

**SANTA ROSA CITY COUNCIL MEETING MINUTES  
TUESDAY, MARCH 17, 2009  
COUNCIL CHAMBER, CITY HALL, 100 SANTA ROSA AVENUE  
REGULAR MEETING**

**2:00 P.M. (MAYORS CONFERENCE ROOM – ROOM 10)**

**1. CALL TO ORDER AND ROLL CALL**

Mayor Gorin called the meeting to order at 2:00 p.m. Councilmembers present: Mayor Gorin, Vice Mayor Vas Dupre, Councilmembers Bender, Sawyer, Jacobi, Olivares and Wysocky.

**2. INTERVIEWS FOR PERSONNEL BOARD**

The Council interviewed Ashley Halliday, Thomas Brandon, Robert Latchaw and Joyce Suzuki for two vacant positions on the Personnel Board.

**3. ANNOUNCEMENT OF CLOSED SESSION ITEM(S) AND ADJOURNMENT TO CLOSED SESSION(S) IN MAYOR'S CONFERENCE ROOM (ROOM 10, CITY HALL)**

**3.1 CONFERENCE WITH LABOR NEGOTIATORS**

Agency Designated Representatives: Greg Scoles, Deputy City Manager, Fran Elm, Human Resources Director and Chris Sliz, Employee Relations Manager.

Employee Organizations: Santa Rosa Firefighters Association – Local 1401 (representing City Employee Unit 2); Operating Engineers Local 3, Maintenance and Utility System Operators (Employee Units 3 and 16); Santa Rosa City Employees Association (Employee Units 4, 6, 7); Santa Rosa Police Officers Association, (Employee Unit 5); Service Employees International Union Local 707, (Employee Units 8 and 14); Public Safety Management Association (Employee Unit 9); Santa Rosa City Attorneys' Association (Employee Unit 17), Santa Rosa Management Association (Employee Unit 18).

Unrepresented Executive Management, Middle Management, and Confidential Employees (Employee Units 10, 11 and 12).

**3.2 CONFERENCE WITH LEGAL COUNSEL-- ANTICIPATED LITIGATION**

Initiation of litigation pursuant to subdivision (c) of Section 54956.9--one potential case.

**3.3 ADJOURN CLOSED SESSION(S) AND RECONVENE TO OPEN SESSION IN THE COUNCIL CHAMBER**

**4. JOINT STUDY SESSION WITH THE PLANNING COMMISSION – ANNUAL REVIEW OF THE GENERAL PLAN AND THE GROWTH MANAGEMENT AND HOUSING ALLOCATION PLAN ORDINANCES**

**4.1 CALL TO ORDER AND ROLL CALL OF PLANNING COMMISSION AND CITY COUNCIL**

Mayor Gorin called the Joint Session to order at 3:25 p.m. and asked the Clerk to call the roll.

Councilmembers present: Mayor Gorin, Councilmembers Bender, Jacobi, Olivares, Sawyer and Wysocky present. Vice Mayor Vas Dupre arrived at 3:27 p.m. but was absent upon roll call.

Planning Commission members present: Chair Duggan, Commissioners Bartley, Cisco, Poulsen and Allen were present. Planning Commissioners absent: Vice Chair Nick Caston and Commissioner Banuelos.

**4.2 CITIZEN PUBLIC APPEARANCES (PUBLIC COMMENTS WILL BE LIMITED TO STUDY SESSION TOPIC)**

**4.3 GENERAL PLAN, GROWTH MANAGEMENT AND HOUSING ALLOCATION REVIEW [3:28:59 PM](#)**

Lisa Kranz, Senior Planner, presented the annual review of the Santa Rosa 2020 General Plan and the Growth Management and Housing Allocation Plan Ordinances. She summarized the residential and non-residential growth statistics and the City's affordable housing needs. She also provided a review of the progress achieved and actions taken during 2008 toward the General Plan goals.

PUBLIC COMMENT [3:57:39 PM](#)

Brian McAllister suggested opening a research center for ocean and freshwater life on the corner of South E Street and Sonoma Avenue.

**4.4 ADJOURN JOINT STUDY SESSION AND SPECIAL MEETING OF THE PLANNING COMMISSION [4:00:48 PM](#)**

Chair Duggan adjourned the special meeting of the Planning Commission at 4:00 p.m.

**4:00 P.M. (CITY COUNCIL CHAMBER) [4:09:02 PM](#)**

**5. ANNOUNCEMENT OF ROLL CALL**

Mayor Gorin called for the announcement of the roll call at 4:09 p.m.

Councilmembers present: Mayor Gorin, Vice Mayor Vas Dupre, Councilmembers Bender, Sawyer, Jacobi, and Olivares. Councilmember Wysocky arrived at 4:11 p.m. Teen Councilmember Taylor Anderson was also present.

**6. REPORT, IF ANY, ON STUDY AND CLOSED SESSION(S) [4:09:48 PM](#)**

City Manager Kolin announced that the Council had previously met jointly with the Planning Commission in a study session to receive the annual review of the 2020 General Plan and the Growth Management and Housing Allocation Plan ordinances.

City Attorney Fowler announced that the Council had met in closed session with its labor negotiators prior to the study session and would resume closed session discussion of Items 3.1 and 3.2 as listed on the agenda at the conclusion of the open session items.

**7. PROCLAMATIONS/PRESENTATIONS**

**7.1 PRESENTATION – REDWOOD EMPIRE CHINESE ASSOCIATION [4:11:08 PM](#)**

Nancy Wang, President of Redwood Empire Chinese Association, thanked the Council and the community for their support of the Redwood Empire Chinese Association's Chinese New Year Celebration held on February 28, 2009. She displayed event photos and presented Councilmember Sawyer with a thank you for his work on the event.

**7.2 PROCLAMATION – LUTHER BURBANK HOME & GARDENS DONORS [4:15:25 PM](#)**

Councilmember Sawyer presented a proclamation to Erick Rudy from Brush of Elegance Painting for his contribution of painting to Burbank Home and Gardens. He also read proclamations for Golden West Homebuilders Center and PB Renovators for their contributions to Burbank Home and Gardens.

**8. STAFF BRIEFINGS -- NONE**

**9. APPROVAL OF MINUTES – FEBRUARY 24, 2009 REGULAR COUNCIL MEETING**

MOVED by Mayor Gorin, seconded by Councilmember Olivares, carried unanimously, to approve the minutes of the February 24, 2009 Regular Meeting as amended to show that Councilmember Sawyer presided over the last item and to correct the order of Item 17; and to correct a comment by Kay Tokerud.

**10. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS [4:23:23 PM](#)**

Councilmember Sawyer stated he would abstain from item 12.1 due to the location of his business.

**11. CONSENT ITEMS [4:23:58 PM](#)**

**PUBLIC COMMENT**

Jack Osborne recommended postponing Item 11.3 until after the salary raise could be adopted. He objected to the cost of affordable housing subsidies. He also wanted the City Attorney to approve any destruction of records.

Anne Seeley, Concerned Citizens for Santa Rosa, spoke in support of the Algae Project and expressed appreciation to the City Attorney for her generosity.

City Attorney Fowler responded that the records policy requires City Attorney approval of all records destruction requests and that a contract provision for the salary increase was what was being waived. City Manager Kolin spoke regarding the success of the City's housing program in assisting first-time homebuyers.

MOVED by Vice Mayor Vas Dupre, seconded by Councilmember Sawyer, carried unanimously, to adopt and waive reading of the text of the resolution in item 11.1 through 11.5 as follows:

**11.1 RESOLUTION -- ANNUAL REVIEW OF THE GENERAL PLAN AND THE GROWTH MANAGEMENT AND HOUSING ALLOCATION PLAN ORDINANCES**

**RESOLUTION NO. 27316 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA RECEIVING A REPORT REGARDING THE ANNUAL REVIEW OF THE CITY'S GENERAL PLAN AND THE GROWTH MANAGEMENT AND HOUSING ALLOCATION PLAN ORDINANCES

**11.2 RESOLUTION -- APPROPRIATION OF FUNDS TO ACCOUNT 7266 "ALGAE PROJECT, PHASE II (CEC)"**

**RESOLUTION NO. 27317 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROPRIATING FUNDS TO

ACCOUNT 7266 "ALGAE PROJECT, PHASE II (CEC)" IN THE AMOUNT OF \$61,643, THE TOTAL AMOUNT OF FUNDING THE CITY CAN RECEIVE UNDER THE APPROVED "AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN MICHAEL F. COHEN AND THE CITY OF SANTA ROSA FOR ENGINEERING SERVICES, COMPONENT FABRICATION, OPERATION AND OVERSIGHT OF DIGESTERS, LABORATORY TESTING, AND GRANT ADMINISTRATION"

**11.3 RESOLUTION -- AMENDMENT TO CITY ATTORNEY EMPLOYMENT CONTRACT**

**RESOLUTION NO. 27318 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AMENDMENT NO. 1 TO EMPLOYMENT AGREEMENT OF THE CITY ATTORNEY

**11.4 RESOLUTION -- MORTGAGE CREDIT CERTIFICATE PROGRAM TO PROVIDE FIRST-TIME HOMEBUYER ASSISTANCE**

**RESOLUTION NO. 27319 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE CITY'S PARTICIPATION IN THE COUNTY OF SONOMA'S APPLICATION TO THE CALIFORNIA DEBT LIMIT ALLOCATION COMMITTEE FOR A BOND ALLOCATION TO PROVIDE FIRST-TIME HOMEBUYER ASSISTANCE THROUGH A MORTGAGE CREDIT CERTIFICATE PROGRAM WITH THE COUNTY OF SONOMA AND OTHER PARTICIPATING MUNICIPALITIES

**11.5 RESOLUTION -- REVISION TO COUNCIL RESOLUTION 26825 ADOPTING A REVISED COUNCIL POLICY NO. 000-44, DESTRUCTION OF RECORDS**

**RESOLUTION NO. 27320 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA REVISING COUNCIL RESOLUTION NO. 26825 - ADOPTING COUNCIL POLICY NO. 000-44, DESTRUCTION OF RECORDS

Mayor Gorin reordered the agenda as follows:

**15. MAYOR'S/COUNCILMEMBERS' REPORTS 4:37:45 PM**

Councilmember Wysocky announced his appointment of Kim Childers to the Luther Burbank Home and Gardens Board.

The Mayor and members of the Council made further announcements and reported on items of interest to the Council.

**16. CITY MANAGER'S/CITY ATTORNEY'S REPORTS 4:44:27 PM**

The City Manager and City Attorney made announcements and reported on items of interest to the Council.

**13. PUBLIC COMMENTS ON NON-AGENDA MATTERS 4:50:50 PM**

The following people made comments before the Council regarding items not on the agenda:

Laura Graham opposed increases in senior center dues and the \$2 fee to attend choir practice at the center.

Jack Osborne opposed gun control.

Richard Canini spoke against government corruption which resulted in the financial crisis.

David Grabill, Housing Advocacy Group, agreed with the letter to the City from the Department of Housing and Community Development regarding the draft Housing Element which pointed out areas in need of improvement. He also asked that they involve market rate developers in developing affordable housing.

**12. REPORT ITEMS**

**5:00 P.M.**

**12.1 PUBLIC HEARING – DOWNTOWN ZONING CODE TEXT AMENDMENTS - TATTOOS, SMOKE SHOPS & NIGHT CLUBS 5:04:27 PM**

Councilmember Sawyer recused himself from this item and absented himself from the Chamber for the remainder of the meeting.

Supervising Planner Clare Hartman made the staff presentation for the recommended ordinance amending the Santa Rosa Zoning Code provisions regarding "Tattoo and body piercing services", "Tobacco or smoke shops", "Night clubs", and "Commercial recreation - indoor" to limit or prohibit them in the downtown area and to provide some additional regulations for nightclubs. She described the public notification and outreach used to help develop the ordinance provisions. The Planning Commission had recommended Council adoption of the "Downtown Zoning Code Text Amendments" summarized as follows: maintain existing zoning for "Tattoo and body piercing services", which allows the use with a Minor Use

Permit (MUP) in the CD (Downtown Commercial), CG (General Commercial) and CSC (Community Shopping Center) Districts; adopt new Zoning Code definitions for "Tobacco or smoke shop"; and allow "Tobacco or smoke shop", "Night club", and "Commercial Recreation - Indoor" land uses with a MUP in the CD (Downtown Commercial), CG (General Commercial) and CSC (Community Shopping Center) Districts.

PUBLIC HEARING [5:28:19 PM](#)

Judy Kennedy said that there had not been opposition to these retail uses in her neighborhood, noting that arts districts tend to have uses such as these which have become more mainstream. She supported the Planning Commission recommendation.

Joseph Leonard said that he lives in the neighborhood and owns a tattoo shop downtown. He said that tattoo shops don't do gang tattoos, and that tattooing is an art form.

Michael Mertz, owner of Evolution Tattoo and Piercing on Santa Rosa Avenue, confirmed that the shops avoid any gang tattoos and resulting gang association. He said that regulation and practices in shops are much safer than those done at home.

Steve Thomas, Sonoma County Arts Council member, spoke in support of the arts and culture in the downtown, noting that tattooing is an art form popular with young Americans.

Dina Walker, parent of five children, opposed tattoo parlors in close proximity to schools and providing tattoos to minors without parental consent. She also opposed charging fees for paramedic services.

Hearing no further testimony, Mayor Gorin closed the public hearing at [5:42:50 PM](#).

MOVED by Councilmember Bender, seconded by Councilmember Olivares, carried 6-0-1 (councilmember Sawyer abstaining), to introduce and waive reading of the text of the ordinance in item 12.1 as follows:

**ORDINANCE ENTITLED:** ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING SECTIONS OF TITLE 20 OF THE SANTA ROSA CITY CODE (THE ZONING CODE) RELATING TO TOBACCO, TOBACCO PRODUCTS, SMOKE SHOPS AND CERTAIN USES IN THE DOWNTOWN AREA – FILE NUMBER ST08-003

#### **15.1 APPOINTMENT OF APPLICANTS TO PERSONNEL BOARD [5:57:41 PM](#)**

MOVED by Councilmember Bender, seconded by Councilmember Olivares, carried 6-0-1 (Councilmember Sawyer absent), to appoint Thomas Brandon as the labor representative on the Personnel Board.

MOVED by Councilmember Jacobi to appoint Ellie Lawry. The motion died for lack of a second.

The Council subsequently voted in accordance with the selection process set forth in Council Policy 000-06 resulting in a 3-3 tie between Ellie Lowry (Bender, Jacobi, and Olivares) and Ashley Halliday (Gorin, Vas Dupre and Wysocky).

MOVED by Councilmember Jacobi, seconded by Vice Mayor Vas Dupre, carried 6-0-1 (Councilmember Sawyer absent) to appoint Ashley Halliday to the Personnel Board at-large position.

#### **14. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)**

#### **17. [IF NEEDED] – ANNOUNCEMENT OF ADDITIONAL CLOSED SESSION ITEMS(S), ADJOURNMENT TO CLOSED SESSION(S), RECONVENE TO OPEN SESSION, AND ANNOUNCEMENTS, IF ANY [6:07:11 PM](#)**

The Council adjourned the open session and reconvened in closed session at 6:07 p.m. with six members of the Council present. Councilmember Sawyer was absent.

#### **18. ADJOURNMENT OF MEETING**

Hearing no further business, Mayor Gorin reconvened in open session at 7:00 p.m. City Attorney Fowler announced no action had been taken and there were no announcements to be made. Mayor Gorin adjourned the meeting at 7:00 p.m. The next regularly scheduled meeting will take place on March 24, 2009, at a time to be set by the Mayor.

Approved on April 21, 2009:

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Susan Stoneman  
City Clerk