

**SANTA ROSA CITY COUNCIL MEETING MINUTES  
TUESDAY, APRIL 14, 2009  
COUNCIL CHAMBER, CITY HALL, 100 SANTA ROSA AVENUE  
REGULAR MEETING**

**3:30 P.M. (MAYORS CONFERENCE ROOM)**

**CALL TO ORDER AND ROLL CALL**

Mayor Gorin called the meeting to order at 3:30 p.m. Councilmembers present: Mayor Gorin, Vice Mayor Vas Dupre, Councilmembers Bender, Jacobi, Olivares and Wysocky. Absent: Councilmember Sawyer.

**STUDY SESSION -- NONE**

**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 – EXISTING LITIGATION**

**(Subdivision (a) of Government Code Section 54956.9)**

Name of case: In re: Calpine Corporation, et al., Debtors: United States Bankruptcy Court Southern District of New York; Case No. 05-60200 (BRL)

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

**4:00 P.M. (CITY COUNCIL CHAMBER)**

**4. ANNOUNCEMENT OF ROLL CALL**

Members of the Council were present as noted above.

**5. REPORT, IF ANY, ON STUDY AND CLOSED SESSION(S) [4:05:55 PM](#)**

City Attorney Caroline Fowler reported that the Council had met in closed session regarding item 3.2 as listed on the agenda and that there was no action taken or announcement to be made. She also reported that the Council had not taken up Agenda Item 3.1.

**6. PROCLAMATIONS/PRESENTATIONS**

**6.1 PROCLAMATION -- NATIONAL CRIME VICTIMS' RIGHTS WEEK**

Sonoma County District Attorney Stephan Passalaqua accepted the proclamation on National Crime Victims' Rights Week which was presented by Councilmember Olivares. Mr. Passalaqua announced the week's activities including a community forum on underage drinking and a march for crime victims.

**6.2 PROCLAMATION -- NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK [4:14:33 PM](#)**

Casey O'Connor, Communications Supervisor; Vanessa Zappa, Dispatcher; and Rhonda McKinnon, Acting Technical Services Manager, accepted the proclamation for National Public Telecommunications Week which was presented by Councilmember Jacobi.

**7. STAFF BRIEFINGS -- NONE**

**8. APPROVAL OF MINUTES – NONE**

**9. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS [4:18:57 PM](#)**

There were no statements of abstention made.

**10. CONSENT ITEMS**

MOVED by Vice Mayor Vas Dupre, seconded by Councilmember Bender, carried 6-0-1 (Councilmember Sawyer absent), to adopt and waive reading of the text of the motion in item 10.1 and the text in the resolution in item 10.2 as follows:

**10.1 MOTION -- CONTRACT EXTENSION - FINANCIAL AUDIT SERVICES**

**MOTION** EXTENDING CONTRACT NO. 06-8366, FOR FINANCIAL AUDIT SERVICES, FOR A ONE-YEAR PERIOD WITH MACIAS GINI & COMPANY, LLP, WALNUT CREEK, CALIFORNIA, WITH A 1.5% INCREASE IN RATES AND ADDITIONAL SERVICES IN THE TOTAL AMOUNT OF \$158,315. FUNDING FOR AUDIT SERVICES IS AVAILABLE IN THE FY 2008-09 OPERATIONAL BUDGETS OF THE VARIOUS DEPARTMENTS THAT UTILIZE THESE SERVICES.

**10.2 RESOLUTION – CONTRACT AWARD - ENTERPRISE DOCUMENT MANAGEMENT SYSTEM**

**RESOLUTION NO. 27340 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING AWARD OF BID FOR ENTERPRISE DOCUMENT MANAGEMENT SYSTEM SOFTWARE AND SERVICES TO RAY MORGAN COMPANY, INC., DBA TECHNICAL CONSULTANTS INTERNATIONAL, ROSEVILLE, CALIFORNIA

**11. REPORT ITEMS**

**11.1 REPORT -- HUMBOLDT STREET BIKE BOULEVARD [4:20:32 PM](#)**

Transportation Planner Nancy Adams made the staff presentation for the pilot project for the Humboldt Street Bike Boulevard extending from Lewis to Fifth Street. She discussed the attributes of the proposed bike boulevard, noting that Humboldt Street had been included in the City's Bicycle and Pedestrian Master Plan as a bike boulevard and has been identified as a Bicycle and Pedestrian Advisory Board priority. She provided slides displaying the proposed striping, signage, routes and location of the proposed bike lane modifications. She outlined the project timeline and implementation schedule pending the Council's approval of the pilot project design and recommended project approval.

PUBLIC COMMENT [4:51:15 PM](#)

Howard Adler spoke in support of this and other similar projects throughout the city, and encouraged that a driver educational component

be part of the project. He also suggested that the proposed 101 overpass include an awning and separate lanes for bicycles, pedestrians and an electric tram.

Steve Frye also spoke in support of making Humboldt the city's first bicycle boulevard, but thought the posted 25 MPH speed limit may be too high for a shared bicycle and vehicle lane, saying that shared lanes in the Netherlands are posted at 18 MPH.

Jessica Dias said the JC Neighborhood Association Board strongly supports the creation of a bicycle boulevard on Humboldt as it creates bike safe travel between the junior college, the neighborhood and downtown.

Sandra Lupien, Sonoma County Bicycle Coalition, 793 McConnell Avenue, spoke in supporting, saying that Santa Rosa lacks significant traffic calming measures that give equal priority to bike riders as to motorists.

Jakob Parsons also spoke in support of the bike boulevard as a means of encouraging people to ride as it is safer and easier.

Christine Culver, Sonoma County Bicycle Coalition, also supported the project, and asked that consideration be given to keeping the 'no right on red' as it is safer for cyclists.

Kay Tokerud spoke in opposition to the project as only a very limited demographic group would benefit from the public investment and that her observation was the problem was not as much conflict between autos and bicycles as cyclists disobeying traffic laws.

MOVED by Councilmember Wysocky, seconded by Councilmember Olivares, carried 6-0-1 (Councilmember Sawyer absent), to adopt and waive reading of the text of the resolutions in item 11.1 as follows:

**RESOLUTION NO. 27341 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE BIKE BOULEVARD PILOT PROJECT FOR HUMBOLDT STREET

**5:00 P.M.**

**11.2 PUBLIC HEARING – PARTICIPATION OF THE CITY OF SANTA ROSA IN THE SONOMA COUNTY ENERGY INDEPENDENCE PROGRAM (SCEIP), PURSUANT TO CALIFORNIA AB 811, AND**

**ESTABLISHMENT OF VERIFICATION AND SIGN OFF FEE** [5:22:49 PM](#)

Assistant City Manager Michael Frank made the staff presentation for the proposed financing program, authorized by SB 811, to help homeowners finance the cost of installing distributed generation renewable energy sources or making energy efficient improvements that are permanently affixed to real property. He explained that the loan repayment would be facilitated through a property assessment that would follow the property, not the homeowner. The program would retrofit existing housing stock in order to help reach green house gas reduction targets. The County of Sonoma would administer the program with the City to perform the inspections on city properties. Inspection of items proposed that are not included in the City's fee schedule would be inspected specifically to verify the installations were complete and proof of inspection would be necessary to obtain funding. He recommended approval of a permit fee of \$100 to cover the costs to the City of providing this service as well as approval of the resolution including Santa Rosa in the SCEIP program.

Peter Rumble, Sonoma County Administrator's Office, spoke regarding the coordination and collaboration between the nine Sonoma County Cities and the County on this and other projects.

**PUBLIC HEARING** [5:52:15 PM](#)

Ann Hancock spoke in support, and suggested using the Pay as You Save (PAYS) program for water efficiency, and simultaneously addressing the climate, water and economic crisis.

Jane Nielson, geology PhD, speaking for the Sonoma County Water Coalition, also shared concern for water supply and supported the PAYS program and improving water end use efficiencies.

Terry Price spoke in support of the program and encouraged home energy audits in order to objectively optimize retrofits without vendor bias.

Kay Tokerud opposed the 7% interest and questioned the viability of installations which may become technically obsolete before the debt is paid, and she also opposed the \$100 inspection fee.

Colleen Fernald supported 4% or 5% interest and wanted the building industry to focus on rebuilds.

John Jenkel objected to prioritizing commercial projects and the use of bond funding.

Peter Tcherneff also objected to the interest rate.

Hearing no further testimony, Mayor Gorin closed the public hearing at [6:14:15 PM](#)

Staff responded to questions raised, explaining the \$100 fee would only be charged when there was no other open permit necessitating an inspection, and that the interest rate covers the unsubsidized program financing and administrative costs.

MOVED by Councilmember Jacobi, seconded by Councilmember Wysocky, carried 6-0-1 (Councilmember Sawyer absent), to adopt and waive reading of the text of the resolutions in item 11.2 as follows:

**RESOLUTION NO. 27342 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA, STATE OF CALIFORNIA, CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE CITY OF SANTA ROSA'S INCORPORATED AREA IN THE SONOMA COUNTY ENERGY INDEPENDENCE PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES AND ENERGY EFFICIENCY IMPROVEMENTS

MOVED by Councilmember Jacobi, seconded by Vice Mayor Vas Dupre, carried 6-0-1 (Councilmember Sawyer absent), to adopt and waive reading of the text of the resolutions in item 11.2 as follows:

**RESOLUTION NO. 27343 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA TO ESTABLISH A FEE TO COVER THE COSTS TO THE CITY FOR VERIFICATION OF THOSE IMPROVEMENTS UNDER THE SONOMA COUNTY ENERGY INDEPENDENCE PROGRAM THAT DO NOT ALREADY HAVE A BUILDING PERMIT AND FEE ASSOCIATED WITH THEM

**\*\*11.3 PUBLIC HEARING – APPEAL OF PLANNING COMMISSION DECISION - FAST AND EASY MART - 2550 GUERNEVILLE RD., SUITE A** [6:28:41 PM](#)

Under ex parte disclosures, Councilmember Bender stated she had visited the site.

Supervising Planner Clare Hartman made the staff presentation for the appeal of the Planning Commission's denial of the appellant's request to lift conditions on their conditional use permit granted in September of 1999. She said the current owner, since 2007, said he was unaware of the restrictions on the permit and therefore requested that the conditions be lifted and that sale

of distilled spirits for off-site consumption, extended hours of operation, and the sale of beer in single bottles and cans be allowed. She explained that the market is currently not in compliance with the conditions regarding hours of operation and the sale of spirits, and that individual cans of beer were being sold at the store in an ice tub display. She noted that the store's proximity to the school had been a consideration in placing conditions on the use permit. The Planning Commission had found there was not a good track record for complying with the conditions and had recommended denial of the appeal with prejudice. Per the City of Santa Rosa Zoning Code, denial with prejudice means that a request for the same or substantially similar project within 12 months is prohibited. On March 4, 2009, the applicant submitted an appeal, requesting that the Planning Commission's denial of the Conditional Use Permit be overturned. The Planning Commission and Community Development Department recommended denial of the Conditional Use Permit application with prejudice and uphold the Planning Commission's determination in this matter.

**PUBLIC HEARING [6:41:36 PM](#)**

Manoj Shrestha, Appellant, explained that he had worked in the store with the previous Fast and Easy Mart owner in 2005 and bought the store in 2007, and at that time it was open at 6:00 a.m. and closed at 12:p.m.. He said his customers want to buy liquor so he had applied last year and obtained the license from ABC and subsequently applied to the City for a conditional permit. He said he opens at 6:00 a.m. and wants to close at 12:00 p.m.

Rick Warren, attorney representing Mr. Shrestha, verified that he had worked there from 2005 until 2007 and the hours of operation had always been from 6:00 a.m. to midnight every day, and he continued those hours until he learned about the conditional use permit when they went to 6:00 a.m. to 10:00 p.m. and midnight on the weekends. He said there had been no opposition from law enforcement, schools or churches to the expansion of the use or hours. He said the Planning Commission's reaction was that there had been some lack of due diligence by the applicant, however, when the use was first licensed in 2000, any hours limitation would have been conditioned on the ABC license, which is why Mr. Shrestha was not aware of the hours restrictions. He said this would be a convenience store first and foremost, not a liquor store.

Michael Kelly said he works swing shift and likes to stop at this store on his way home, he supported keeping the store open until midnight.

Kate Moore, spoke in favor of upholding the appeal, stating support for the hours and sale of spirits in order to compete in the marketplace.

Georgia Barrow also spoke in favor of upholding the appeal, saying the appellant is of good character.

James Cadden also spoke in support of the appellant, saying he likes the convenience of the extended hours and has rarely seen high school students in the store. He said the liquor sales would be well handled.

Hearing no further testimony, Mayor Gorin closed the public hearing at [6:57:38 PM](#)

Ms. Hartman noted that the original conditional use permit included prohibitions on window displays advertising alcohol so as to not restrict the view of police patrols and a prohibition on displaying beer or wine in an ice tub or within five feet of the door. She noted there were many window displays and an ice tub display with single beverages.

MOVED by Councilmember Wysocky, seconded by Vice Mayor Vas Dupre, carried 6-0-1 (Councilmember Sawyer absent), to continue this hearing for three months so that staff and the applicant could confer and come to a resolution; and require the applicant to comply with the existing conditions of the existing conditional use permit in the meantime.

**12. PUBLIC COMMENTS ON NON-AGENDA MATTERS [7:30:51 PM](#)**

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

Steve McCullagh, Aegis Senior Living, Fountaingrove Lodge applicant, said that he was told by the staff planner that no matter what input was received at the neighborhood meeting that week staff would recommend denial. He said they have agreed to on-street parking and a reduction of on-site parking.

Elizabeth Neylon spoke against war.

Colleen Fernald also spoke against war and requested a meeting with Councilmembers.

Peter Tcherneff, spoke on various news items and police abuse.

John Jenkel spoke against war.

**13. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)**

**14. MAYOR'S/COUNCILMEMBERS' REPORTS**  
[7:48:42 PM](#)

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

**15. CITY MANAGER'S/CITY ATTORNEY'S REPORTS**

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

**16. [IF NEEDED] – ANNOUNCEMENT OF ADDITIONAL CLOSED SESSION ITEMS(S), ADJOURNMENT TO CLOSED SESSION(S), RECONVENE TO OPEN SESSION, AND ANNOUNCEMENTS, IF ANY**

**17. ADJOURNMENT OF MEETING**

Hearing no further business, Mayor Gorin adjourned the meeting at 8:11 p.m. The next regularly scheduled meeting will take place on April 21, 2009, at a time to be set by the Mayor.

Approved on May 12, 2009:

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Susan Stoneman  
City Clerk