

**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 July 18, 2016
5:45 p.m. Closed Session (Special Meeting)
6:00 p.m. Regular Meeting**

City Council
Laurie Gallian, Mayor
Madolyn Agrimonti, MPT
David Cook,
Gary Edwards
Rachel Hundley

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

5:45 P.M. – SPECIAL MEETING - CLOSED SESSION

1. CALL TO ORDER

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

2. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION pursuant to Paragraph (1) of subdivision (d) of Section 54956.9 of the California Government Code. Name of case: Selma Blanusa v. City of Sonoma, a municipal corporation.

6:00 P.M. – REGULAR MEETING

CALL TO ORDER & PLEDGE OF ALLEGIANCE

ROLL CALL (Hundley, Cook, Agrimonti, Edwards, Gallian)

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

Item 3A: Proclamation in Recognition of the Service of Ralph and Joseph Keechler

Item 3B: Update on the Code Enforcement Program

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: Adoption of Plans and Specifications, Acceptance of Bids and Award of Contract for the Valley of the Moon Nursery School ADA & Maintenance Improvement Project to Gregory Equipment, Inc. of Redding, CA.
Staff Recommendation: Approve.

Item 4C: Application for Temporary Use of City Streets for the 2016 Valley of the Moon Vintage Festival Parade, Blessing of the Grapes, Fire Department Bucket Brigade and Foot Race (September 24th and 25th, 2016).
Staff Recommendation: Approve subject to conditions.

Item 4D: Discussion, consideration, and possible action to submit a letter of intent to renew the Joint and Mutual Fire Protection and Emergency Medical Services Agreement between Valley of the Moon Fire Protection District and City of Sonoma.
Staff Recommendation: Authorize the City Manager to submit a letter of intent to renew the Joint and Mutual Fire Protection and Emergency Medical Services Agreement between Valley of the Moon Fire Protection District and the City of Sonoma.

Item 4E: Adoption of an amended resolution rescinding Resolution No. 21-2016 and Calling for an Election on a Proposed Ballot Measure to Continue the Existing Voter Approved Funding of a Transactions and Use (Sales) Tax To Fund General City Services.
Staff Recommendation: Adopt resolution.

Item 4F: Adoption of Plans and Specifications, Award a Contract to VSS International, Inc., lowest responsible bidder, for the 2016 Citywide Slurry Seal Project No. 1601, Authorize the City Manager to execute a construction contract in the amount of \$117,120.00, and Authorize the Planning Director to sign the CEQA Notice of Exemption.
Staff Recommendation: Approve.

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

No items at the time of packet preparation.

6. PUBLIC HEARING – None Scheduled

7. REGULAR CALENDAR – CITY COUNCIL

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

Item 7A: Discussion, Consideration and Possible Action to Approve the Agreement with the Sonoma Valley Visitors Bureau For Visitors Center Operations and Visitor Information Services for the period July 1, 2016 through June 30, 2019. (City Manager)
Staff Recommendation: Approve the Resolution and authorize the City Manager to sign on behalf of the City.

Item 7B: Discussion, consideration and possible adoption of a resolution calling for an election on a proposed ballot measure amending Chapter 7.24 of the Sonoma Municipal Code (City’s Smoking Ordinance) to impose more stringent restrictions and prohibitions on smoking in the City of Sonoma. (City Manager)
Staff Recommendation: Approve the resolution to place the new smoking ordinance, amending Chapter 7.24 in its entirety, on the November 8, 2016, ballot.

8. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

No items at the time of packet preparation.

9. COUNCILMEMBERS’ REPORTS AND COMMENTS

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

11. COMMENTS FROM THE PUBLIC

At this time, members of the public may comment on any item not appearing on the agenda

12. ADJOURNMENT

I do hereby certify that a copy of the foregoing agenda was posted on the City Hall bulletin board on July 14, 2016. 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: 3A

Meeting Date: 07/18/2016

Department

Administration

Staff Contact

Gay Johann, Assistant City Manager / City Clerk

Agenda Item Title

Proclamation in Recognition of the Service of Ralph and Joseph Keechler

Summary

A proclamation to recognize and commend the service of Ralph and Joseph Keechler who have volunteered with the Sonoma Valley Fire and Rescue Authority for a remarkable 100 years combined.

Recommended Council Action

Mayor Gallian to present the proclamation.

Alternative Actions

N/A

Financial Impact

N/A

Environmental Review

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

Status

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

Attachments:

Proclamation

cc: Mark Freeman via email

City of Sonoma



Proclamation

RECOGNITION OF THE SERVICE OF RALPH AND JOSEPH KEECHLER

WHEREAS, Ralph and Joseph Keechler have volunteered with the Sonoma Valley Fire and Rescue Authority for a remarkable 100 years combined; and

WHEREAS, Ralph, is a Sonoma native who served in World War II with the 75th Infantry Division and participated in the Battle of the Bulge at the rank of Corporal. In addition to the 60 years of service with SVFRA he has also been an active member of the Native Sons of the Golden West for 71 years promoting and preserving California's history and landmarks for future generations; and

WHEREAS, Ralph currently serves as SVFRA Division Chief guaranteeing his experience informs the organizations operations; and

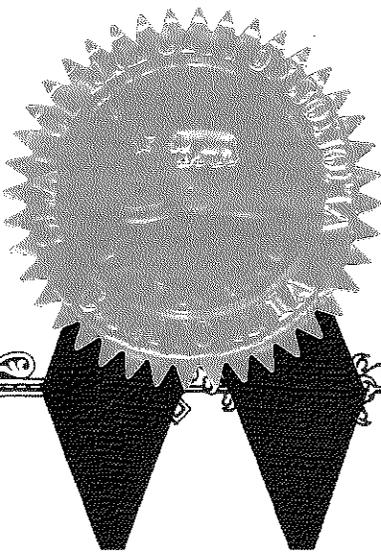
WHEREAS, Ralph passed along his passion for service to his son Joseph who has served SVFRA for 40 years. He is currently a Captain and also serves on the Board of the Sonoma Volunteer Firefighters' Association sharing his firsthand experience for the benefit of other volunteers; and

WHEREAS, the service of Ralph and Joseph with SVFRA ensures fire, rescue and emergency medical services to Sonoma and surrounding communities.

NOW, THEREFORE, I, LAURIE GALLIAN, Mayor of the City of Sonoma, do hereby recognize and commend Ralph and Joseph Keechler for their professionalism, dedication to service, and spirit of volunteerism and thank them for all they have done and continue to do for the members of our community.

IN WITNESS WHEREOF, I hereby set my hand and cause the seal of the City of Sonoma to be affixed this 18th day of July 2016.

LAURIE GALLIAN, MAYOR





CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 3B

Meeting Date: 07-18-2016

Department

Administration

Staff Contact

Carol E. Giovanatto, City Manager

Agenda Item Title

Update on Code Enforcement Program

Summary

In February 2016 the Council approved an addendum to the City Prosecutors agreement to initiate a new Code Enforcement Program for the City of Sonoma. Since execution of the addendum, the City Prosecutor's office has employed a part-time Code Enforcement position and has been working with City staff in several areas of enforcement. City Prosecutor Bob Smith will be presenting an update to Council on the progress to date of the Code Enforcement Program.

Recommended Council Action

Receive update; no specific action required.

Alternative Actions

N/A

Financial Impact

N/A

Environmental Review

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

Status

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

Attachments:

None

Alignment with Council Goals:

Compliance with Climate 2020 Action Plan Target Goals:

cc:



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 4B

Meeting Date: 7/18/16

Department

Administration

Staff Contact

Wayne Wirick, Development Services Director / Building Official

Agenda Item Title

Adoption of Plans and Specifications, Acceptance of Bids and Award of Contract for the Valley of the Moon Nursery School ADA & Maintenance Improvement Project to Gregory Equipment, Inc. of Redding, CA.

Summary

The Valley of the Moon Nursery School, located at the Youth Center building at 136 Mission Terrace, is in need of Americans with Disabilities Act (ADA) and other maintenance improvements. This project has been given a high implementation priority by the City Council and \$116,175 is included in the City's 2016/17 Capital Improvement Program (CIP) and Long-Term Building Maintenance (LTBM) budget. Plans and specifications have been prepared and bids solicited for the needed work.

On June 30, 2016 the City received one bid for the project from Gregory Equipment, Inc. of Redding, CA with a total bid amount of \$119,400.

It is worth noting that the timing of the necessary accessibility work is of critical importance to the Valley of the Moon Nursery School. The school is normally closed between July 29th and September 5th and this is when the work of the project is anticipated to occur.

Bid documents including the plans and project manual may be viewed on the City's web site at <http://www.sonomacity.org/want/Submit/Bid-RFPs.aspx>.

Recommended Council Action

Staff recommends the following actions be taken by the City Council:

1. Adopt the plans and specifications prepared by Strata a|p dated April 4, 2016 together with all addendum issued thereto; and
 2. Accept the sole bid and award the contract for the Valley of the Moon Nursery School ADA & Maintenance Improvement Project to Gregory Equipment, Inc. of Redding, CA, for the amount of \$119,400 and authorize the City Manager to execute said contract.
 3. Direct staff to work with the project architect (STRATA a|p) and Gregory Equipment, Inc. to investigate cost saving measures that may be implemented during the course of construction.
-

Alternative Actions

- a). Reject the bid and revise and re-bid the project; or
 - b). Don't perform the project..
-

Financial Impact

A total of \$116,175 has been budgeted in the 2016/17 Capital Improvement Program and Long-Term Building Maintenance fund for this project. A budget amendment may be necessary at the completion of the project to true-up the actual project costs.

Environmental Review

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

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

Alignment with [Council Goals](#):

This project aligns with the Council goal of providing reliable, safe and effective infrastructure and reliability of City facilities.

cc:



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 4C

Meeting Date: 07/18/15

Department

Administration - Special Events

Staff Contact

Special Event Manager, Lisa Janson

Agenda Item Title

Application for Temporary Use of City Streets for the 2016 Valley of the Moon Vintage Festival Parade, Blessing of the Grapes, Fire Department Bucket Brigade and Foot Race (September 24th and 25th, 2016).

Summary

Special event permit applications that include requests for the closure of City streets in conjunction with the event must obtain City Council approval of the related street closure prior to the special event application being considered by the Community Services and Environment Commission. In keeping with this policy, the Valley of the Moon Vintage Festival is requesting City Council approval for the following street closures:

1. Saturday, September 24th; closure of Spain Street, between First Street West and First Street East, from 7 a.m. to 10:00 p.m. in order to accommodate the Bucket Brigade.
2. Saturday, September 24th; closure of Spain Street, between First Street East to Second Street East, from 9:30 a.m. to 11:00 a.m. in order to accommodate the Blessing of the Grapes
3. Saturday, September 24th; closure of Spain Street, between First Street West and First Street East, closure of First Street East from Spain Street to the Veterans Building and First Street West from Spain Street to Veterans Building from 7:00 p.m. to 10:00 p.m. in order to accommodate the Vintage Festival Parade (Get Your Glow On Parade). The parade will occur in the evening and follow an abbreviated route.
4. Sunday, September 25th; closure of Spain Street, between First Street West and First Street East, from 7 a.m. to 10:00 p.m. in order to accommodate the 5K/12K/Tiny Tot Run/Walk. (The race route will have Intermittent closure, to be coordinated based on the presence of runners.)

Note: the request also includes no parking on Spain Street (from First Street West to First Street East) from 7 a.m. to 10 p.m. on Saturday, September 24th and September 25th. Details of the event and associated street closures and "no parking" request are provided in the attached applications.

Recommended Council Action

Approve application allowing the use of city streets subject to the following conditions:

1. Applicant shall contact Police Department as soon as possible to review traffic control plan and contract for services.
 2. Applicant shall provide a written request for special barricading to the Public Works Department at least 30 days prior to the event.
 3. Applicant shall comply with City of Sonoma standard insurance requirements.
 4. Street closures are contingent upon the approval of Plaza Use/Special Events permit approvals by the CSEC, along with any conditions that may be imposed at that time.
-

Alternative Actions

1. Approve the requests with or without specified modifications.
 2. Deny some or all of the requests.
-

Financial Impact

The applicants are required to reimburse the City for additional personnel costs incurred as a result of street closure and other aspects of the events.

Environmental Review

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

Status

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

Attachments:

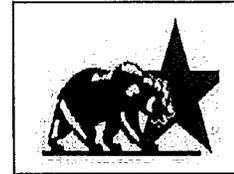
Vintage Festival Use of City Streets/Plaza Use applications

cc:

Maria Toimil (via email)



**City of Sonoma
No. 1 The Plaza
Sonoma CA 95476**



**PERMIT APPLICATION
FOR USE OF CITY STREETS**

Revised 12/3/15

Application Fee: \$576.00

(Encro 100-00000-000-30203)

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

Name of Applicant: Valley of the Moon Vintage Festival

Name of Sponsoring Organization: Same

Address: P.O. Box 652 Sonoma, CA 95476-0652

Telephone Numbers: Day: 939-6801 Cell: 695-9031 Email: maria.toimil@exchange
bank.com

Name of Event:
Blessing of the Grapes

Type of Event – Mark Appropriate Box

- Run or Walk Rally or Assembly Parade
 Other

Date(s) of Event: 09/24/16

Street Closure(s) Requested: See Attached Map

10am between _____ and _____ from _____ am/pm to _____ am/pm
_____ between _____ and _____ from _____ am/pm to _____ am/pm
_____ between _____ and _____ from _____ am/pm to _____ am/pm

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

Estimated Daily Attendance: _____

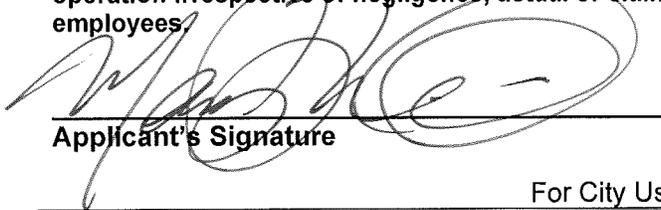
If a Sound Amplification is be used, describe the type, location, purpose and hours of use: _____

Blessing of the Grapes

General Conditions of Approval:

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

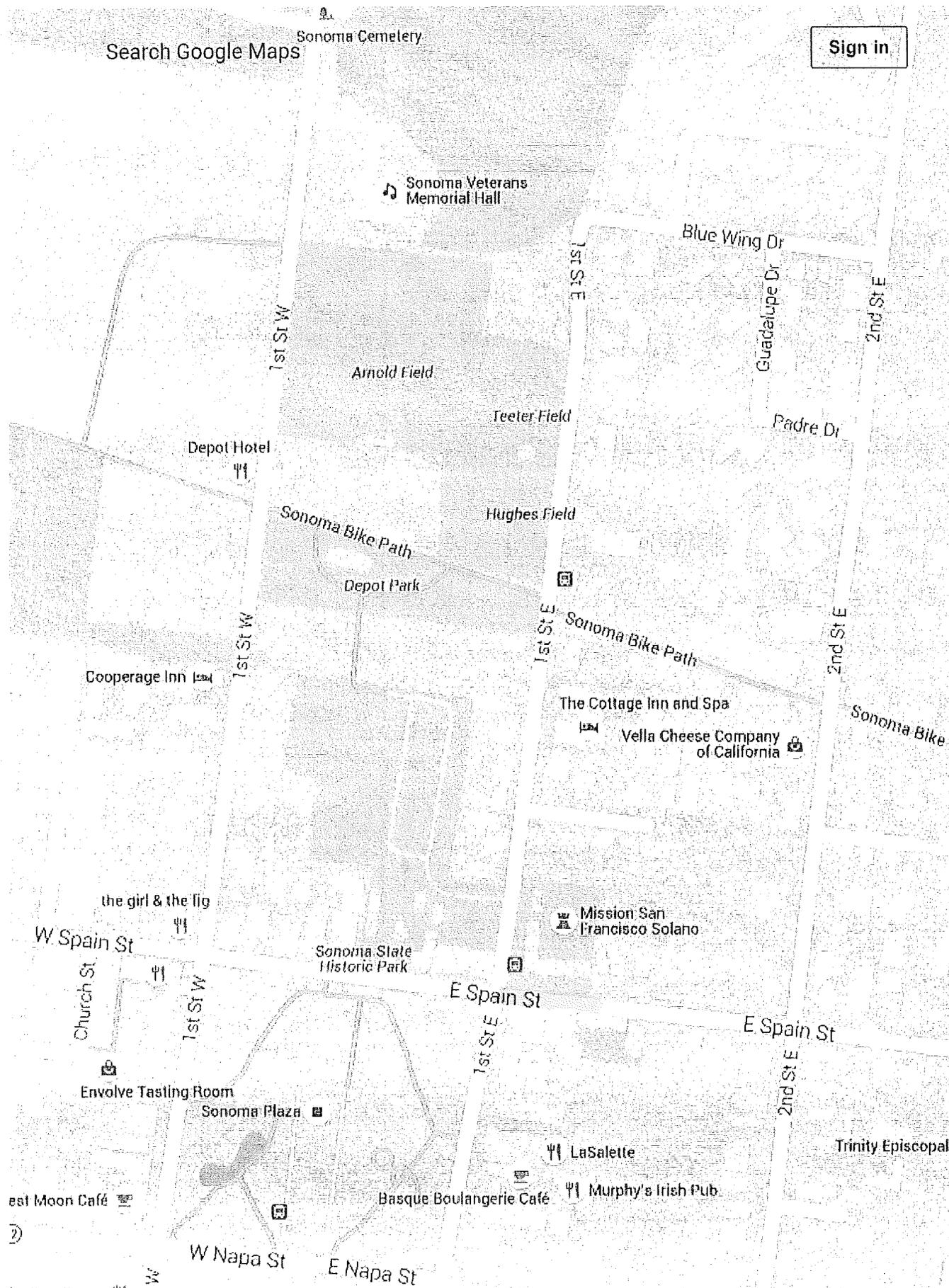
I do hereby acknowledge and affirm that all information contained herein is accurate to the best of my knowledge and agree to assume full responsibility and liability for and indemnify, and suits for or by reason of injury to any person or damages to any property of the parties hereto or of the third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

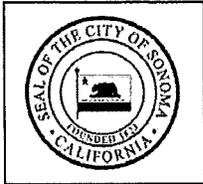

Applicant's Signature

04/14/16
Date

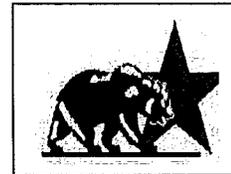
For City Use Only

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|--|--|----------------------------------|-------------------------------|
| POLICE DEPARTMENT RECOMMENDATION: | | <input type="checkbox"/> Approve | <input type="checkbox"/> Deny |
| Amount of Deposit Required: \$ _____ | | COMMENTS: | |
| _____ | | _____ | |
| Authorized Signature | | Date | |
| PUBLIC WORKS DEPARTMENT RECOMMENDATION: | | <input type="checkbox"/> Approve | <input type="checkbox"/> Deny |
| Amount of Deposit Required: \$ _____ | | COMMENTS: | |
| _____ | | _____ | |
| Authorized Signature | | Date | |
| Date Approved by CSEC: _____ | | | |
| Date Approved by City Council: _____ | | | |





**City of Sonoma
No. 1 The Plaza
Sonoma CA 95476**



**PERMIT APPLICATION
FOR USE OF CITY STREETS**

Revised 12/3/15

Application Fee: \$576.00

(Encro 100-00000-000-30203)

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

Name of Applicant: Valley of the Moon Vintage Festival

Name of Sponsoring Organization: Same

Address: P.O. Box 652 Sonoma, CA 95476-0652

Telephone Numbers: Day: 939-6801 Cell: 695-9031 Email: maria.toimil@exchange
bank.com

Name of Event: Get Your Glow On Parade

Type of Event – Mark Appropriate Box

- Run or Walk
 Rally or Assembly
 Parade
 Other

Date(s) of Event: 09/24/16

Street Closure(s) Requested: See Attached Map

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

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

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

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

Estimated Daily Attendance: _____

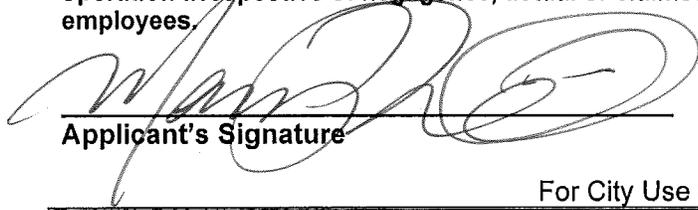
If a Sound Amplification is be used, describe the type, location, purpose and hours of use: _____

Get Your Glow On Parade

General Conditions of Approval:

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

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



Applicant's Signature

04/14/16

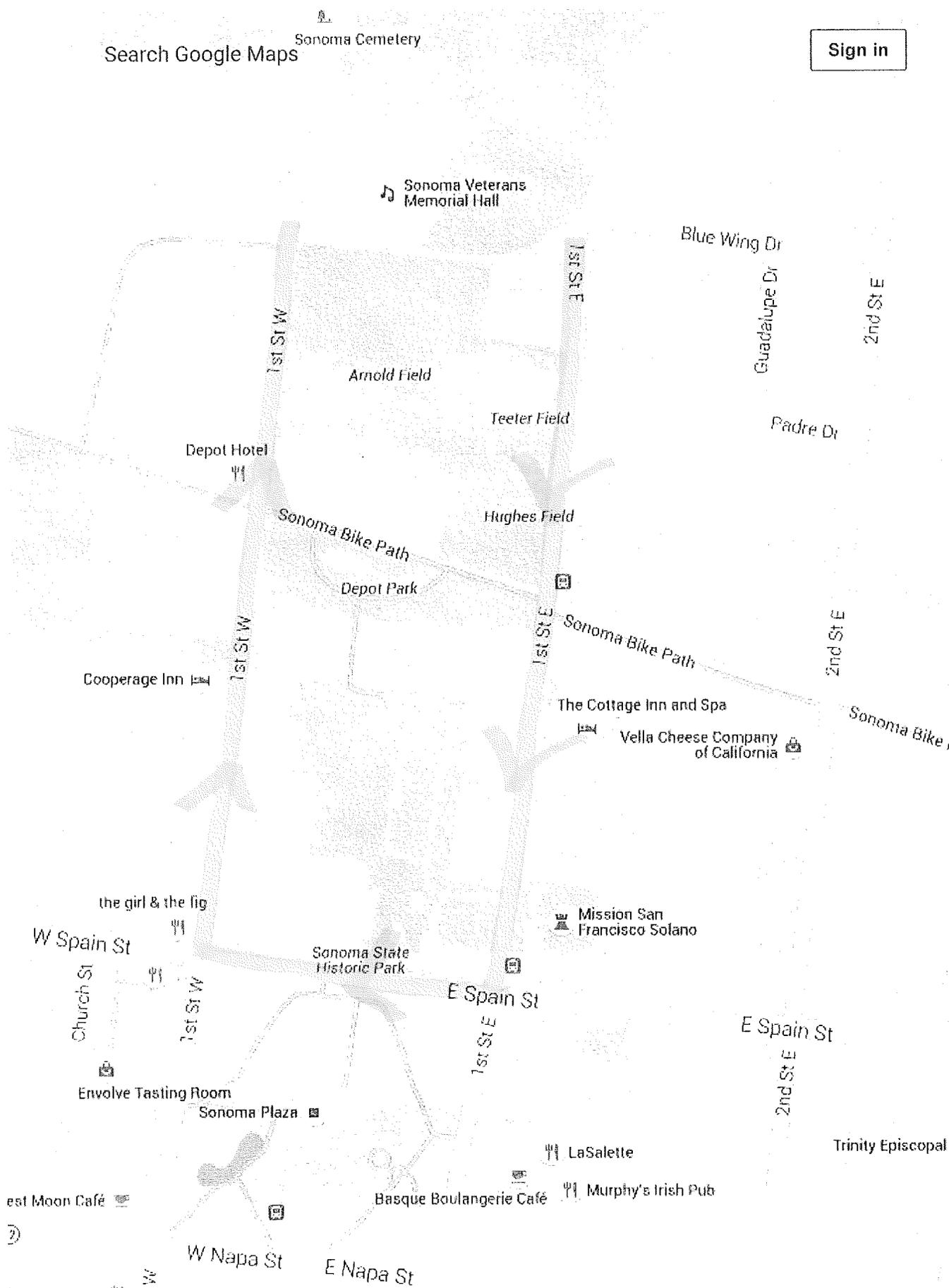
Date

For City Use Only

| | |
|---|-------|
| POLICE DEPARTMENT RECOMMENDATION: <input type="checkbox"/> Approve <input type="checkbox"/> Deny | |
| Amount of Deposit Required: \$ _____ COMMENTS: | |
| _____ | _____ |
| Authorized Signature | Date |
| PUBLIC WORKS DEPARTMENT RECOMMENDATION: <input type="checkbox"/> Approve <input type="checkbox"/> Deny | |
| Amount of Deposit Required: \$ _____ COMMENTS: | |
| _____ | _____ |
| Authorized Signature | Date |
| Date Approved by CSEC: _____ | |
| Date Approved by City Council: _____ | |

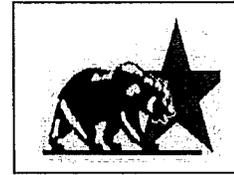
Search Google Maps

Sign in





City of Sonoma
No. 1 The Plaza
Sonoma CA 95476



**PERMIT APPLICATION
FOR USE OF CITY STREETS**

Revised 12/3/15

Application Fee: \$576.00

(Encro 100-00000-000-30203)

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Name of Sponsoring Organization: Same

Address: P.O. Box 652 Sonoma, CA 95476-0652

Telephone Numbers: Day: 939-6801 Cell: 695-9031 Email: maria.toimil@exchange
bank.com

Name of Event: Fire Department Activity

Type of Event – Mark Appropriate Box

- Run or Walk
 Rally or Assembly
 Parade

 Other

Date(s) of Event: 09/24/16

Street Closure(s) Requested: See Attached Map

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

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

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

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

Estimated Daily Attendance: _____

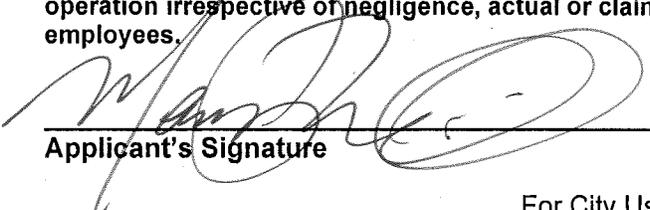
If a Sound Amplification is be used, describe the type, location, purpose and hours of use: _____

Fire Department Activity

General Conditions of Approval:

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



Applicant's Signature

04/14/16

Date

For City Use Only

POLICE DEPARTMENT RECOMMENDATION:

Approve Deny

Amount of Deposit Required: \$ _____

COMMENTS:

Authorized Signature

Date

PUBLIC WORKS DEPARTMENT RECOMMENDATION:

Approve Deny

Amount of Deposit Required: \$ _____

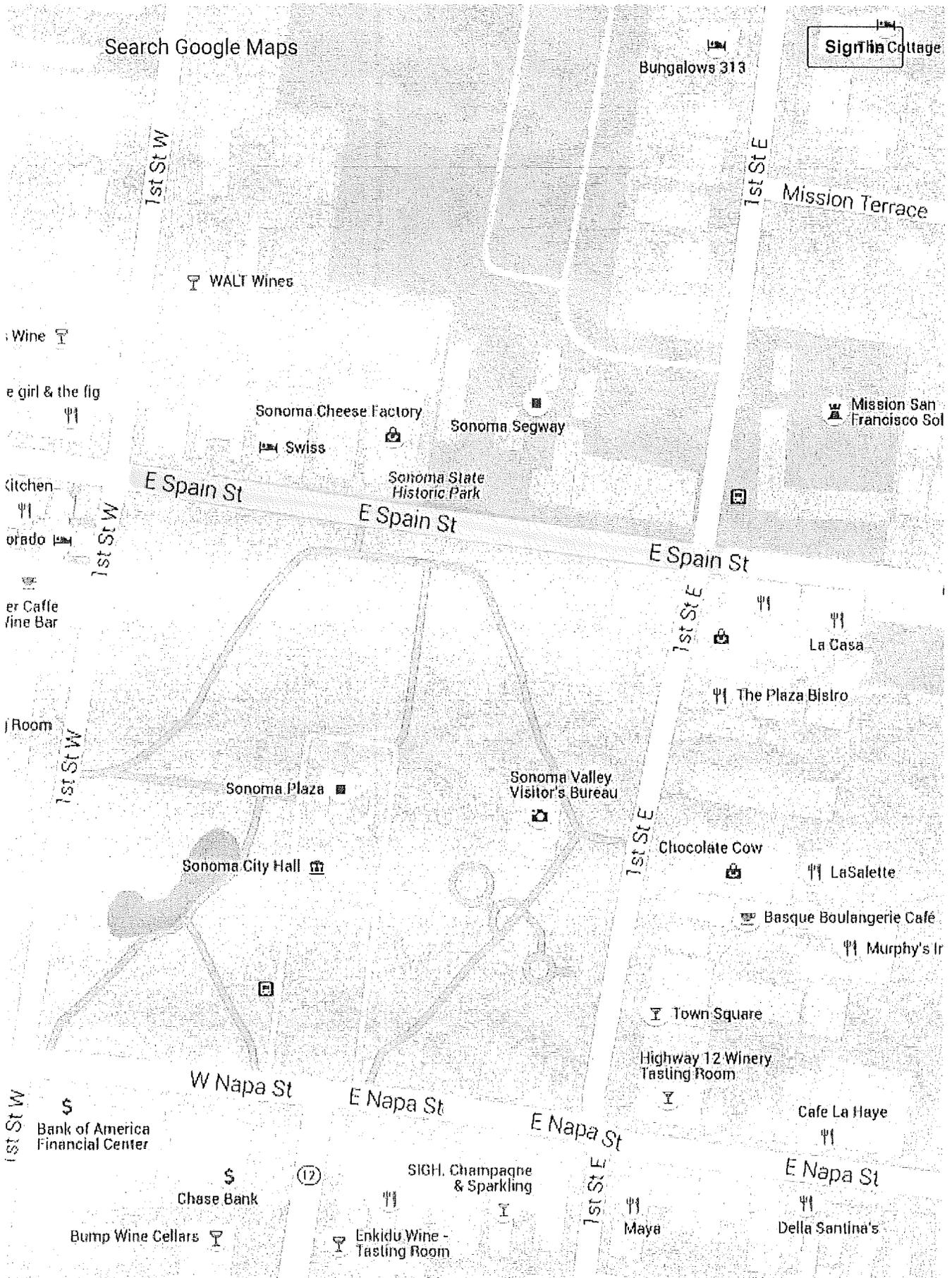
COMMENTS:

Authorized Signature

Date

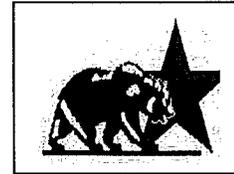
Date Approved by CSEC: _____

Date Approved by City Council: _____





**City of Sonoma
No. 1 The Plaza
Sonoma CA 95476**



**PERMIT APPLICATION
FOR USE OF CITY STREETS**

Revised 12/3/15

Application Fee: \$576.00

(Encro 100-00000-000-30203)

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

Name of Applicant: Valley of the Moon Vintage Festival

Name of Sponsoring Organization: Same

Address: P.O. Box 652 Sonoma, CA 95476-0652

Telephone Numbers: Day: 939-6801 Cell: 695-9031 Email: maria.toimil@exchange
bank.com

Name of Event: 5K Run/Walk & Tiny Tots Run/Walk

Type of Event – Mark Appropriate Box

Run or Walk

Rally or Assembly

Parade

Other

Date(s) of Event: 09/25/16

Street Closure(s) Requested: See Attached Map

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

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

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

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

Estimated Daily Attendance: _____

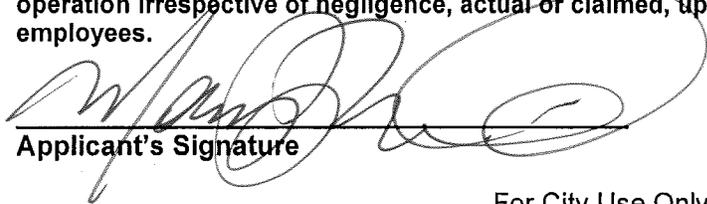
If a Sound Amplification is be used, describe the type, location, purpose and hours of use: _____

5k Run/Walk & Tiny Tots Run/Walk

General Conditions of Approval:

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

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



Applicant's Signature

4/14/16

Date

For City Use Only

POLICE DEPARTMENT RECOMMENDATION:

Approve Deny

Amount of Deposit Required: \$ _____

COMMENTS:

Authorized Signature

Date

PUBLIC WORKS DEPARTMENT RECOMMENDATION:

Approve Deny

Amount of Deposit Required: \$ _____

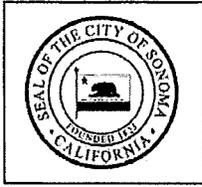
COMMENTS:

Authorized Signature

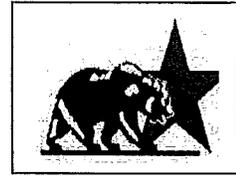
Date

Date Approved by CSEC: _____

Date Approved by City Council: _____



**City of Sonoma
No. 1 The Plaza
Sonoma CA 95476**



**PERMIT APPLICATION
FOR USE OF CITY STREETS**

Revised 12/3/15

Application Fee: \$576.00

(Encro 100-00000-000-30203)

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

Name of Applicant: Valley of the Moon Vintage Festival

Name of Sponsoring Organization: Same

Address: P.O. Box 652 Sonoma, CA 95476-0652

Telephone Numbers: Day: 939-6801 Cell: 695-9031 Email: maria.toimil@exchange
bank.com

Name of Event: 12K Run/Walk

Type of Event – Mark Appropriate Box

- Run or Walk Rally or Assembly Parade
 Other

Date(s) of Event: 09/25/16

Street Closure(s) Requested: See Attached Map

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

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

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

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

Estimated Daily Attendance: _____

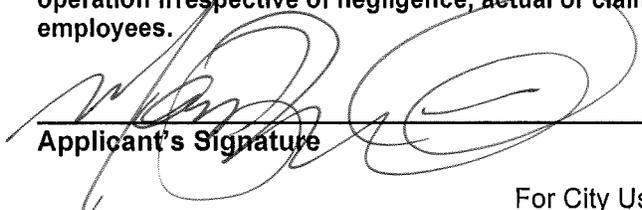
If a Sound Amplification is be used, describe the type, location, purpose and hours of use: _____

12k Run/Walk

General Conditions of Approval:

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

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



Applicant's Signature

04/14/16

Date

For City Use Only

| | | | |
|--|--|----------------------------------|-------------------------------|
| POLICE DEPARTMENT RECOMMENDATION: | | <input type="checkbox"/> Approve | <input type="checkbox"/> Deny |
| Amount of Deposit Required: \$ _____ | | | |
| COMMENTS: | | | |
| _____ Authorized Signature | | _____ Date | |

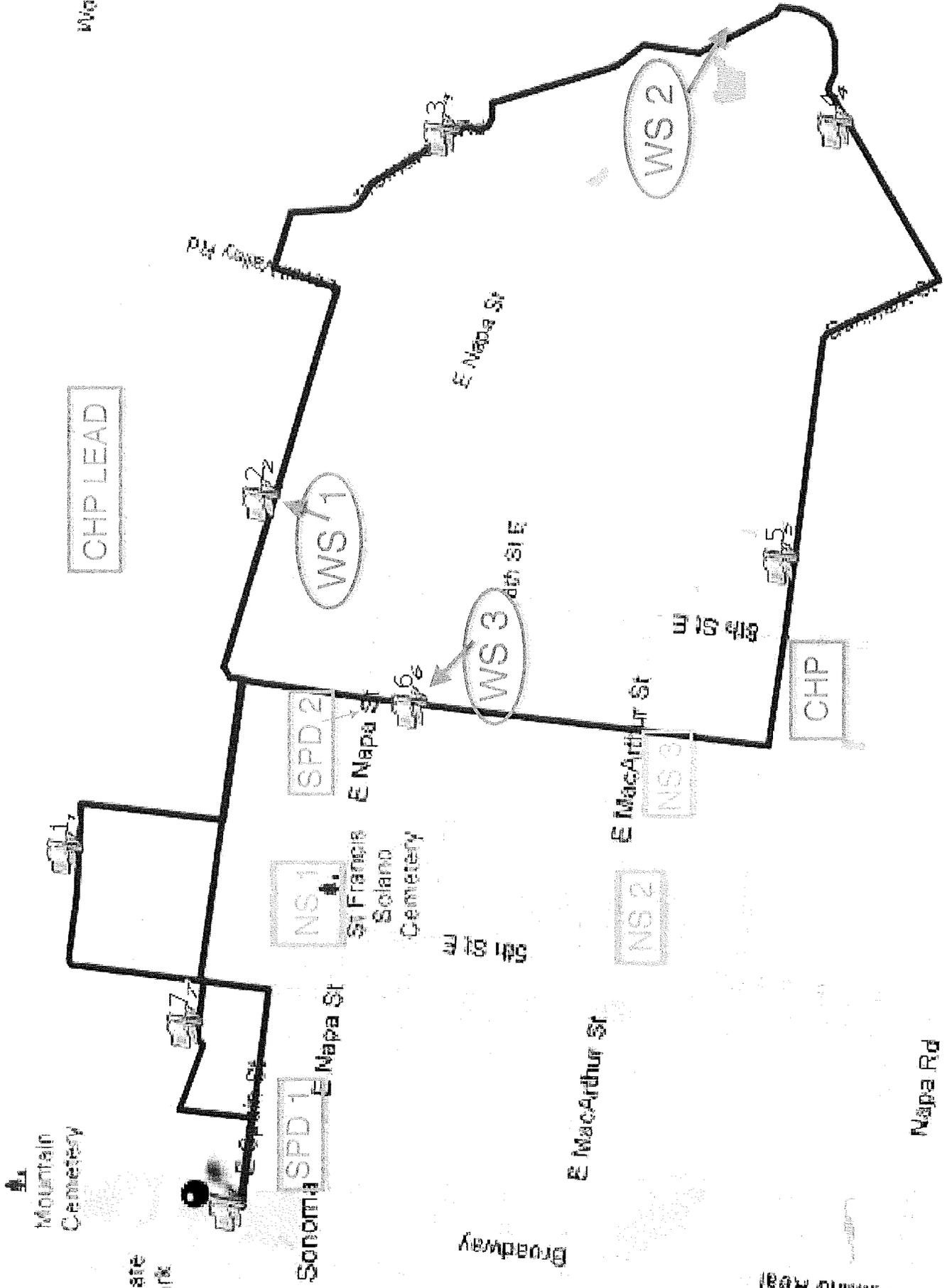
| | | | |
|--|--|----------------------------------|-------------------------------|
| PUBLIC WORKS DEPARTMENT RECOMMENDATION: | | <input type="checkbox"/> Approve | <input type="checkbox"/> Deny |
| Amount of Deposit Required: \$ _____ | | | |
| COMMENTS: | | | |
| _____ Authorized Signature | | _____ Date | |

Date Approved by CSEC: _____

Date Approved by City Council: _____

12K Run/Walk

Micro Station



CHP LEAD

SPD 2

NS 1

SPD 1

WS 1

WS 3

NS 2

NS 3

WS 2

CHP

Napa Rd

Broadway

Mountain Cemetery

St Francis Solano Cemetery

Start

SPD 1

SPD 7

SPD 12

SPD 6

SPD 10

SPD 11

SPD 15

SPD 5

SPD 3

SPD 4

Mountain Cemetery

SPD 2

NS 1

SPD 1

WS 1

WS 3

NS 2

NS 3

WS 2

CHP

Napa Rd

Broadway

Start

SPD 1

SPD 7

SPD 12

SPD 6

SPD 10

SPD 11

SPD 15

SPD 5

SPD 3

SPD 4

Exhibit A

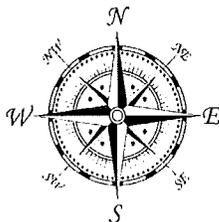


OFFICERS

Maria Toimil • *President*
 Rich Facciola • *Vice President*
 Roxanne Pedranzini • *Secretary*
 Eileen Adams • *Treasurer*

DIRECTORS

Stefanie Given
 Lachele Plaskett
 Patricia Rosser
 Rob Samson
 Jennifer Shipston
 Spring Stambaugh
 Andy Toimil



Spain Street

WT Wine Tasting Ticket Sales
 VIP Weekend Pass
 R Race
 W Wine Exhibitor
 Numbers Art Booths
 F Food Booths
 I Information Booths
 G Gullotta Law Phone Charging Station

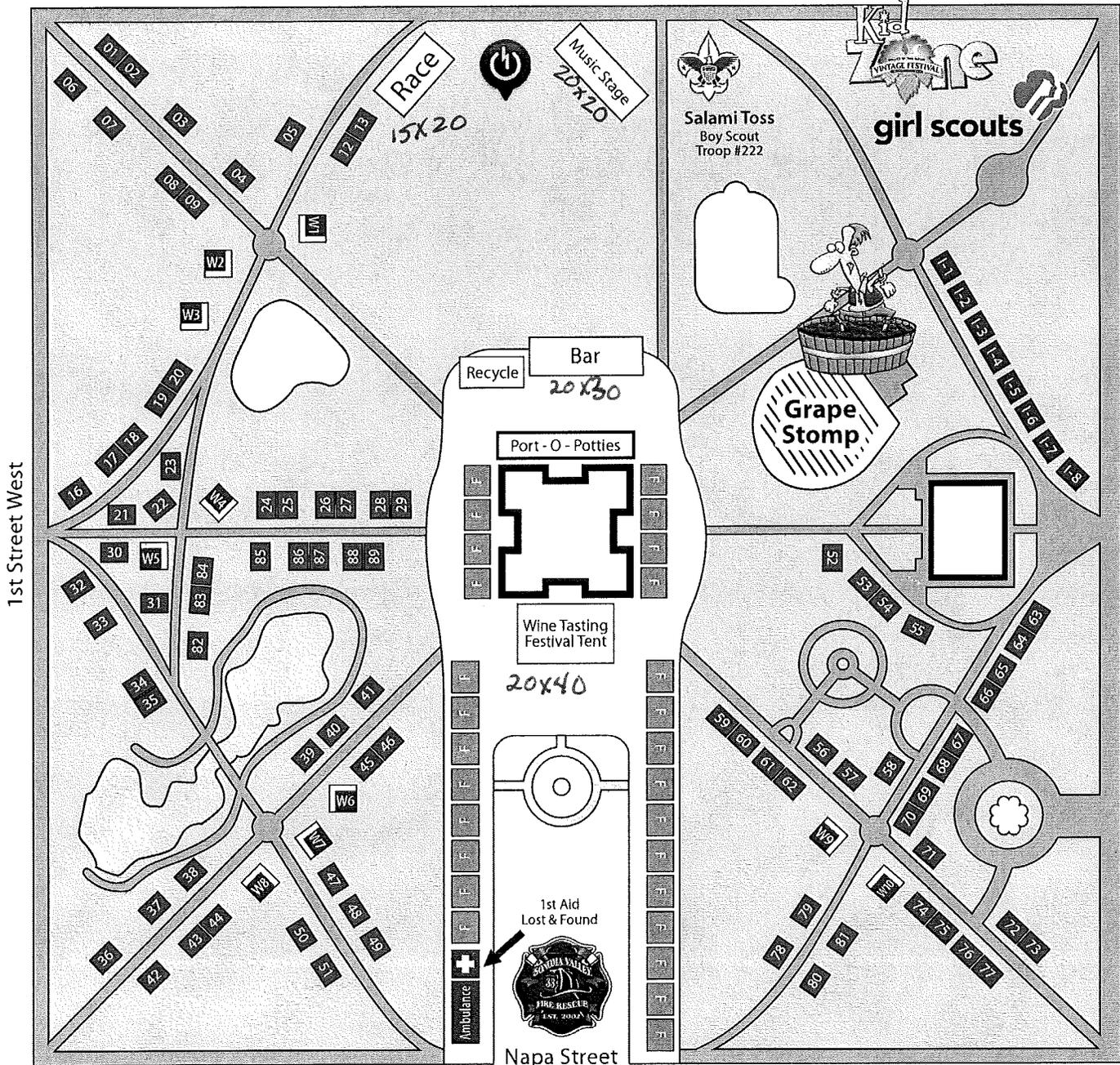


Exhibit B

Complete Description of Event:

Blessing of the Grapes – Begins @ 10am 9/24/16 up to 100 in attendance, approximately 30 minute ceremony with a table and multiple chairs to be placed before and removed directly after ceremony. Microphone used for a short time.
Road closure needs: 930am to 11am, Spain St. from 1st East to 2nd East

Fire Department Activity – Begins @ 11am 9/24/16 up to 1000 in attendance, approximately 2-3 hours, fire trucks, fire fighters, and materials. Traditionally there has been a Water Fight. With the current water situations the Fire Department will either perform a “Bucket Brigade” or some type of demonstration. Fire personnel will be using their own sound system.

Road closure needs: Spain St. to be closed all weekend

Get Your Glow On Parade – Begins @ 8pm up to 3000 in attendance begins at dusk and lasts 1-2 hours, various walkers & vehicles will decorate their entries with lights and sparkle. We intend to use the Swiss Hotel balcony for our judging stand as we did in 2014. Horses will be in the parade and the appropriate clean up is planned. Sound system to be used at judge’s stand on Spain St.

Road closure needs: Spain St. to be closed all weekend, 730pm 1st East from Spain St. to Vets Building, 1st West Spain St. to Vets Building

5K/12K/Tiny Tot Run/Walk – Begins @ 8am up to 2000 in attendance, of those 1000-1300 are spectators, Begins between 7 and 8am and lasts until last runner crosses finish line but no later than 11am, tables and chairs, water stands, start/finish line. Sound system to be used for announcements.

Road closure needs: Spain St. to be closed all weekend. See Document “Vintage Festival Run Street by Street”

Rolling closures



CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 4D

Meeting Date: 07/18/2016

Department

Finance

Staff Contact

DeAnna Hilbrants, Finance Director

Agenda Item Title

Discussion, consideration, and possible action to submit a letter of intent to renew the Joint and Mutual Fire Protection and Emergency Medical Services Agreement between Valley of the Moon Fire Protection District and City of Sonoma.

Summary

In December, 2011, the City of Sonoma entered into a Joint and Mutual Fire Protection and Emergency Medical Services Agreement (Service Agreement) for the provision of all-risk emergency services including fire and emergency medical services. The initial term of that agreement was 5 years beginning on February 2, 2012. The Service Agreement requires that the City provide six months' notice of its desire to renew the agreement for additional five year periods. During the six month period before the Service Agreement expires, City staff will work with Valley of the Moon Fire Protection District to determine if any of the terms of the agreement should change. If changes are requested, staff will return to Council seeking authorization to approve a new Service Agreement or Amendment to the existing agreement.

The attached supplemental report provides additional background about the current services provided as well as activities completed during the preceding five years.

Recommended Council Action

Authorize the City Manager to submit a letter of intent to renew the Joint and Mutual Fire Protection and Emergency Medical Services Agreement between Valley of the Moon Fire Protection District and the City of Sonoma.

Alternative Actions

Do not authorize staff to submit a letter of intent to renew the Service Agreement. Direct staff to return with alternate options.

Financial Impact

Fire services are currently budgeted for Fiscal Year 2017. Each year, the costs of the Service Agreement are presented as part of the City's annual budget review process.

Environmental Review

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

Status

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

Attachments:

Supplemental Report
Proposed Letter of Intent

Alignment with Council Goals:

FISCAL MANAGEMENT: Maintain high level fiscal accountability that ensures short and long-term sustainability of City's financial position; provide for effective and efficient management of local taxpayers' dollars; apply prudent internal policies and practices to assure the most cost-effective methods are utilized; be wise with our resources.

Compliance with Climate 2020 Action Plan Target Goals:

N/A

cc:

SUPPLEMENTAL REPORT

AUTHORIZE LETTER OF INTENT TO RENEW JOINT AND MUTUAL FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES AGREEMENT BETWEEN VALLEY OF THE MOON FIRE PROTECTION DISTRICT AND CITY OF SONOMA

For the City Council Meeting of July 18, 2016

PURPOSE

This supplemental report provides additional information about the Joint and Mutual Fire Protection and Emergency Medical Services Agreement (Service Agreement) including department overview and accomplishments during the last five years.

BACKGROUND

On December 19, 2011, after operating in a JPA model since 2002, the City Council of the City of Sonoma authorized the Service Agreement between the City of Sonoma (City) and the Valley of the Moon Fire Protection District (VOM). This Service Agreement consolidated governance and employees into a single organization, the Sonoma Valley Fire and Rescue Authority (SVFRA). Prior to the 2011 agreement, some employees worked for VOM while other employees were employed by the City.

The Fire Chief of the SVFRA reports to the Board of the Directors of VOM. The Chief also actively participates as a member of the City's management team, which includes participation in staff meetings, budget workshops, and serving as the Emergency Services Coordinator. The City provides financial oversight for VOM under a separate service agreement, and the City's Finance Director is currently the appointed Treasurer for VOM.

The stated mission of the Sonoma Valley Fire and Rescue Authority (SVFRA) is to protect the quality of life for present and future generations through interaction with our community, compassionate service, and an atmosphere that encourages innovation, professionalism, and diversity.

The SVFRA consists of 39 full-time employees, 1 part-time employee and a cadre of 41 dedicated volunteer firefighters that supplement daily staffing. The daily staffing consists of 14 personnel who staff 3 engine companies, 2 ambulances, and a command vehicle out of three strategically-located fire stations.

The SVFRA provides advanced life support (ALS) medical services through the use of dual-role employees, who are also trained as paramedics and emergency medical technicians. All staffed engines and ambulances are ALS equipped and staffed with at least one paramedic.

The SVFRA Fire Prevention division is responsible for managing the Life-Safety Inspection Program, conducting plan reviews of residential and commercial occupancies, and providing fire investigation services to determine cause and origin.

The SVFRA also provides ambulance billing services. Billing is efficiently handled using advanced software that integrates with the fire department's records management system. The billing office continues its expanded focus on increased collection of delinquent revenues, increasing AMP memberships, and staying current with and applying industry best practices.

ACHIEVEMENTS FROM PAST 5 YEARS

In 2015, the SVFRA completed a strategic planning process. As a part of this process, status of the 2009-2014 Goals and Strategies were documented. See below for highlights:

1. Financial Sustainability
 - a. A single operating budget was created for SVFRA (previously there was a fire department budget in the City's accounting structure and a budget in the Valley of the Moon accounting structure).
 - b. Apparatus and equipment schedules have been updated and maintained for the City's capital assets and for the District's assets to assure availability of funds when replacements are scheduled.
 - c. The billing office is projected to exceed revenue projections by 15% due to increased call volume, revised fee schedule, and refinement of internal processes.
 - d. Revised fee schedule to include resident/non-resident ambulance rates to address subsidy issues with non-residents. Non-residents are defined as customers living outside of the ambulance service area.
 - e. SVFRA participated in the Intergovernmental Transfer (IGT) and Ground Emergency Medical Transport (GEMT) program resulting in increased Emergency Medical Services (EMS) revenue.
 - f. Maintenance shop now provides service to outside agencies as an additional funding source.
 - g. Received grants for personal protective equipment (PPE), pre-employment medical physicals, and live fire training prop.
2. Governance and Organization:
 - a. The City and VOM evaluated several governance models resulting in the decision to contract for services with VOM. The current Service Agreement was executed in 2011 and is now is being considered for renewal.
 - b. A unified set of administrative policies and procedures was adopted using the Lexipol model which is a standard in the fire service.
3. Service Delivery
 - a. Community Emergency and Disaster Preparedness Programs:
 - i. Through the SVFRA, AEDs have been installed in City buildings and all schools valley wide.
 - ii. A Sonoma Citizens Organized to Prepare for Emergencies (SCOPE) program was implemented and program materials have been made available to the public.
 - b. A Fire Captain was assigned to Disaster Preparedness. The Fire Department has conducted annual EOC drills for City staff and NIMS, SEMS, and ICS training for all staff and elected officials.
 - c. Rolled out the "Save Lives Sonoma" program that instructs 7th grade students in hands-only CPR.
 - d. A new website was developed, including public resources and a social media component.
4. Staffing

- a. Initiated a reorganization of the number of allocated positions in the firefighter and engineer classifications resulting in the reinstatement of a Training Officer on a part-time basis at no additional cost.
 - b. Maintained 3-0 staffing on all engines using volunteer firefighters through a stipend program.
 - c. Supplemented succession planning with a revised career development guide and a tuition reimbursement program for employees who wish to pursue educational opportunities.
 - d. Created Labor-Management Committee to improve communications between management and labor by discussing and strategizing issues and opportunities.
 - e. Initiated Firefighter Exchange Program with neighboring departments to fill sleeper shifts.
5. Facilities, Equipment, Technology, and Apparatus
- Developed a long term building maintenance schedule and equipment replacement schedule to provide funding for repair and replacement needs.

VISION/GOALS FOR 2015-2020
(Outcomes from 2015 strategic planning process)

Mission Statement:

The Sonoma Valley Fire & Rescue Authority exists to protect the quality of life for present and future generations through interaction with our community, compassionate service, and an atmosphere that encourages innovation, professionalism, and diversity.

Values:

Strategic, Visible, Flexible, Responsive, Accountable

The Sonoma Valley Fire & Rescue Authority's 2015 – 2020 Vision

The Vision of the SVFRA is to consistently demonstrate our values in fiscally-sustainable mission delivery. This will be evident in our commitment to the organization's:

Strategic Plan Direction, as determined by community input and broad organizational involvement, within our organization and regionally;

Visible and proactive public information and community outreach efforts;

Flexible workforce, appropriately staffed and well prepared to ensure organizational success in changing environments;

Responsive leadership that will support the provision and maintenance of physical resources that enable all personnel to safely, efficiently, and effectively carry out their duties;

Accountable personnel, throughout the organization and governing body, who will meet or exceed the community's expectations.

Our culture of continuous improvement will be widely recognized as we deliver our mission, live our values, accomplish our community-driven goals, and realize our vision.

City of Sonoma

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



July 18, 2016

Chief Mark Freeman
Valley of the Moon Fire Protection District
630 2nd Street West
Sonoma, CA 95476

Chief Freeman:

This letter will serve as the City of Sonoma's notice of intent to renew the Joint and Mutual Fire Protection and Emergency Medical Services Agreement between Valley of the Moon Fire Protection District and City of Sonoma.

After nearly five years of operation under this Service Agreement, it is the recommendation of the City that staff from the City and the District jointly review the agreement and make recommendations for changes through a subcommittee comprised of members from each organization's governing body.

Please feel free to contact me for further information or questions.

Thank you,

Carol Giovanatto
City Manager
(707)933-2213
cgiovanatto@sonomacity.org



CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 4E
 Meeting Date: 07/18/2016

Department

Administration

Staff Contact

Carol E. Giovanatto, City Manager

Agenda Item Title

ADOPTION OF AN AMENDED RESOLUTION RESCINDING RESOLUTION NO. 21-2016 AND CALLING FOR AN ELECTION ON A PROPOSED BALLOT MEASURE TO CONTINUE THE EXISTING VOTER APPROVED FUNDING OF A TRANSACTIONS AND USE (SALES) TAX TO FUND GENERAL CITY SERVICES

Summary

At the July 6th Council meeting staff presented a background report on Measure J, the City's local transaction and use tax (so-called, Measure J) which has been in place since 2012 and is set to expire in 2017. This tax currently adds a half-percent local transactions and use tax to fund City services. This half percent tax is added to general Sales Tax on purchases in the City and to continue collection of the tax a new measure must be renewed by voter ballot in November 2016. On July 6, 2016, the Council approved the resolution placing the proposed ballot measure on the November ballot. Subsequent to the action, the City Attorney and staff conferred with State Board of Equalization on the final wording contained in the resolution and implementing ordinance and found minor technical errors in the implementing dates vs. effective dates (i.e. collection dates by vendors vs. effective date of the ordinance). Those corrections have been made and a new resolution with draft model ordinance is submitted for adoption.

Recommended Council Action

Approve the amended resolution to rescind Resolution No. 21-2016 and to place the extension of the City's local transaction and use tax on the November 2016 ballot.

Alternative Actions

Do not approve the amended resolution; set special meeting for reconsideration prior to August 12.

Financial Impact

Absent renewal of Measure J the City's General Fund will be facing an annual loss of approximately \$2.2 million in revenue causing significant cuts to core public services.

Environmental Review

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

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

Resolution

Alignment with Council Goals:

FISCAL MANAGEMENT: Maintain high level fiscal accountability that ensures short and long-term sustainability of City's financial position; provide for effective and efficient management of local taxpayers' dollars. Initiate steps to renew Measure J (FY 2015-16 Council Goals)

Compliance with Climate 2020 Action Plan Target Goals:

N/A

cc:

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CITY OF SONOMA

RESOLUTION NO. ___ - 2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA RESCINDING RESOLUTION NO. 21-2016 AND APPROVING CALLING FOR, GIVING NOTICE OF, AND ESTABLISHING THE POLICIES AND PROCEDURES FOR AN ELECTION ON A PROPOSED BALLOT MEASURE TO CONTINUE THE EXISTING VOTER APPROVED FUNDING OF A TRANSACTIONS AND USE (SALES) TAX TO FUND GENERAL CITY SERVICES; AND DIRECTING THE COUNTY OF SONOMA TO CONDUCT THE ELECTION ON THE CITY'S BEHALF

WHEREAS, in June 2012, the voters of Sonoma adopted a local revenue measure ("Measure J") to mitigate cuts to local city services including police, fire and emergency medical services, street and road maintenance, graffiti abatement and other general community services caused by the elimination of Redevelopment, recession and State takeaways; and

WHEREAS, Measure J established a general transactions and use tax ("sales tax") of one-half of one percent (0.50%) (as authorized by Revenue and Taxation Code section 7285.9), which is enacted as Sonoma City Council Ordinance No. 04-2012; and

WHEREAS, Measure J revenues have been instrumental in preventing budget cuts to vital services; bringing back programs that were cut during the recession and elimination of redevelopment; re-establishing programs that had a significant portion their funding taken by the State; and investing in Sonoma's public safety, streets, parks, infrastructure, and youth programs; and

WHEREAS, the State has taken \$4.5 million from Sonoma; and

WHEREAS, although the revenues raised by Measure J have helped the City maintain essential services and prevent budget cuts, Measure J is scheduled to expire on June 30, 2017; and

WHEREAS, the City's General Fund forecast estimates that if Measure J expires, the City will have multi-million dollar budget deficits for every year into the foreseeable future, which would require reductions in City services adversely affecting 9-1-1 response times, public safety, youth crime intervention programs, economic development programs, community grant programs and parks, street, and pothole maintenance services; and for Sonoma, the long-term fiscally and organizationally sustainable Sonoma, including the need for an ongoing, locally-controlled revenue source to maintain essential programs and services desired by the community; and

WHEREAS, the City Manager's transmittal memo and Executive Summary for the 2016-17 Adopted Budget re-emphasized the importance of the continuation of a voter-approved, locally-controlled revenue source and outlined some of the direct impacts to services that are important to the community if the revenue is not continued; and

WHEREAS, by law, all funds from a City of Sonoma Local Revenue Measure must stay in Sonoma to maintain local services and no funds can be taken by the State; and

WHEREAS, if the Local Revenue Measure is approved, the City wishes to maintain and address service priorities that the public has identified as being important to them, including 9-1-1 emergency response times; maintaining city streets, roads, and repairing potholes; addressing housing, homelessness and transportation needs; and maintaining parks; and

WHEREAS, continued locally-controlled funding will allow the City to address and maintain police, fire and emergency medical services, street maintenance, affordable housing, parks and other general community services; and

WHEREAS, the Local Revenue Measure to be submitted to the voters, if approved, would continue to be imposed on retail transactions involving the sale and use of personal property. The tax rate would be one half of one percent (0.50%) of the sales price of the eligible purchase. The tax revenue would continue to be collected by the State Board of Equalization and remitted to the City. The tax would continue to remain in effect for a period of five years and set to expire on the fifth anniversary of the Operative Date, unless extended by a majority vote of the voters of the City.

WHEREAS, the Sonoma City Council is authorized by California Elections Code Section 9222 to place the Continuation Measure before the voters; and

WHEREAS, Elections Code Section 9282 sets forth the procedures for arguments in favor of or in opposition to any City measure; and

WHEREAS, Elections Code Section 9285 sets forth the procedures for rebuttal arguments; and

WHEREAS, on June 6, 2016, the Sonoma City Council adopted a resolution calling for the City's General Municipal Election to be held on the same day as and consolidated with all other applicable elections to be held on November 8, 2016. It is desirable that the election called by this Resolution be consolidated with the City's General Municipal Election and that, within the City, the precincts, polling places, and election officers of the two elections be the same, and that the Elections Department of the County of Sonoma canvass the returns of the General Election and that the election be held in all respects as if there were only one election; and

WHEREAS, based on all of the information presented at this meeting to consider the "City of Sonoma Local Revenue Continuation Measure", both written and oral, including the staff reports and other relevant materials, the City Council finds that under CEQA Guidelines 15060(c)(2) & (3) and 15378(b)(2) & (4), this resolution is exempt from the California Environmental Quality Act (Public Resources Code Sections 21000 et seq, "CEQA", and 14 Cal. Code Reg. Sections 15000 et seq, "CEQA Guidelines"). The transactions and use tax to be submitted to the voters is a general tax that can be used for any legitimate governmental purpose; it is not a commitment to any particular government action. As such, under CEQA Guidelines section 15060(c)(2) the submission of the sales tax measure to the voters will not result in a direct or reasonably foreseeable indirect physical change in the environment. The proceeds of the tax are anticipated to assist the City with retaining existing governmental functions and services to the public. Therefore, pursuant to CEQA Guidelines section 15378(b)(2), the sales tax measure is not a project pursuant to CEQA. In addition, pursuant to CEQA Guidelines section 15060(c)(3) and 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have either such effect, the city would undertake the required CEQA review for that particular project.

WHEREAS, on July 6, 2016, the City Council adopted Resolution No. 21-2016 placing the City of Sonoma Local Revenue Continuation Measure on the November 8, 2016, ballot, but due to technical issues, that Resolution needs to be rescinded and replaced by this Resolution:

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

1. The foregoing recitals are true and correct and are hereby adopted by the City Council; and
2. Pursuant to California Constitution Article XIII C, Section 2; Government Code Section 53724; and Elections Code Section 9222, the City Council of the City of Sonoma hereby calls an election at which it shall submit to the qualified voters of the City, a measure that, if approved, would continue the existing general sales tax, as authorized by Revenue and Taxation Code Section 7285.9. This measure shall be designated by letter by the Sonoma County Elections Department. Pursuant to Election Code Section 10400 et seq., the election for this measure shall be consolidated with the established election to be held on November 8, 2016; and
3. The question to be presented to the voters shall be as follows:

| | |
|--|-----|
| To continue funding, that cannot be taken by the State, for general city services including preserving the quality of life of Sonoma, and to provide funding for essential services such as police, fire and emergency medical services, street maintenance, affordable housing, parks and other general community services, shall the City of Sonoma extend the existing voter approved sales tax of one-half of one percent for a term of 5 years, with all funds to be spent locally? | YES |
| | NO |

The question requires the approval of a majority of qualified electors casting votes; and

4. The ordinance authorizing the general tax to be approved by the voters pursuant to Sections 2 and 3 of this resolution is as set forth in **Exhibit A** attached hereto. The City Council hereby approves the ordinance, the form thereof, and its submission to the voters of the City at the November 8, 2016 election, as required by Revenue and Taxation Code section 7285.9. The Board of Supervisors of the County of Sonoma is requested to order the County Clerk to set forth in the voter information portion of all sample ballots to be mailed to the qualified electors of the City the full text of the Ordinance and to mail with the sample ballots to the electors printed copies of the full text of the Ordinance, together with the primary arguments and rebuttal arguments (if any) for and against the measure, and to provide absent voters ballots for the election for use by qualified electors of the City who are entitled thereto in the manner provided by law. The Ordinance specifies that the rate of the transactions tax shall be one half of one percent (0.50%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in the City; it specifies that the rate of the use tax shall be one half of one percent (0.50%) of the sales price of tangible personal property stored, used, or otherwise consumed in the City. The State Board of Equalization shall collect the tax from retailers subject to the tax and remit the funds to the City; and

5. The City Clerk is authorized, instructed and directed to work with the County Elections Department as needed in order to properly and lawfully conduct the election. The ballots to be used in the election shall be in form and content as required by law. The County Elections Department is authorized to canvass the returns of the general municipal election and certify the results to the City Council. Thereafter, in accordance with the time prescribed by the Elections Code, the City Council shall declare and cause to be entered in its minutes a statement of the results of the election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections; and
6. The Board of Supervisors of the County of Sonoma is requested to instruct the County Elections Department to provide such services as may be necessary for the holding of the consolidated election. The election shall be held in all respects as if there were only one election. The City of Sonoma recognizes that the County will incur additional costs because of this consolidation and agrees to reimburse the County for those costs. The City Manager is hereby authorized and directed to expend the necessary funds to pay for the City's cost of placing the measure on the election ballot; and
7. In accordance with Section 12111 of the Elections Code and Section 6061 of the Government Code, the City Clerk is hereby authorized and directed to cause notice of the measure to be published once in the Sonoma Index-Tribune, a newspaper of general circulation, printed, published and circulated in the City of Sonoma and hereby designated for that purpose by the City Council of the City of Sonoma. The City Clerk may request that the County of Sonoma Elections Department prepare and publish the required notice; and
8. The polls for the election shall be open at 7:00a.m. on the day of the election and shall remain open continuously from that time until 8:00p.m. that same day, when the polls shall be closed, except as provided by Section 14401 of the California Elections Code. The notice of the time and place of holding the election is hereby given, and the City Clerk is authorized to give further notice of the election, as required by law.
 - a. The last day for submission of primary arguments for or against the measure shall be by 5:00p.m. on August 22, 2016.
 - b. The last day for submission of rebuttal arguments for or against the measure shall be by 5:00p.m. on September 1, 2016.
 - c. Primary arguments shall not exceed three hundred (300) words and shall be signed by not more than five persons.
 - d. Rebuttal arguments shall not exceed two hundred fifty (250) words and shall be signed by not more than five persons; those persons may be different persons than the persons who signed the primary arguments.
 - e. Pursuant to Elections Code Section 9282 (b), Councilmembers Edwards and Hundley are hereby authorized to prepare a written argument and rebuttal in favor of the proposed ordinance on behalf of the City Council. At Councilmembers Edwards and

Hundley discretion, the argument may also be signed by bona fide associations or by individual voters who are eligible to vote.

f. Pursuant to California Elections Code Section 9280, the City Council hereby directs the City Clerk to transmit a certified copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed five hundred (500) words in length, showing the effect of the measure on the existing law and the operation of the measure, and transmit the impartial analysis to the Elections Department as required by law.

g. Pursuant to California Elections Code Section 9285, when the City Clerk has selected the arguments for and against the measure, which will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. Rebuttal arguments shall be printed in the same manner as the primary arguments. Each rebuttal argument shall immediately follow the primary argument which it seeks to rebut.

9. The City Clerk is directed to file certified copies of this Resolution with the Board of Supervisors and the County Clerk of the County of Sonoma, together with the attached ballot measure; and
10. The jurisdictional boundaries of the City of Sonoma have not changed since the last general municipal election; and
11. This resolution shall become effective immediately upon its passage and adoption.
12. City of Sonoma Resolution No. 21-2016 is hereby rescinded in its entirety and shall be of no further force or effect.

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the City Council of the City of Sonoma, Sonoma County, California, at a meeting thereof, held on the 18th day of July, 2016, by the following vote:

AYES:

NOES:

ABSENT:

Laurie Gallian, Mayor

ATTEST:

Gay Johann, Assistant City Manager/City Clerk

CITY OF SONOMA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SONOMA
CONTINUING AN EXISTING VOTER APPROVED TRANSACTIONS AND USE TAX TO BE
ADMINISTERED BY THE STATE BOARD OF EQUALIZATION

BE IT ORDAINED BY THE VOTERS OF THE CITY OF SONOMA:

SECTION 1. FINDINGS

- A. In 2012, a majority of the voters of the City of Sonoma approved a one-half of one percent (0.5%) Transactions and Use Tax by the adoption of Ordinance No. 04-2012 ("Ordinance 4-2012"), a true and correct copy of which is attached hereto as **Exhibit A-1**. Under Section 5 of Ordinance 4-2012, the tax imposed under Ordinance 4-2012 shall expire September 30, 2017, unless extended by a vote of the City's voters.
- B. Ordinance 04-2012 was codified in the City's Municipal Code as Chapter 3.13.
- C. It is the desire of the City Council of the City of Sonoma and the voters of the City of Sonoma to continue and extend said Transactions and Use Tax for an additional five (5) years beyond the termination date specified in Ordinance 4-2012.

SECTION 2. ORDINANCE AMENDMENT

- 1. Section 5 of City of Sonoma Ordinance No. 04-2012 is hereby amended to read as follows: "TERMINATION DATE. The authority to levy the tax imposed by this ordinance shall expire on September 30, 2022, unless extended by a majority vote of the voters of the City."
- 2. Section 3.13.140 is added to the City of Sonoma Municipal Code to read: "The authority to levy the tax imposed by the ordinance codified in this Chapter 3.13 shall expire on September 30, 2022, unless extended by a majority vote of the voters of the City."

SECTION 3. SEVERABILITY If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 4. EFFECTIVE DATE. This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately.

Upon approval by a majority of the voters of the City, and upon adoption of a resolution declaring the election results, the Mayor shall hereby be authorized to attest to the adoption of this Ordinance by the voters of the City by signing where indicated below.

THE FOREGOING ORDINANCE was adopted by Declaration of the vote of the Sonoma City Council on the _____ day of _____ 2016, at a regular meeting of the Sonoma City Council by the following vote, to wit:

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AYES:
NOES:
ABSTAIN:
ABSENT:

_____, Mayor

ATTEST:

_____, City Clerk

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CITY OF SONOMA

ORDINANCE NO. 04 – 2012

AN ORDINANCE OF THE CITY OF SONOMA
IMPOSING A TRANSACTIONS AND USE TAX TO BE
ADMINISTERED BY THE STATE BOARD OF EQUALIZATION

BE IT ORDAINED BY THE VOTERS OF THE CITY OF SONOMA:

SECTION 1. FINDINGS. The voters of the City of Sonoma hereby find and declare as follows:

1. The City is experiencing an existing and immediate funding crisis, which is the result of factors largely outside of its control, namely the California Supreme Court's decision on December 29, 2011 in *CRA v. Matosantos* upholding State legislation, Assembly Bill 1X 26 (AB1X 26). AB1X 26 causes all redevelopment agencies in California including the Sonoma Community Development Agency, which had been in existence for over 28 years, to be dissolved as of February 1, 2012.
2. Recurring State takeaways and borrowing of local funds dramatically impact the City's ability to maintain vital and high quality services. In Fiscal Year 2009-10, the State borrowed 8% of the City's property tax share (\$132,925) and took \$1.9 million from the Sonoma Community Development Agency. In Fiscal Year 2010-11, the State took an additional \$394,918 from the Sonoma Community Development Agency. Other ways to "take" additional monies from cities are continuously being considered by the State Legislature to address the State's own budget crisis, while the City of Sonoma continues to be fiscally prudent. The State's inability to balance its own budget continues to negatively impact our local community and the services provided by the City of Sonoma.
3. Despite the steps the City has taken to align its General Fund budget in a sustainable manner over the past four years of the ongoing nationwide recession, the dissolution of redevelopment has placed the City's General Fund in an unsustainable and structural deficit position which is likely to result in decreasing public safety, road maintenance and other essential services. Absent redevelopment as a funding source, current City General Fund resources cannot support our community's current services, needs and levels of services.
4. The City has not sought new revenue from its voters in 20 years, and has not raised its fee schedule since 2008, in recognition of the difficulties of its residents and businesses in dealing with the effects of the nationwide downturn in the economy which resulted in an extended recession with local impacts.
5. Because of changes in State law, particularly the approval of Propositions 62 and 218, the City has very few means available for increasing General Fund revenue.
6. In 2011, the Sonoma Community Development Agency issued Tax Allocation Bonds in an amount of \$15,750,000 in order to finance major capital improvement projects within the former Redevelopment Project Area including public infrastructure, streets improvements, stormwater infrastructure, bikeway and pedestrian improvements,

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sidewalk improvements, traffic safety improvements, handicap accessibility upgrades to parks and public areas, renovation of a public library, capital grants to partner agencies, renovation, seismic upgrades and Americans with Disabilities Act (ADA) compliance upgrades of historic landmark properties, and funding dedicated to affordable housing projects, all projects which were planned and identified in the Sonoma Community Development Agency's 5-Year Implementation Plan publicly adopted in December 2009. In January 2012, the DOF issued its interpretation of the tax allocation bond provisions of AB1X 26. Said DOF interpretations do not allow unexpended bond proceeds to be utilized for the purposes for which the bonds were sold and instead require said funds to be used to defease the bonds whose sale generated said funds at the earliest possible opportunity. Although said DOF interpretations continue to be the subject of debate and challenge, out of an excess of caution the City and Successor Agency have halted approximately one-half of the CDA's planned public improvement projects, most of which were road improvement and upgrade projects.

7. Absent a new source of General Fund revenue, the City's ability to maintain public service levels, roads and infrastructure is uncertain, and the City's General Fund budget will be out of balance by a minimum of approximately \$1,234,926 starting July 1, 2012, and on an ongoing basis thereafter, resulting in either the need for drastic public service reductions and/or depletion of City reserve balances leaving the City at risk of not having adequate reserves set aside for natural or man-made disasters and emergencies.
8. Unless a new funding source is found, public facilities and property will not be properly maintained, road and hardscape surface quality will degrade, public safety standards will degrade, police response times are likely to increase, the community will not have safe and maintained parks and open spaces, graffiti is likely to be left unchecked, businesses and families will be discouraged from moving to or remaining in Sonoma, and the health, safety, and welfare of the residents of Sonoma will be endangered. With police and fire, and emergency medical services comprising over 74% of the City's General Fund budget, the City cannot avoid considering potential cuts to public safety, absent a new revenue source, which could likely result in longer 9-1-1 emergency response times.
9. Because of that threat to the public health, safety, and welfare, an emergency exists in the City, as the term "emergency" is used in Article XIII C, section 2(b) of the California Constitution. The City must immediately address that emergency by ensuring that the City has the resources necessary to preserve the public health, safety, and welfare.
10. The identified emergency necessitates that the City Council submit a tax measure to the voters of Sonoma at the June 5, 2012 election, even though such an election would not be consolidated with a general election for a member of the Council.
11. Article XIII C, section 2(b) of the California Constitution permits the City, in an emergency situation such as that declared herein by the City Council, to seek voter approval for a general tax at an election that is not consolidated with an election for a member of the Council.

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SECTION 2: Amendment of Code: Chapter 3.12 "2012 Transactions and Use Tax" shall be added to the Sonoma Municipal Code and shall read as follows

3.13.010 TITLE. This ordinance shall be known as the City of Sonoma Transactions and Use Tax Ordinance. The city of Sonoma hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

3.13.020 OPERATIVE DATE. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, the date of such adoption being as set forth below.

3.13.030 PURPOSE. This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

3.13.040. CONTRACT WITH STATE. Prior to the Operative Date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the State Board of Equalization prior to the Operative Date, it shall nevertheless so contract and in such a case the Operative Date shall be the first day of the first calendar quarter following the execution of such a contract.

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3.13.050. TRANSACTIONS TAX RATE. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of one-half of one percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the Operative Date of this ordinance.

3.13.060. PLACE OF SALE. For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

3.13.070. USE TAX RATE. An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the Operative Date of this ordinance for storage, use or other consumption in said territory at the rate of one-half of one percent of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

3.13.080. ADOPTION OF PROVISIONS OF STATE LAW. Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

3.13.090. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance.

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3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

3.13.100. PERMIT NOT REQUIRED. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

3.13.110. EXEMPTIONS AND EXCLUSIONS.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

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a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the Operative Date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the Operative Date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the Operative Date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the Operative Date of this ordinance.

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5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

3.13.120. AMENDMENTS. All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

3.13.130. ENJOINING COLLECTION FORBIDDEN. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

SECTION 3. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

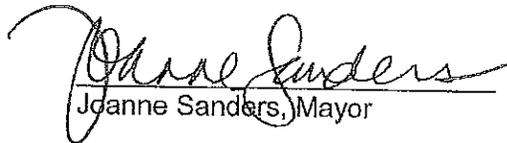
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SECTION 4. EFFECTIVE DATE. This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately.

SECTION 5. TERMINATION DATE. The authority to levy the tax imposed by this ordinance shall expire on the fifth anniversary of the Operative Date, unless extended by a majority vote of the voters of the City.

THE FOREGOING ORDINANCE was adopted by Declaration of the vote of the Sonoma City Council on the 2nd day of July, 2012 at a regular meeting of the Sonoma City Council by the following vote, to wit:

| | |
|----------|---|
| AYES: | Barbose, Rouse, Brown, Gallian, Sanders |
| NOES: | None |
| ABSTAIN: | None |
| ABSENT: | None |


Joanne Sanders, Mayor

ATTEST:


Gay Johann, City Clerk

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City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 4F

Meeting Date: 07/18/2016

Department

Public Works

Staff Contact

Dan Takasugi, Public Works Director/City Engineer

Agenda Item Title

Adoption of Plans and Specifications, Award a Contract to VSS International, Inc., lowest responsible bidder, for the 2016 Citywide Slurry Seal Project No. 1601, Authorize the City Manager to execute a construction contract in the amount of \$117,120.00, and Authorize the Planning Director to sign the CEQA Notice of Exemption.

Summary

The 2016 Citywide Slurry Seal Project generally involves street surface treatment (slurry seal) for 16 street segments throughout the City. Specifically, the improvements consist of surface preparation; crack seal; removal and replacement of pavement striping and markings; protection of existing utility structures, curb and gutter and cross gutter; traffic control; and other related work. Plans and Specifications may be viewed in the City's online plan room at: www.blueprintexpress.com/sonomacity.

The lowest responsible base bid was \$117,120.00. Based on the award amount, there is the option of including budget to add two street segments (bid alternates) to the project. It is intended to initiate a planned change order to add Fourth Street West (West MacArthur Street to 175' north of Arroyo Street) and Fourth Street West (West Napa Street to West Spain Street) to the project for an anticipated additional cost of \$15,700.00, after award of the contract at the low bidder's unit costs. This will bring the planned project construction cost to \$132,900.00. This total construction cost remains below the engineer's estimate of \$139,300.00.

Eight bids were received and are summarized in Table 1 on the following page. In accordance with the guidelines in City Purchasing Policy No. 2.1, the City Manager is authorized to approve contract change orders of up to 20 percent of the base bid amount.

Recommended Council Action

It is recommended that Council: a) Adopt the Plans and Specifications for the 2016 Citywide Slurry Seal Project No. 1601, b) Accept the bids and award the contract to VSS International, Inc., the lowest responsible bidder, waiving the immaterial irregularity of not signing the first page of the two page bid form, c) Authorize the City Manager to execute a construction contract for \$117,120.00, and d) Authorize the Planning Director to sign the CEQA Notice of Exemption.

Alternative Actions

Council discretion.

Financial Impact

The Council approved funding in the amount of \$155,000 for the construction of the 2016 Citywide Slurry Seal Project in the FY16/17 CIP Budget. The approved budget includes costs for a 10% contingency, construction management/inspection (performed by City Staff), and engineering support during the construction phase.

Environmental Review

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

Status

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

Alignment with Council Goals:

Supports the Council Infrastructure Goal to maintain the Streets Capital repair program.

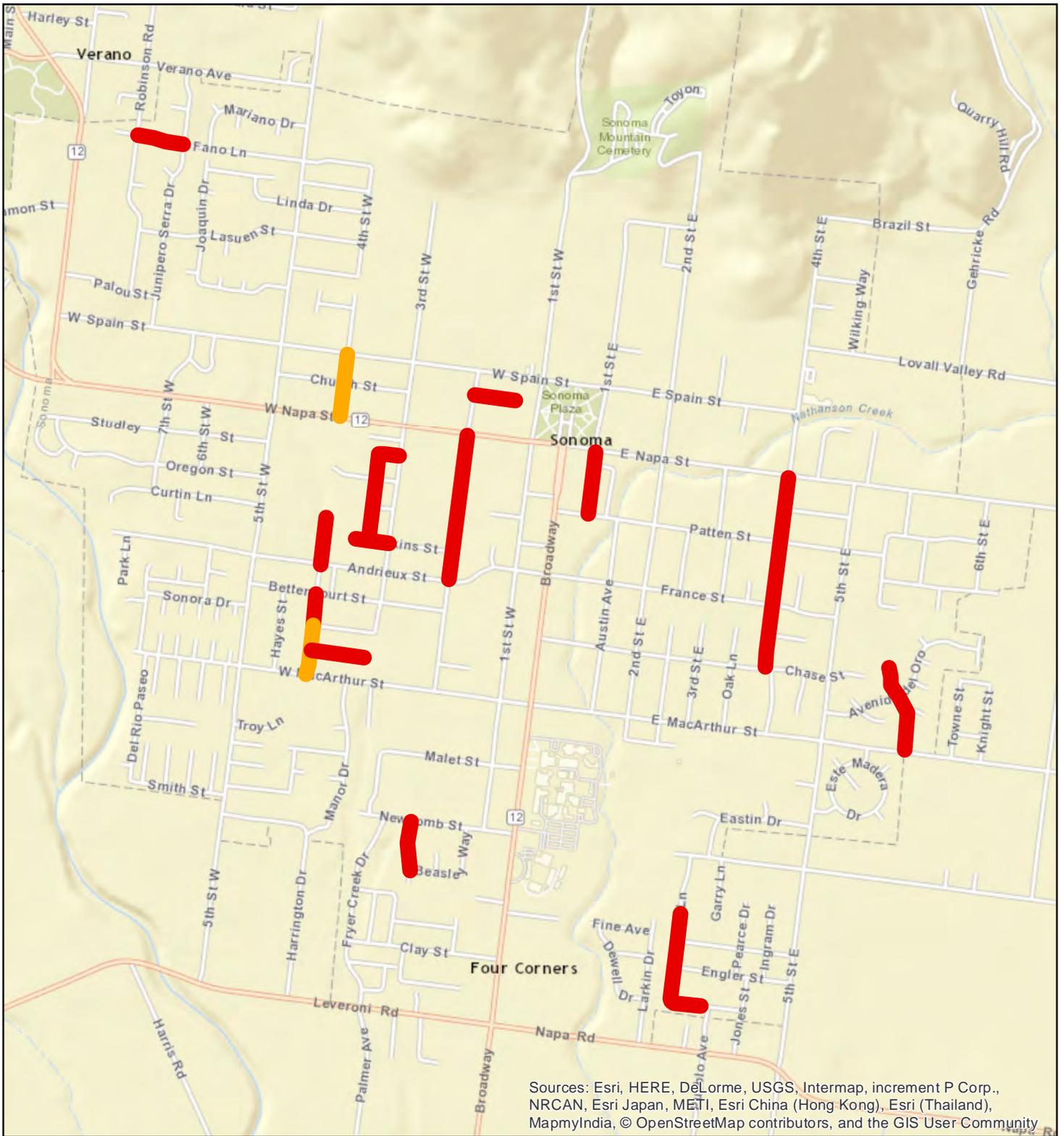
Attachments: Figure 1 Project Location
CEQA Notice of Exemption

Table 1, Bid Results

| | Bidder Name | Company Location | Base Bid Amount |
|---|---|---------------------|-----------------|
| | Engineer's Estimate | | \$139,300.00 |
| 1 | VSS International, Inc. | West Sacramento, CA | \$117,120.00 |
| 2 | Graham Contractors, Inc. | San Jose, CA | \$130,593.00 |
| 3 | Bond Blacktop, Inc | Union City, CA | \$138,218.60 |
| 4 | Telfer Pavement Technologies, LLC | McClellan, CA | \$140,230.00 |
| 5 | American Pavement Systems, Inc. | Modesto, CA | \$140,710.00 |
| 6 | Intermountain Slurry Seal, Inc. | Elk Grove, CA | \$145,280.00 |
| 7 | California Pavement Maintenance Company, Inc. | Sacramento, CA | \$155,035.80 |
| 8 | Sierra Nevada Construction, Inc. | Sparks, NV | \$168,475.00 |

Table 2, Slurry Seal Street Segments

| Street (Slurry Seal Application Area) | Limits of Work | | Approximate Quantity | | |
|---------------------------------------|--------------------------|----------------------|----------------------|-----------------|-----------|
| | Limit From | Limit To | Length (ft) | Avg. Width (ft) | Area (sf) |
| Fourth Street West | 175' n/o Arroyo Wy | Bettencourt St | 145 | 37 | 5,365 |
| Church Street | Second Street West | Church Street | 408 | 28 | 11,424 |
| Fourth Street West | Andrieux St | North Dead End | 445 | 20 | 8,900 |
| Nicoli Lane | Fourth St W | Cul de Sac | 563 | 32 | 18,016 |
| Fano Lane | Robinson Road | Junipero Serra Drive | 454 | 33 | 14,982 |
| Perkins Street | w/o Barrachi Wy | Third St W | 301 | 32 | 9,632 |
| Fourth Street East | Chase Street | Patten Street | 1247 | 32 | 39,904 |
| Cox Street | Dead End s/o Beasley Way | Newcomb Street | 647 | 37 | 23,939 |
| Second Street West | Andrieux St | W Napa St | 1464 | 38 | 55,632 |
| Fourth Street East | Patten Street | East Napa Street | 636 | 29 | 18,444 |
| Barrachi Way | Perkins Street | Banchero Street | 804 | 23 | 18,492 |
| Cordilleras Drive | MacArthur Street | Ave Del Oro | 552 | 33 | 18,216 |
| Banchero Street | Barachi Way | Third Street East | 215 | 23 | 4,945 |
| Brockman Lane/Street | Cul de Sac/Bulb | Lot #366/Pave CHG | 1000 | 26 | 26,000 |
| Cordilleras Drive | Ave. Del Oro | Private Drive | 297 | 33 | 9,801 |
| First Street East | Patten Street | East Napa Street | 612 | 34 | 20,808 |
| Total for Base Bid (Rounded) | | | | | 305,000 |



Slurry Limits of Work

- Base Bid Slurry Seal Limits
- Potential Additional Streets

| | | | | |
|--|--|--|---|--|
| <p>Paper Size 8.5" x 11" (ANSI A)</p> <p>0 350 700 1,050 1,400</p> <p style="text-align: center;">Feet</p> <p>Map Projection: Lambert Conformal Conic Horizontal Datum: North American 1983 Grid: NAD 1983 StatePlane California II FIPS 0402 Feet</p> | | | <p>City of Sonoma 2016 Citywide Slurry Seal Project Project Number 1601</p> | <p>Job Number 11121555 Revision 0 Date 16 May 2016</p> |
|--|--|--|---|--|

Location and Limits of Slurry Seal Figure 1

N:\US\Santa Rosa\Projects\111\11121555 Sonoma 2016 Citywide Slurry\08-GIS\Maps\Figures\Figure 1.mxd
© 2012. While every care has been taken to prepare this map, GHD (and DATA CUSTODIAN) make no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and cannot accept liability and responsibility of any kind (whether in contract, tort or otherwise) for any expenses, losses, damages and/or costs (including indirect or consequential damage) which are or may be incurred by any party as a result of the map being inaccurate, incomplete or unsuitable in any way and for any reason.
Data source: Sonoma County, Parcels, 2012; GHD, Limits of Slurry Seal, 2014. Created by:afisher2



CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 7A

Meeting Date: 07/18/2016

Department

Administration

Staff Contact

Carol E. Giovanatto, City Manager

Agenda Item Title

Discussion, Consideration and Possible Action to Approve the Agreement with the Sonoma Valley Visitors Bureau For Visitors Center Operations and Visitor Information Services for the period July 1, 2016 through June 30, 2019

Summary

Since 2004, the City of Sonoma through the Sonoma Community Development Agency has maintained a funding agreement with the Sonoma Valley Visitors Bureau. This agreement covered Visitor Center Operations and Visitor Information Services which enhance and promote the economic viability of the City which included the (former) Sonoma Redevelopment Project Area. The agreement called for a payment of \$218,000 annually to be paid to the Visitors Bureau for their services. In 2011 when the Governor eliminated redevelopment agencies, it allowed a phase-out period for funding of existing agreements until their expiration date. The agreement between the City/Agency and the Bureau contained an expiration date of June 30, 2016. The Visitors Bureau requested a renewal of the agreement and discussions were initiated in late 2015 regarding reducing the parameters of funding levels due to the loss of the City's funding source.

Following several meetings during which the Visitors Bureau completed a full budget review under their new Executive Director, and conferred with the Tourism Improvement Bureau (TID), the TID Board voted to support funding an additional \$100,000 towards the Plaza Center if the City would additionally support a funding level of \$100,000. This would substantially mitigate the loss of the \$218,000 in redevelopment funding leaving a shortfall of \$18,000 to be absorbed by the Visitor's Bureau budget through other means of expenditure reductions. An updated agreement was prepared based on a three-year period commencing July 1, 2016 and expiring June 30, 2019. The agreement sets forth the services to be provided by the Sonoma Valley Visitors Bureau.

The Sonoma Valley Visitors Bureau provides valuable Visitors Center Operations and Information Services to the core downtown Plaza area. Its concierge and hospitality provides visitors their first exposure to the City and assists with lodging, restaurant and entertainment venues. The Visitors Bureau has also been instrumental in assisting with monitoring the tour busses and parking in the Plaza horseshoe and monitoring TOT and vacation rental licensing to assure compliance with City regulations.

Recommended Council Action

Approve the Resolution and authorize the City Manager to sign on behalf of the City.

Alternative Actions

Do not adopt the Resolution; request additional information.

Financial Impact

Annual cost to the General Fund of \$100,000; amount has been budgeted for FY 2016-17

Environmental Review

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

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

Resolution
Agreement with Sonoma Valley Visitors Bureau

Alignment with Council Goals:

CITY CHARACTER: Foster more connectivity with the Sonoma Valley Visitors Bureau marketing program to insure that a nexus is established between tourism, hometown character and residents of the community

Compliance with Climate 2020 Action Plan Target Goals:

cc:

Jonny Westom, Executive Director, Sonoma Valley Visitors Bureau via email

**CITY COUNCIL
CITY OF SONOMA**

RESOLUTION NO. ____-2016

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA
APPROVING THE AGREEMENT WITH SONOMA VALLEY VISITORS
BUREAU FOR VISITOR CENTER OPERATIONS AND VISITOR
INFORMATION SERVICES**

WHEREAS, the Sonoma Valley Visitors Bureau provides valuable services to the City of Sonoma through its efforts to maintain and enhance the economic viability by providing enhanced visitor information services, and

WHEREAS, with the expiration of redevelopment funding the Sonoma Valley Visitors Bureau suffered a loss of a total of \$218,000 in operational funding, and

WHEREAS, the City of Sonoma negotiated a three year successor agreement for FY 2016-17 through 2018-19 to reflect a reduced funding for the Visitors Center Operations and Visitor Information Services in the amount of \$100,000 for each of the three fiscal years.

NOW THEREFORE BE IT RESOLVED, that the City Council hereby approves the agreement between the City and the Sonoma Valley Visitors Bureau, and

BE IT FURTHER RESOLVED that the City Manager is authorized and directed to sign the agreement.

The foregoing Resolution was duly adopted this 18th day of July 2016, by the following vote:

Ayes:
Noes:
Absent:

Laurie Gallian, Mayor

ATTEST:

Gay Johann, Assistant City Manager/City Clerk

AGREEMENT

Visitor Center Operations and Visitor Information Services Carnegie Building at 453 First Street
East, Sonoma, CA 95476

This AGREEMENT made and entered into on this _____ day of July 2016, by and between the City of Sonoma, a municipal corporation (hereinafter CITY) and Sonoma Valley Visitors Bureau, a non-profit corporation, (hereinafter BUREAU).

WITNESSETH

WHEREAS, the BUREAU provides a valuable service to the City of Sonoma through its efforts to maintain and enhance the economic viability of the community, and

WHEREAS, the CITY has relied on certain representations in authorizing the execution of this agreement, and

WHEREAS, the BUREAU has maintained an on-going partnership relationship with the CITY through an agreement with the former Sonoma Community Development Agency of the City of Sonoma until the dissolution of redevelopment by the Governor in 2011, and

WHEREAS, the BUREAU is willing and able to continue to perform the services herein provided under direct contract agreement with the CITY.

NOW, THEREFORE, IT IS AGREED by the parties hereto as follows:

1. Payment by the City

A. From July 1, 2016 through June 30, 2019 the City of Sonoma shall pay BUREAU the minimum sum of \$100,000 payable in 12 monthly increments of \$8,333.33 for services to be performed. Payments shall be made no later than the 10th day of each month. The CITY agrees to lease space to the BUREAU at the Carnegie Building at 453 First Street East, Sonoma, CA 95476 for the amount of \$1/year following the exhausting of credits due to the BUREAU from the CITY.

1. In consideration, the BUREAU promises and agrees to render the following services on behalf of the CITY during this period:
 - a. The BUREAU shall respond to all written and telephone requests for information relating to visitor's services in the City of Sonoma.
 - b. The BUREAU shall respond to all pedestrian inquiries relating to the above.
 - c. The BUREAU shall maintain a calendar of community events to assist event planners in attempts to avoid conflicts.
 - d. The BUREAU shall maintain statistics regarding the origin and number of visitors coming to the Visitor Centers.
 - e. The BUREAU shall maintain a list of services which can be used by those planning special events of a personal nature, such as weddings and anniversaries, and those planning business events such as seminars and tradeshow.
 - f. The BUREAU shall maintain a lodging availability network to provide information to visitors regarding the kinds, type and cost of available lodging within the City of Sonoma.

- g. The BUREAU shall also supply information when requested by magazines, periodicals, newspapers, and event planners for the purpose of promoting and encouraging economic development in the City of Sonoma.
- h. To the best of its ability, the BUREAU shall not promote unlicensed businesses in the City of Sonoma.
- i. The BUREAU shall assist the CITY in monitoring commercial transportation busses, limo services and other forms of visitor transit services to assure they comply with City parking regulations.

The Bureau shall provide annual written activity reports to CITY to provide sufficient information to track the accomplishment of the services described in Subsections (a) through (h) hereinabove. Reports are to be received by City not later than 60 days following the end of the fiscal year.

2. The BUREAU agrees to utilize the funding from the CITY for the purposes of community promotion and economic development in accordance with the Council's adopted goals and the goals of the City's General Plan which encourages ..."a healthy, growing economy, compatible with Sonoma's scale and character and contributing to its quality of life..." which would be ..."dominated by retail, service, and professional businesses, with agriculture as a strong and essential component, supported and enhanced by tourism."
3. The BUREAU agrees to account for all funding provided and to keep complete books and records thereof and to make available and to submit to audit by the CITY all such records upon the City's request and without prior notice. Complete financial statements including P&L shall be submitted to CITY upon request.
4. The BUREAU shall indemnify, hold harmless and defend the CITY, its agents and employees for all liability, actions, claims, damages, costs or expenses including attorney's fees and witness costs which may be asserted by any person including the BUREAU arising out of or in connection with the performance by the BUREAU hereunder except that arise out of the sole negligence of the CITY.
5. BUREAU agrees to have and maintain, for the duration of the contract, a General Liability insurance policy in an amount not less than One Million Dollars (\$1,000,000) combined single limit per occurrence and in the aggregate for bodily injury, personal injury and property damage.
6. Workers' Compensation and Employers' Liability policy written in accordance with the laws of the State of California and providing coverage for any and all employees of BUREAU.
7. The amount and nature of the insurance BUREAU is required to provide hereunder may be modified from time to time by the City, in the exercise of the City's reasonable discretion and based upon the recommendation of the City's insurance pooling authority.
8. The BUREAU shall comply with all applicable federal, state, and local laws, rules and regulations in regard to non-discrimination in employment because of race, ancestry, color, sex, age, national origin, religion, marital status, medical condition, or disability and in regard to access to facilities, programs and services by persons with disabilities.
9. Except as above, neither party hereto shall assign, sublet or transfer any interest in or duty under this agreement without written consent of the other, and no assignment shall

be of any force or effect whatsoever unless and until the other party shall have so consented.

10. At any time and without cause, the CITY shall have the right in its sole discretion to terminate this agreement by giving written notice to the BUREAU. In the event of such termination, CITY shall pay the BUREAU for services rendered to such date but shall have no obligation to pay any amount beyond the date of termination. Any monthly portions shall be prorated. Notwithstanding the above language, this agreement shall terminate on June 30, 2019 unless extended by mutual agreement of the parties. The CITY shall provide 90 days' notice of CITY intention to terminate prior to termination. CITY will endeavor to resolve any differences as to avoid any cause for termination of agreement prior to end date.
11. The BUREAU covenants that it presently has no interest and shall not acquire any interest, direct or indirect which would conflict in any manner or degree with the performance of its services hereunder. The BUREAU further covenants that in the performance of this contract, no person having any such interest shall be employed.
12. If the BUREAU should fail to perform any of its obligations hereunder within the time and manner herein provided, or otherwise violates any of the terms of this agreement, there shall be deducted from any unpaid amount, the amount of damage, if any, sustained by the CITY by virtue of the breach of the Agreement by the BUREAU. It is understood by the parties that this remedy is not exclusive and the CITY reserves its rights to other remedies for breach in both law and equity.
13. In the event either party brings an action or proceeding for damages arising out of the other's performance under this Agreement or to establish the right or remedy of either party, the prevailing party shall be entitled to recover reasonable attorney's fees and costs as a part of such action or proceeding.
14. Nothing contained in the agreement shall be construed to create and the parties do not intend to create any rights in third parties.
15. Notices and payments shall be mailed to the parties at the following addresses:

| | |
|--|---|
| <u>CITY</u> City of Sonoma No. 1 The Plaza Sonoma, CA 95476 | <u>BUREAU</u> Sonoma Valley Visitors Bureau 453 First Street East Sonoma, CA 95476 |
|--|---|
16. Nothing contained in this agreement or otherwise shall be construed as constituting a joint venture between the CITY and the BUREAU. The services provided by the BUREAU shall be solely the responsibility of the BUREAU.
17. This Agreement represents the entire and integrated agreement between CITY and BUREAU and supersedes all prior negotiations, representation or agreements, either written or oral. This Agreement may be modified or amended only by a subsequent written agreement signed by both parties.
18. The laws of the State of California shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and shall also govern the interpretation of this Agreement.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and the day and year first above written.

CITY OF SONOMA

ATTEST:

City Manager

City Clerk

Date

SONOMA VALLEY VISITORS BUREAU

Executive Director

Date



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 7B

Meeting Date: 07/18/2016

Department

Administration

Staff Contact

Jeffrey A. Walter, City Attorney

Carol E. Giovanatto, City Manager

Agenda Item Title

DISCUSSION, CONSIDERATION AND POSSIBLE ADOPTION OF A RESOLUTION CALLING FOR AN ELECTION ON A PROPOSED BALLOT MEASURE AMENDING CHAPTER 7.24 OF THE SONOMA MUNICIPAL CODE (CITY'S SMOKING ORDINANCE) TO IMPOSE MORE STRINGENT RESTRICTIONS AND PROHIBITIONS ON SMOKING IN THE CITY OF SONOMA

Summary

At the City Council's May 16, 2016 meeting, staff presented background information and other data pertaining to the need to update and modernize the City's Smoking Ordinance codified at Chapter 7.24 of the City's Municipal Code. As a result, the Council introduced and later on June 6, 2016, adopted Ordinance No. 04-2016 which regulates smoking and tobacco product use in the City. By its terms, Ordinance No. 04-2016 would not become enforceable until the City's existing smoking ordinance (adopted by initiative in 1992) was repealed, the thought being that the repeal of the 1992 smoking ordinance would be placed on the November 8, 2016, ballot.

In crafting the ballot question to be posed to the voters in anticipation of the Council submitting the repeal of the 1992 ordinance to the voters in November, the City Manager and City Attorney realized that significant voter confusion would likely result from a question that asks the voters to approve the repeal of an existing smoking ordinance so as to allow the enforcement of a new and more stringent smoking ordinance adopted by the City Council. It was determined that a more straightforward and simpler approach could achieve the same end. Namely, having the Council submit the new smoking ordinance (in the same form and substance as Ordinance No. 04-2016) to the voters as an amendment to Chapter 7.24 and a replacement of the 1992 ordinance. Thus, the ballot question could simply be whether or not the new ordinance should be adopted, thus replacing and amending the 1992 ordinance.

Attached, therefore, is a resolution placing before the voters on November 8, 2016, a measure that will entirely amend Chapter 7.24 and in substance identical to Ordinance No. 04-2016 previously adopted by the City Council. In the event that the measure is approved by the voters on November 8, 2016, thereafter the Council, as cleanup, can simply repeal Ordinance No. 04-2016.

Recommended Council Action

Approve the resolution to place the new smoking ordinance, amending Chapter 7.24 in its entirety, on the November 8, 2016, ballot.

Alternative Actions

Do not approve the resolution; set special meeting for reconsideration and/or consideration of a different resolution with a different ordinance prior to August 12, 2016.

Financial Impact

Placing the new smoking ordinance on the November 8, 2016, ballot will cause the City to incur incremental cost increases with the County Elections Department.

Environmental Review

Status

61

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

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

Resolution placing new smoking ordinance on the November 8, 2016, ballot.

Proposed ordinance to be submitted to the voters for action at the November 8, 2016, election.

cc:

SUPPLEMENTAL REPORT

Discussion, Consideration and Possible Adoption of Resolution Calling for an Election on a Proposed Ballot Measure Amending Chapter 7.24 of the Sonoma Municipal Code (City's Smoking Ordinance) to Impose More Stringent Restrictions and Prohibitions on Smoking in the City of Sonoma

For Council Meeting of July 18, 2016

At its meeting on June 6, 2016, the City Council adopted Ordinance No. 04-2016, an ordinance comprehensively revising and making more stringent the prohibitions and restrictions on smoking in the City of Sonoma. The intent of Ordinance No. 04-2016 was to replace the City's existing smoking ordinance codified at Chapter 7.24 of the City's Municipal Code.

Chapter 7.24 is a codification of Ordinance No. 92-22 ("original smoking ordinance" or "Ordinance 92-22").

Due to the passage of time and a greater and more comprehensive understanding of the adverse effects of second-hand smoke, Ordinance 92-22 was viewed as not sufficiently protective of the health and safety of residents of and visitors to the City of Sonoma. Thus, it became apparent that Ordinance 92-22 needed to be amended to strengthen and make more comprehensive its prohibitions. However, Ordinance 92-22 was enacted by the voters in 1992 and Ordinance 92-22 did not contain a provision allowing future City Councils to amend the ordinance, as conditions and changing scientific data might warrant. Under the law, therefore, the only way to amend or repeal Ordinance 92-22 was to submit a new ordinance to the voters that would amend Ordinance 92-22 in a fashion deemed appropriate by the electorate.

City Council Ordinance No. 04-2016 was structured such that it would become enforceable only if Ordinance 92-22 was repealed by the voters at a subsequent election. However, in attempting to craft the ballot question that would be placed in the voters' pamphlet and in the ballot itself, the City Manager and City Attorney's office concluded that the form of the question would likely cause confusion in the minds of the voters. Thus, for example, a proposed ballot question seeking to repeal Ordinance 92-22 might read:

"Shall Sonoma's 1992 smoking ordinance, which partially bans smoking in the City of Sonoma, be repealed, thereby allowing the City to implement new City Council Ordinance No. 04-2016 which bans smoking in public places, multi-unit residences, hotels and motels, enclosed common areas, enclosed dining areas, outdoor recreational areas and parks, outdoor public places, outdoor dining areas, and within 25' of any area where is smoking is prohibited?"

Trying to explain to the voters that a previous initiative measure needs to be repealed in order to allow a City Council ordinance to become enforceable was perceived as unnecessarily convoluted. Thus, a more direct approach was developed and is now being proposed to the Council. Namely, the same ordinance that the Council adopted on June 6, 2016 (Ordinance No. 04-2016), has been modified to state that it is an ordinance of the people of the City of Sonoma, but it retains the identical substantive provisions of Ordinance No. 04-2016. In addition, this modified ordinance includes a provision granting to the City Council the power to amend the ordinance in the future, as conditions warrant. Thus, if this ordinance is approved by the voters, and it is necessary to amend it in the future to meet changing circumstances and/or scientific

evidence pertaining to the adverse effects of smoking, it can be amended by the City Council without having the measure being returned to the voters for approval.

Attached please find the modified smoking ordinance which the City Manager and City Attorney are recommending the Council submit to the voters in November 2016. In addition, attached please find a resolution calling for the election and submitting the ordinance to the voters, along with a statement of the ballot question which will appear in the voters' material and on the ballot. That ballot question reads as follows:

““In order to more comprehensively protect the health and safety of the citizens of Sonoma shall an ordinance be adopted that amends the City's existing 1992 smoking ordinance to include more restrictions by prohibiting smoking in public places, multi-unit residences, hotels and motels, enclosed common areas, enclosed dining areas, outdoor recreational areas and parks, outdoor public places, outdoor dining areas and within 25 feet of any area where smoking is prohibited?”

CITY OF SONOMA

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA
GIVING NOTICE OF AND ESTABLISHING THE POLICIES AND
PROCEDURES FOR A REGULAR ELECTION TO ADOPT AN
ORDINANCE AMENDING CHAPTER 7.24 OF THE CITY'S MUNICIPAL
CODE WHICH MORE COMPREHENSIVELY PROHIBITS SMOKING
AND IMPOSES MORE STRINGENT CONTROLS ON SMOKING IN
PLACES AND BUILDINGS IN THE CITY; AND DIRECTING THE
COUNTY ELECTIONS DEPARTMENT TO CONDUCT THE ELECTION
ON THE CITY'S BEHALF**

**[MUNICIPAL ELECTION]
NOVEMBER 8, 2016**

RECITALS

WHEREAS, in 1992 the voters of the City adopted an initiative measure placed on the ballot by the then City Council as Ordinance No. 92-22 ("Ordinance 92-22"). Upon its adoption, Ordinance 92-22 was codified in the City's Municipal Code as Chapter 7.24. Under said ordinance, smoking was prohibited in specified, enclosed places. It was also banned in specified places of employment. However, Ordinance 92-22 was limited in its scope. Ordinance 92-22 permitted employers to set aside specific areas where employees are allowed to smoke. Ordinance 92-22 also allows smoking in bars, 70% of motel and hotel guest rooms, restaurants and assembly rooms used for private functions, and private enclosed places used exclusively by smokers. It also permits smoking in multi-unit housing complexes where residents share common areas, hallways and, sometimes, ventilation systems, thus allowing second hand smoke to travel from unit to unit, adversely affecting the health of residents and children; and

WHEREAS, since 1992 additional scientific and empirical studies have shown the dilatory health effects of second hand smoke (i) on persons located within close proximity to smokers, even outdoors, and (ii) on persons living in multiple housing establishments where the individual housing units share common areas, heating, cooling and ventilation systems. The U.S. Surgeon General has determined that there is no risk-free level of exposure to second hand smoke. At the time Ordinance 92-22 was passed by the voters, the true magnitude of the adverse impacts of second hand smoke were not fully understood and, thus, were not fully addressed in Ordinance 92-22; and

WHEREAS, because Ordinance 92-22 was adopted by the voters and did not contain a provision allowing the City Council to amend it, Ordinance 92-22 cannot be amended by the City Council in order to, among other reasons, update its provisions to

keep them current with evolving understandings regarding the adverse effects of smoking and various devices invented for the purpose of allowing humans to inhale substances and exhale particulates into the air. As such, it has been proposed to the City Council that it submit to the voters an updated and more stringent smoking ordinance ("New Smoking Ordinance") in the form attached hereto as **Exhibit A**, under which smoking would be prohibited in the following areas and places, among others: enclosed public places, multi-unit residences, hotels and motels, enclosed common areas, enclosed dining areas, outdoor recreational areas and parks, outdoor public places, outdoor dining areas and within 25 feet of any area where smoking is prohibited. Also included in the proposed ordinance is a provision granting to the City Council the authority to amend it, as conditions warrant; and

WHEREAS, the City Council held a hearing on July 18, 2016, to consider calling an election on the adoption of the New Smoking Ordinance which would comprehensively amend and replace Ordinance 92-22. At the conclusion of said hearing the Council determined that it should call an election on the adoption of the New Smoking Ordinance to be held at the next regular municipal election, namely, on November 8, 2016; and

WHEREAS, based on all the information presented at the July 18, 2016 meeting, both written and oral, including the staff reports, minutes and other relevant materials, the City Council finds that under CEQA Guidelines 15060(c)(2) & (3), 15378(b)(2), and 15061(b)(3) the adoption of this resolution is exempt from the California Environmental Quality Act and that there is no possibility that the adoption of this resolution may have a significant effect on the environment; and

WHEREAS, it is desirable that an election be called for the purposes of permitting the City's voters to determine whether the New Smoking Ordinance should or should not be adopted; and

WHEREAS, it is desirable that the Elections Department of the County of Sonoma canvas the returns of said election; and

WHEREAS, the Elections Department of the County of Sonoma requires payment by the City of a reasonable fee to perform the election services of holding the said election and this reasonable fee is related to and based upon the actual cost of conducting the election.

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

Section 1. The foregoing recitals are true and correct and are hereby incorporated by reference.

Section 2. That pursuant to California Elections Code Sections 9222 and 1410, the City Council of the City of Sonoma hereby calls an election at which it shall submit to the qualified voters of the City a measure that, if approved, will amend Chapter 7.24 of the City's Municipal Code and thereby impose greater prohibitions and restrictions on smoking within the City's jurisdictional boundaries. Said election is called and ordered to be held in the City of Sonoma, California, on Tuesday, November 8, 2016. This measure shall be designated by letter by the Sonoma County Elections Department. Pursuant to Elections Code Section 10400 et seq., the election for this measure shall be consolidated with the established election to be conducted on November 8, 2016.

Section 3. That the City Council, pursuant to its right and authority as established in Elections Code Sections 9222 and 1410, does order submitted to the voters at the election specified above the following question:

"In order to more comprehensively protect the health and safety of the citizens of Sonoma shall an ordinance be adopted that amends the City's existing 1992 smoking ordinance to include more restrictions by prohibiting smoking in public places, multi-unit residences, hotels and motels, enclosed common areas, enclosed dining areas, outdoor recreational areas and parks, outdoor public places, outdoor dining areas and within 25 feet of any area where smoking is prohibited?"

YES _____

NO _____

The question requires the approval of a majority of qualified electors casting votes.

Section 4. The ordinance amending Municipal Code Chapter 7.24 which is described above and which is to be submitted to the voters pursuant to sections 2 and 3 of this resolution is set forth in **Exhibit A** attached hereto.

Section 5. The official ballot to be used at said election shall conform to the laws of the State of California with relation thereto. The Board of Supervisors of the County of Sonoma is requested to order the County Clerk or the County Elections Department to set forth in the voter information portion of all sample ballots to be mailed to the qualified electors of the City the full text of the ordinance attached hereto as **Exhibit A** and to mail with the sample ballots to the electors printed copies of the full text of the said ordinance, together with the primary arguments and rebuttal arguments (if any) for and against the measure, and to provide absent voters ballots for the election for use by qualified electors of the City who are entitled thereto in the manner provided by law.

Section 6. That the Elections Department of the County of Sonoma is authorized to canvas the returns of said election.

Section 7. That the City Clerk is hereby directed to issue instructions to the Elections Department of the County of Sonoma to take any all steps necessary for the holding of the election.

Section 8. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Clerk of the County of Sonoma.

Section 9. The City Attorney shall prepare an Impartial Analysis of the ballot measure not to exceed 500 words in length showing the effect of the measure on existing law and the operation of the measure.

Section 10. The City Council authorizes the Registrar of Voters [or County Elections Department] to consolidate this election with the established election on November 8, 2016, for the ease and convenience of the registered voters and to take advantage of any cost savings made possible by such consolidation.

Section 11. The City Clerk may request the assistance of the Elections Department of the County of Sonoma in regard to said regular municipal election, as the City Clerk deems necessary, and the City shall pay the incurred cost of such assistance.

Section 12. In accordance with Section 12111 of the Elections Code and Section 6061 of the Government Code, the City Clerk is hereby authorized and directed to cause notice of the measure to be published once in the Sonoma Index Tribune, a newspaper of general circulation, printed, published and circulated in the City of Sonoma and hereby designated for that purpose by the Council of Sonoma. The City Clerk may request that the Sonoma County Elections Department prepare and publish the required notice.

Section 13. The City Clerk is authorized, instructed and directed to work with the County Elections Department as needed in order to properly and lawfully conduct the election. The ballots to be used in the election shall be in the form and content as required by law. Thereafter, in accordance with the time prescribed by the Elections Code, the City Council shall declare and cause to be entered in its minutes a statement of the results of the election. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 14. The City Manager is hereby authorized and directed to expend the necessary funds to pay for the City's cost of placing the measure on the election ballot.

Section 15. This resolution shall be forthwith entered upon the minutes of this Council and kept and maintained by the City Clerk of Sonoma.

Section 16. The polls for the election shall be open at 7:00 a.m. on the day of the election and shall remain open continuously from that time until 8:00 p.m. that same day, at which time the polls shall be closed, except as provided by Section 14401 of the California Elections Code. The notice of the time and place of holding the election is hereby given, and the City Clerk is authorized to give further notice of the election, as required by law.

- a. The last day for submission of primary arguments for or against the measure shall be by 5:00 p.m. on August 22, 2016.
- b. The last day for submission of rebuttal arguments for or against the measure shall be by 5:00 p.m. on September 1, 2016.
- c. Primary arguments shall not exceed three hundred (300) words and shall be signed by not more than five persons.
- d. Rebuttal arguments shall not exceed two hundred fifty (250) words and shall be signed by not more than five persons; those persons may be different persons than the persons who signed the primary arguments.
- e. Pursuant to Elections Code Section 9282(b), the Mayor [a Council committee made up of Councilmembers _____ and _____] is hereby authorized to prepare a written argument and rebuttal in favor of repealing Ordinance No. 92-22 on behalf of the City Council. At the Mayor's [the Council committee's] discretion, the argument may also be signed by bona fide associations or by individual voters who are eligible to vote.
- f. Pursuant to California Elections Code Section 9285, when the City Clerk has selected the arguments for and against the measure, which will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. Rebuttal arguments shall be printed in the same manner as the primary arguments. Each rebuttal argument shall immediately follow the primary argument which it seeks to rebut.

PASSED AND ADOPTED this ___ day of _____, 2016, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

Laurie Gallian, Mayor

ATTEST:

Gay Johann, City Clerk

EXHIBIT A

CITY OF SONOMA

**AN ORDINANCE OF THE CITY OF SONOMA
AMENDING CHAPTER 7.24 TO THE MUNICIPAL CODE TO
REGULATE SMOKING AND TOBACCO PRODUCT USE**

The People of the City of Sonoma do ordain as follows:

SECTION I. FINDINGS.

The People of the City of Sonoma hereby find that:

Secondhand smoke has been repeatedly identified as a health hazard, as evidenced by the following:

- The U.S. Surgeon General concluded that there is no risk-free level of exposure to secondhand smoke; and
- The California Air Resources Board placed secondhand smoke in the same category as the most toxic automotive and industrial air pollutants by categorizing it as a toxic air contaminant for which there is no safe level of exposure; and
- The California Environmental Protection Agency (EPA) included secondhand smoke on the Proposition 65 list of chemicals known to the state of California to cause cancer, birth defects, and other reproductive harm; and

Laws restricting the use of tobacco products have recognizable benefits to public health and medical costs with a review of over 80 peer-reviewed research studies showing that smokefree policies effectively do the following:

- Reduce tobacco use: tobacco use is reduced by median of 2.7 percent; and
- Reduce exposure to secondhand smoke: air pollution is reduced by a median of 88 percent and biomarkers for secondhand smoke are reduced by a median of 50 percent; and
- Increase the number of tobacco users who quit by a median of 3.8 percent; and
- Reduce initiation of tobacco use among young people; and
- Reduce tobacco-related illnesses and death: there is a 5.1 percent median decrease in hospitalizations from heart attacks and a 20.1 percent decrease in hospitalizations from asthma attacks after such laws are passed; and

Laws restricting electronic smoking devices use also have benefits to the public as evidenced by the following:

- Research has found at least ten chemicals known to the State of California to cause cancer,

birth defects, or other reproductive harm, such as formaldehyde, acetaldehyde, lead, nickel, and toluene are present in the products used in and/or generated by said devices; and

- More than one study has concluded that exposure to vapor from electronic smoking devices may cause passive or secondhand vaping; and
- The use of electronic smoking devices in smokefree locations threatens to undermine compliance with smoking regulations and reverse the progress that has been made in establishing a social norm that smoking is not permitted in public places and places of employment; and
- The State of California's Tobacco Education and Research Oversight Committee (TEROC) "opposes the use of e-cigarettes in all areas where other tobacco products are banned;" and

Smokeless tobacco is not a safe alternative to smoking and causes its own share of death and disease, as evidenced by the following:

- Smokeless tobacco use is associated with oral, esophageal, and pancreatic cancers; and
- Smokeless tobacco is associated with increased risk for heart disease and stroke, stillbirth and preterm delivery, and Parkinson's disease; and

State law prohibits smoking within 25 feet of playgrounds and tot lots and expressly authorizes local communities to enact additional restrictions; and

As of January 2015, there are at least 348 California cities and counties with local laws restricting smoking in recreational areas, and 48 with local laws restricting smoking on sidewalks in commercial areas; and

There is no Constitutional right to smoke;

NOW THEREFORE, it is the intent of the People of the City, in enacting this ordinance, to provide for the public health, safety, and welfare: by discouraging the inherently dangerous behavior of smoking and tobacco use around non-tobacco users, especially children; by protecting the public from exposure to secondhand smoke where they live and play; by reducing the potential for children to wrongly associate smoking and tobacco use with a healthy lifestyle; and by affirming and promoting a healthy environment in the City.

SECTION II. Chapter 7.24 of the Municipal Code of the City of Sonoma is hereby amended in its entirety to read as follows:

Sec. 7.24.010 DEFINITIONS. The following words and phrases, whenever used in this chapter shall have the meanings defined in this section unless the context clearly requires otherwise:

(a) "City" means the City of Sonoma, State of California.

(b) "Child Care Facilities" means any family day care regulated by Sections 1597.30 through 1597.621 of the California Health & Safety Code and any day care center for children regulated by Section 1596.90 et seq. of the California Health & Safety Code. It does not

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include foster homes or residential care facilities.

- (c) "Common Area" means every Enclosed Area and Unenclosed Area of a Multi-Unit Residence that residents of more than one Unit of that Multi-Unit Residence are entitled to enter or use, including, for example, halls, paths, lobbies, courtyards, elevators, stairs, community rooms, playgrounds, gym facilities, swimming pools, parking garages, parking lots, restrooms, laundry rooms, cooking areas, and eating areas.
- (d) "Dining Area" means any area, including streets and sidewalks, which is available to or customarily used by the general public, and which is designed, established, or regularly used for consuming food or drink.
- (e) "Electronic Smoking Device" means an electronic and/or battery-operated device that can be used to deliver an inhaled dose of nicotine, or other substances, including any component, part, or accessory of such a device, whether or not sold separately. "Electronic Smoking Device" includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.
- (f) "Enclosed Area" means an area in which outside air cannot circulate freely to all parts of the area, and includes an area that has
 - (1) any type of overhead cover whether or not that cover includes vents or other openings and at least three (3) walls or other vertical constraint to airflow including, but not limited to, vegetation of any height, whether or not those boundaries include vents or other openings; or
 - (2) four (4) walls or other vertical constraints to airflow including, but not limited to, vegetation that exceed six (6) feet in height, whether or not those boundaries include vents or other openings.
- (g) "Multi-Unit Residence" means property containing two (2) or more Units except the following specifically excluded types of housing:
 - (1) mobile home park units;
 - (2) a single-family residence; and
 - (3) detached or attached in-law or second Unit to single family residence.
- (h) "Nonprofit Entity" means any entity that meets the requirements of California Corporations Code section 5003 as well as any corporation, unincorporated association, or other entity created for charitable, religious, philanthropic, educational, political, social, or similar purposes, the net proceeds of which are committed to the promotion of the objectives or purposes of the entity and not to private gain. A government agency is not a Nonprofit Entity within the meaning of this chapter.

- (i) "Person" means any natural person, cooperative association, personal representative, receiver, trustee, assignee, or any other legal entity including a government agency.
- (j) "Public Place" means any place, publicly or privately owned, which is open to the general public regardless of any fee or age requirement.
- (k) "Reasonable Distance" means a distance of 25 feet in any direction from an area in which Smoking is prohibited.
- (l) "Recreational Area" means any area that is publicly or privately owned, controlled or used by the City and open to the general public for recreational purposes, regardless of any fee or age requirement. The term "Recreational Area" includes but is not limited to parks, picnic areas, playgrounds, sports fields, walking paths, gardens, hiking trails, bike paths, riding trails, swimming pools, skateboard parks and amusement parks.
- (m) "Service Area" means any publicly or privately owned area, including streets and sidewalks, that is designed to be used or is regularly used by one or more Persons to receive a service, wait to receive a service, or to make a transaction, whether or not such service or transaction includes the exchange of money. The term "Service Area" includes but is not limited to areas including or adjacent to information kiosks, automatic teller machines (ATMs), ticket lines, bus stops or shelters, mobile vendor lines, or cab stands.
- (n) "Smoke" means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition, or vaporization, when the apparent or usual purpose of the combustion, electrical ignition, or vaporization is human inhalation of the byproducts, except when the combusting or vaporizing material contains no tobacco or nicotine *and* the purpose of inhalation is solely olfactory, such as, for example, smoke from incense. The term "Smoke" includes, but is not limited to, tobacco smoke, Electronic Smoking Device vapors, marijuana smoke, and crack cocaine smoke.
- (o) "Smoking" means inhaling, exhaling, burning, or carrying any lighted, heated, or ignited cigar, cigarette, cigarillo, pipe, hookah, Electronic Smoking Device, or any plant product intended for human inhalation.
- (p) "Tobacco Product" means:
- (1) any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether Smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; and
 - (2) Any Electronic Smoking Device.
 - (3) Notwithstanding any provision of subsections (1) and (2) to the contrary, "Tobacco Product" includes any component, part, or accessory of a Tobacco Product, whether or not sold separately. "Tobacco Product" does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco

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cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

- (q) "Unenclosed Area" means any area that is not an Enclosed Area.
- (r) "Unit" means a personal dwelling space, even where lacking cooking facilities or private plumbing facilities, and includes any associated exclusive-use Enclosed Area or Unenclosed Area, such as, for example, a private balcony, porch, deck, or patio. "Unit" includes but is not limited to an apartment; a condominium; a townhouse; a room in a long-term health care facility, assisted living facility, or hospital; a hotel or motel room; a room in a single room occupancy ("SRO") facility; a room in a homeless shelter; a mobile home; a camper vehicle or tent; a single-family home; and an in-law or second unit.

Sec. 7.24.020 PROHIBITION OF SMOKING AND TOBACCO PRODUCT USE IN ENCLOSED PLACES

- (a) Smoking and the use of Tobacco Products is prohibited in the Enclosed Areas of the following places within the City of Sonoma:
 - (1) Public Places; and
 - (2) Multi-Unit Residences and Common Areas; and
 - (3) Dining Areas.
- (b) Smoking and the use of Tobacco Products is prohibited by this chapter in all Enclosed Areas except as provided below.
 - (1) Inside private vehicles.
 - (2) Inside single family residences except private residences licensed as Child Care Facilities.
 - (3) In-law or second Units attached or detached to single family residence.

Sec. 7.24.030 PROHIBITION OF SMOKING AND TOBACCO PRODUCT USE IN UNENCLOSED AREAS

- (a) Smoking and the use of Tobacco Products is prohibited in the Unenclosed Areas of the following places within the City:
 - (1) Recreational Areas;
 - (2) Service Areas;
 - (3) Public Places;
 - (4) Dining Areas;

(5) Common Areas of Multi-Unit Residences, provided, however, that a Person with legal control over a Common Area may designate a portion of the Unenclosed Area of the Common Area as a designated Smoking area if the area meets all of the following criteria:

- (i) the area must be located a Reasonable Distance from any Unit or Enclosed Area where Smoking is prohibited by this chapter or other law; by binding agreement relating to the ownership, occupancy, or use of real property; or by designation of a Person with legal control over the property. In the case of a nonsmoking area created by agreement or designation, this provision does not apply unless the Person designating the Smoking area has actual knowledge of, or has been given notice of, the agreement or designation. A Person with legal control over a designated Smoking area may be obliged to modify, relocate, or eliminate that area as laws change, as binding agreements are created, and as nonsmoking areas on neighboring property are established;
- (ii) the area must not include, and must be a Reasonable Distance from, Unenclosed Areas primarily used by children and Unenclosed Areas with improvements that facilitate physical activity including, for example, playgrounds, tennis courts, swimming pools, school campuses, and sandboxes;
- (iii) the area must be no more than ten percent (10%) of the total Unenclosed Area of the Multi-Unit Residence for which it is designated;
- (iv) the area must have a clearly marked perimeter;
- (v) the area must be identified by conspicuous signs;
- (vi) the area must be completely within an Unenclosed Area; and
- (vii) the area must not overlap with any Enclosed or Unenclosed Area in which Smoking is otherwise prohibited by this chapter or other provisions of this Code, state law, or federal law; and

(6) Other Public Places, including but not limited to streets and sidewalks located within the City's rights of way or maintained by the City.

(b) Nothing in this chapter prohibits any Person or Nonprofit Entity with legal control over any property from prohibiting Smoking and Tobacco Product use on any part of such property, even if Smoking or the use of Tobacco Products is not otherwise prohibited in that area.

Sec. 7.24.040 REASONABLE SMOKING DISTANCE REQUIRED

(a) Smoking in all Unenclosed Areas shall be prohibited within a Reasonable Distance from any doorway, window, opening, crack, or vent into an Enclosed Area in which Smoking is prohibited.

- (b) Smoking in Unenclosed Areas shall be prohibited within a Reasonable Distance from any Unenclosed Areas in which Smoking is prohibited under Sec. 7.24.030 of this chapter.
- (c) The prohibitions in subdivisions (a) and (b) shall not apply to Unenclosed Areas of private residential properties that are not Multi-Unit Residences.

Sec. 7.24.050 OTHER REQUIREMENTS AND PROHIBITIONS

- (a) No Person or Nonprofit Entity shall knowingly permit Smoking or the use of Tobacco Products in an area which is under the legal or de facto control of that Person or Nonprofit Entity and in which Smoking or the use of Tobacco Products is prohibited by law.
- (b) No Person or Nonprofit Entity shall knowingly or intentionally permit the presence or placement of ash receptacles, such as, for example, ash trays or ash cans, within an area under the legal or de facto control of that Person or Nonprofit Entity and in which Smoking or the use of Tobacco Products is prohibited by law, including, without limitation, within a Reasonable Distance required by this chapter from any area in which Smoking or the use of Tobacco Products is prohibited. Notwithstanding the foregoing, the presence of ash receptacles in violation of this subsection shall not be a defense to a charge of Smoking or the use of Tobacco Products in violation of any provision of this chapter.
- (c) No Person shall dispose of used Smoking or Tobacco Product waste within the boundaries of an area in which Smoking or Tobacco Product use is prohibited, including within any Reasonable Distance required by this chapter.
- (d) A Person or Nonprofit Entity that has legal or de facto control of an area in which Smoking and the use of Tobacco Products is prohibited by this chapter shall post a clear, conspicuous and unambiguous "No Smoking" and "No Use of Tobacco Products" or "Smokefree" and "Tobacco-Free" sign at each point of ingress to the area, and in at least one other conspicuous point within the area. The signs shall have letters of no less than one inch in height and shall include the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it). Signs posted on the exterior of buildings to comply with this section shall include the Reasonable Distance requirement set forth in Sec. 7.24.040. At least one sign with the County phone number to which complaints can be directed must be placed conspicuously in each place in which Smoking is prohibited. For purposes of this section, the City Manager or his / her designee shall be responsible for the posting of signs in regulated facilities owned or leased in whole or in part by the City. Notwithstanding this provision, the presence or absence of signs shall not be a defense to a charge of Smoking or the use of Tobacco Products in violation of any other provision of this chapter.
- (e) No Person or Nonprofit Entity shall intimidate, threaten any reprisal, or effect any reprisal, for the purpose of retaliating against another Person who seeks to attain compliance with this chapter.

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- (f) Each instance of Smoking or Tobacco Product use in violation of this chapter shall constitute a separate violation. For violations other than for Smoking, each day of a continuing violation of this chapter shall constitute a separate violation.

Sec. 7.24.060 PENALTIES AND ENFORCEMENT.

- (a) The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity.
- (b) Each incident of Smoking or use of Tobacco Products in violation of this chapter is an infraction subject to a one hundred dollars (\$100) fine or otherwise punishable pursuant to Section 1.12.010 of this code. Other violations of this chapter may, at the discretion of the City Manager, be prosecuted as infractions or misdemeanors when the interests of justice so require. Enforcement of this chapter shall be the responsibility of the City Manager. In addition, any peace officer or code enforcement official also may enforce this chapter.
- (c) Violations of this chapter are subject to a civil action brought by the City of Sonoma, punishable by a civil fine not less than two hundred fifty dollars (\$250) and not exceeding one thousand dollars (\$1,000) per violation.
- (d) Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall also constitute a violation of this chapter.
- (e) Any violation of this chapter is hereby declared to be a nuisance.
- (f) In addition to other remedies provided by this chapter or by other law, any violation of this chapter may be remedied by a civil action brought by the City Attorney, including, but not limited to, administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief.
- (g) Any Person acting for the interests of itself, its members, or the general public (hereinafter "Private Enforcer") may bring a civil action in any court of competent jurisdiction, including small claims court, to enforce this chapter against any Person who has violated this chapter two or more times. Upon proof of the violations, a court shall grant all appropriate relief, including: (1) awarding damages; and (2) issuing an injunction or a conditional judgment.
- (h) Except as otherwise provided, enforcement of this chapter is at the sole discretion of the City. Nothing in this chapter shall create a right of action in any Person against the City or its agents to compel public enforcement of this chapter against private parties.

Sec. 7.24.070 PUBLIC EDUCATION.

The City Manager or his or her designee shall coordinate with the County of Sonoma Health and Human Services Department to ensure that the citizens and community of Sonoma may participate in the County's existing tobacco education program. The program will explain and clarify the purposes and requirements of this chapter to citizens affected by it, and to

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guide Persons, Landlords, Employers, and Nonprofit Entities in their compliance with it. However, lack of such education shall not provide a defense to a violation of this chapter.

Sec. 7.24.080 OTHER LAWS.

It is not the intention of this chapter to regulate any conduct where the regulation of such conduct has been preempted by the State of California.

Sec. 7.24.090 AMENDMENTS BY CITY COUNCIL.

The Sonoma City Council shall have the authority to amend this Chapter.

SECTION III. STATUTORY CONSTRUCTION & SEVERABILITY

It is the intent of the People of the City of Sonoma to supplement applicable state and federal law and not to duplicate or contradict such law and this Ordinance shall be construed consistently with that intention. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance, or its application to any Person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases of this ordinance, or its application to any other Person or circumstance. The People of the City of Sonoma hereby declare that they would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof independently, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases hereof be declared invalid or unenforceable.

SECTION IV. SEVERABILITY.

If any section, subsection, sentences, clause phrase or word of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The People of the City of Sonoma hereby declare that they would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

SECTION V. CEQA FINDINGS.

This Ordinance is exempt from the California Environmental Quality Act ("CEQA") under 14 Cal. Code Regs. Section 15061(b)(3) because it can be seen with certainty that there is no possibility that its adoption will have a significant adverse effect on the environment. It is also categorically exempt under 14 Cal. Code Regs. Section 15308 because the Ordinance constitutes a regulatory activity whose purpose is to protect air quality and prevent the adverse health effects of air pollutants caused by smoking.

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SECTION VI. EFFECTIVE DATE.

This Ordinance shall take effect at the time prescribed by and pursuant to applicable law. Upon approval by a majority of the voters of the City, and upon adoption of a resolution declaring the election results, the Mayor shall hereby be authorized to attest to the adoption of this Ordinance by the voters of the City by signing where indicated below.

THE FOREGOING ORDINANCE was adopted by Declaration of the vote of the Sonoma City Council on the ____ day of _____ 2016, at a regular meeting of the Sonoma City Council by the following vote, to wit:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

, Mayor

ATTEST:

City Clerk



CITY OF SONOMA
 City Council
 Agenda Item Summary

| | |
|----------------------|-------------------|
| Agenda Item: | 9 |
| Meeting Date: | 07/18/2016 |

| | |
|-------------------------------------|---|
| Department Administration | Staff Contact Gay Johann, Assistant City Manager/City Clerk |
|-------------------------------------|---|

Agenda Item Title

Councilmembers' Reports on Committee Activities.

Summary

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

| MAYOR GALLIAN | MPT AGRIMONTI | CLM. COOK | CLM. EDWARDS | CLM. HUNDLEY |
|--|---|--|--|--|
| City Audit Committee | LOCC North Bay Division Liaison | ABAG Alternate | ABAG Delegate | Cittaslow Sonoma Valley Advisory Council, Alt. |
| Marin/Sonoma Mosquito & Vector Control District | North Bay Watershed Association | City Audit Committee | Cittaslow Sonoma Valley Advisory Council | LOCC North Bay Division Liaison, Alternate |
| Sonoma County Mayors & Clm. Assoc. BOD | Sonoma County Mayors & Clm. Assoc. BOD, Alt. | City Facilities Committee | City Facilities Committee | Sonoma Clean Power Alt. |
| Sonoma County Trans. Authority & Regional Climate Protection Authority | Sonoma County Trans. & Regional Climate Protection Authority, Alternate | Oversight Board to the Dissolved CDA | Oversight Board to the Dissolved CDA, Alt. | Sonoma County M & C Assoc. Legislative Committee |
| Sonoma Disaster Council | Sonoma County Waste Management Agency | Sonoma Clean Power | Sonoma County Health Action & SV Health Roundtable | S. V. Citizens Advisory Commission |
| Sonoma Housing Corporation | Sonoma Disaster Council, Alternate | S.V. Economic Vitality Partnership, Alt. | Sonoma County M & C Assoc. Legislative Committee, Alt. | S.V. Economic Vitality Partnership |
| S.V.C. Sanitation District BOD | Sonoma Housing Corporation | S. V. Library Advisory Committee | Sonoma Valley Citizens Advisory Comm. Alt. | S. V. Library Advisory Committee, Alternate |
| S.V. Fire & Rescue Authority Oversight Committee | S.V.C. Sanitation District BOD, Alt. | | | |
| VOM Water District Ad Hoc Committee | S.V. Fire & Rescue Authority Oversight Committee | | | |
| Water Advisory Committee | VOM Water District Ad Hoc Committee, Alternate | | | |
| | Water Advisory Committee, Alternate | | | |

Recommended Council Action – Receive Reports

Attachments: None