.

B. This ordinance is categorically exempt from CEQA under Section 15308 of the CEQA Guidelines as a regulatory action taken by the Town pursuant to its police power and in accordance with Government Code Section 65858 to assure maintenance and protection of the environment pending the consideration, evaluation and possible adoption of contemplated local legislation, regulation and policies.

C. This ordinance is not subject to CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. For the reasons set forth in subparagraphs (1) and (2), above, it can be seen with certainty that there is no possibility that this ordinance will have a significant effect on the environment; and

Section 4.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provision of this ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Sonoma this 1st day of December 2014.



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 6B

Meeting Date: 12/01/14

Department

Planning and Community Services

Staff Contact

David Goodison, Planning Director

Agenda Item Title

Discussion, consideration, and possible action on an ordinance amending the Development Code to establish a process for addressing requests for reasonable accommodation.

Summary

Implementation Program #25 of the Housing Element calls upon the City to establish procedures for acting on requests for “reasonable accommodation” in compliance with State and Federal Housing laws pertaining to persons with disabilities. By way of background, the federal Fair Housing Amendments Act of 1988 makes it illegal to discriminate in housing against individuals based on their race, color, religion, gender, national origin, familial status, or disability. The Act prohibits local governments from making housing opportunities unavailable to people with disabilities through discriminatory land use and zoning rules, policies, practices and procedures. Similarly, California’s own fair housing statute, the Fair Employment and Housing Act (FEHA), prohibits discrimination on the same bases as federal law and also four additional bases: marital status, ancestry, sexual orientation and source of income. The FEHA explicitly prohibits discriminatory “*public or private land use practices, decisions and authorizations*” including, but not limited to, “*zoning laws, denials of permits, and other [land use] actions . . . that make housing opportunities unavailable*” to people with disabilities.” In addition to not discriminating against people with disabilities, under both federal and state fair housing laws, cities and counties have an affirmative duty to provide reasonable accommodation in land use and zoning rules, policies, practices and procedures where it may be necessary to provide individuals with disabilities equal opportunity in housing.

The attached amendment to the Development Code is intended to meet this requirement. When it was reviewed by the Planning Commission at its meeting of September 11, 2014, the Commission voted 7-0 to forward it to the City Council for adoption.

Recommended Council Action

Staff recommends that the City Council introduce the attached ordinance, amending the Development Code to implement Housing Element programs and comply with State law.

Alternative Actions

Provide direction to staff.

Financial Impact

N.A.

Environmental Review

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

Status

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

Alignment with Council Goals:

The implementation of the City’s housing element programs relates to the “Policy and Leadership” goal, as it responds to the requirements of State legislation while emphasizing local control through the planning process.

Attachments:

1. Draft Ordinance
-

cc:

CITY OF SONOMA

ORDINANCE NO. X - 2014

An Ordinance of the City Council of the City of Sonoma Amending Title 19 of the Sonoma Municipal Code by Establishing Procedures for Reviewing and Acting Upon Requests for Reasonable Accommodation

WHEREAS, the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act prohibit discrimination in housing against individuals with disabilities and require that cities take affirmative action to eliminate regulations and practices that deny housing opportunities to individuals with disabilities; and

WHEREAS, fair housing laws require that cities provide individuals with disabilities (or their representatives, or developers of housing for people with disabilities) flexibility in the application of land use and zoning regulations; and

WHEREAS, cities are required to identify constraints to providing housing for individuals with disabilities and develop strategies for removing those constraints, and to have a program that removes constraints to, or provides reasonable accommodations for such housing; and

WHEREAS, Implementation Program #25 of Sonoma's *2009-2014 Housing Element* calls upon the City to establish procedures for acting on requests for "reasonable accommodation" in compliance with State and Federal Housing laws pertaining to persons with disabilities.

NOW, THEREFORE, The City Council of the City of Sonoma does hereby ordain as follows:

Section 1. Amendments to "Definitions" (Title 19, Division VIII) of the Sonoma Municipal Code.

Section 19.92.020 (Definitions of Specialized Terms and Phrases) is hereby amended as follows:

Disabled Person. For purposes of the reasonable accommodation process set forth in Section 19.54.100, et seq., "disabled person" shall mean any person who has a medical condition, physical disability, or mental impairment that substantially limits one or more major life activities; anyone who is regarded as having such impairment; or, anyone who has a record of such impairment. People who are currently using illegal substances are not included in this definition unless they have a separate disability.

Section 2. Amendment to "Planning Permit Approval or Disapproval" (Chapter 19.54, Title 19, Division IV) of the Sonoma Municipal Code, establishing procedures for Reasonable Accommodation Requests.

Chapter 19.54 (Planning Permit Approval or Disapproval) is hereby amended to add Section 19.54.100, to read as follows:

19.54.100—Request for Reasonable Accommodation

A. Purpose: It is the city's policy to provide individuals with disabilities reasonable accommodation in regulations and procedures to ensure equal access to housing, and to facilitate the development of housing. The purpose of this section is to provide a procedure under which a disabled person may request a reasonable accommodation in the application of zoning requirements. This chapter is based on requirements of the federal and state fair housing laws, and implements the Housing Element of the City's General Plan. It is distinct from the requirements for Exceptions and Variances as set forth in Sections 19.54.060 and 19.54.060, respectively. To make specific housing available to a disabled person as defined in Section 19.92.020, any person may request reasonable accommodation under this Section to modify a land use or zoning standard, regulation, policy, or procedure of the City as may be necessary to afford the disabled person equal opportunity for the use and enjoyment of their dwelling. A request for reasonable accommodation shall be made by filing an application under this section.

B. Applicability: A request for a Reasonable Accommodation consists of modifications or exceptions to the standards, regulations, policies, and procedures contained in this title for the siting, development, and use of housing or housing-related facilities, that would eliminate regulatory barriers and provide a disabled person equal opportunity for the use and enjoyment of housing of their choice, and that does not impose undue financial or administrative burdens on the City or require a fundamental or substantial alteration of the City's planning and zoning programs.

C. Application: A request for reasonable accommodation shall be filed and processed in compliance with Chapter [19.52](#) SMC, Applications: Filing and Processing.

1. Notice to the public of availability of accommodation process. The City shall prominently display in City Hall a notice advising disabled persons or their representatives that they may request a reasonable accommodation in accordance with the procedures established in this Section.
3. Application Form. An application for reasonable accommodation shall be submitted on a form prescribed by the Planning Director.
4. Privacy. Any information related to a disability status and identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
5. Assistance. If an individual needs assistance in making the request for reasonable accommodation, the city will provide assistance to ensure that the process is accessible.
6. Timing. A request for reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.
7. Filing Fees. There shall be no fee imposed in connection with a request for reasonable accommodation under the provisions of this Section.

D. Review, Decision, and Referral:

1. Review by Planning Director. An application for reasonable accommodation shall be reviewed by the Planning Director, or his or her designee, as appropriate.
2. Decision. Within thirty (30) days of acceptance of the application as complete, the Planning Director shall issue a written decision to grant, grant with modifications, or deny an application for reasonable accommodation in accordance with this Section and shall notify the applicant of the decision. The written decision shall explain in detail the basis of the decision, including the Planning Director's findings on the factors stated in Section 19.54.100.F. If necessary to reach a determination on the request for reasonable accommodation, the Planning Director may request additional information from the applicant consistent with The Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act, specifying in detail the information that is required. If a request for additional information is made, the thirty (30) day period to issue a decision is stayed until the applicant responds to the request.
3. Referral to Other Review Authority. The Planning Director shall have the authority, upon his or her sole discretion, to refer any reasonable accommodation application to any other reviewing authority, including, but not limited to, the Planning Commission and the Design Review and Historic Preservation Commission, to review the reasonable accommodation application and make a determination on the same in accordance with the applicable Sections of the Development Code.

E. Factors to be Considered: The decision to grant, grant with modifications, or deny an application for reasonable accommodation shall take into consideration all of the following factors:

1. Whether the housing or housing related facilities, which are the subject of the request, will be used by a disabled person.
2. Whether the request for reasonable accommodation is necessary to make specific housing available to a disabled person.
3. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the city.
4. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a city program or law, including but not limited to land use and zoning.
5. Whether the requested reasonable accommodation would be contrary to the public health, safety, or welfare, or be injurious to the property or improvements of adjacent properties.
6. Whether the requested reasonable accommodation adequately considers the physical attributes of the property and structures.
7. Whether alternative reasonable accommodations could provide an equivalent level of benefit.
8. Whether the property is in compliance with the then existing laws and regulations otherwise applicable to the property that is the subject of the request. If any non-

compliance is through no fault of the applicant or unrelated to the request for reasonable accommodation, the Planning Director may waive this requirement. However, such a waiver shall not preclude the City from requiring that the existing violations be corrected in accordance with the City of Sonoma Municipal Code.

F. Findings, Decision: A request for reasonable accommodation may be approved, modified, conditioned, or disapproved by the review authority (planning director or the commission to which the request was referred, as applicable). The review authority may approve or conditionally approve a request for reasonable accommodation only if all the following findings are made:

1. The housing will be used by a disabled person or persons;
2. The requested accommodation is necessary to make specific housing available to a disabled person;
3. The requested accommodation would not impose an undue financial or administrative burden on the city;
4. The requested accommodation would not require a fundamental alteration in the nature of a city program or law, including land use and zoning.

G. Conditions of Approval: In granting a request for reasonable accommodation, the review authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation will comply with the findings required by this section. Conditions may be imposed to ensure that any removable structures or physical design features that are constructed or installed in association with the reasonable accommodation be removed once those structures or physical design features are unnecessary to afford a disabled person for whom the reasonable accommodation was granted the use and enjoyment of the dwelling.

H. Restrictive Covenant: When applicable, the City shall enter into a restrictive covenant with the owner of the property which provides that prior to any sale, transfer, lease or other conveyance of the property, or at the time the need for the reasonable accommodation is no longer necessary, that the owner of the property shall bring the property into conformance with the City's zoning code to the extent that relief was provided under the zoning code as part of the request for reasonable accommodation. The restrictive covenant shall be recorded against the property being granted the reasonable accommodation. The restrictive covenant shall provide that the reasonable accommodation does not run with the land and shall terminate upon any sale, transfer, lease or other conveyance of the property. Upon submittal of a new application for a successor in interest to the property, the Planning Director may consider a continuation of the reasonable accommodation if it is consistent with and does not extend the original approval.

I. Expiration: A request for reasonable accommodation shall be exercised within one year from the date of approval or the permit shall become void, unless an extension is approved in compliance with Chapter [19.56](#) SMC, Permit Implementation, Time Limits, Extensions

Section 3. Exemption from Environmental Review.

The amendments to the Municipal Code effected by this ordinance are exempt from environmental review pursuant to Section (b)(3) of title 14 of the California Code of Regulations, based on the following factors:

1. The program calling for the establishment of a provisions for reasonable accommodation is set forth in the City of Sonoma's 2009-2014 Housing Element, which was the subject of an environmental evaluation that included the preparation of an initial study and the adoption of a negative declaration.
2. Each application for a reasonable accommodation approval shall be individually evaluated in accordance with the requirements of the California Environmental Act.

For these reasons, it can be determined with certainty that there is no possibility that the proposed revisions to the Development Code, which are intended to implement directions set forth in the Housing Element and comply with State and Federal law, will have any significant impact on the environment.

Section 4. Effective Date.

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



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 7A

Meeting Date: 12/01/2014

Department

Administration

Staff Contact

Carol E. Giovanatto, City Manager

Agenda Item Title

Discussion, Consideration and Possible Action to change Council meeting days to the second and fourth Wednesdays of the Month [Requested by Mayor Pro Tem Cook]

Summary

Mayor Pro Tem Cook is requesting Council support to consider permanently changing the Council meeting schedule from the first and third Monday to the second and fourth Wednesday of each month. Prior to 2011, the City Council meetings were held on Wednesday but was changed to Monday to accommodate Councilmember Rouse's work schedule. The proposed change in meeting schedule would eliminate the need to change meeting dates when Holidays fall on Mondays. Staff has researched scheduling conflicts and finds only one conflict with the proposed change to be Sonoma Valley Citizens Advisory Committee (SVCAC) which meets the fourth Wednesday in the Community Meeting Room. That meeting could be relocated to the Fire Station 1 Training Room located at 630 Second Street West.

Recommended Council Action

Council discretion.

Alternative Actions

Council could chose not to support pursuing this issue at this time.

Financial Impact

Undetermined.

Environmental Review

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

Status

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

Attachments:

cc:



CITY OF SONOMA
 City Council
 Agenda Item Summary

Agenda Item:	9
Meeting Date:	12/01/2014

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 (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