

**SANTA ROSA CITY COUNCIL MEETING MINUTES  
TUESDAY, MAY 19, 2009  
COUNCIL CHAMBER, CITY HALL, 100 SANTA ROSA AVENUE  
REGULAR MEETING**

**2:00 P.M. (COUNCIL CHAMBER)**

**1. CALL TO ORDER AND ROLL CALL [2:03:55 PM](#)**

Mayor Gorin called the meeting to order at 2:00 p.m. in the Council Chamber. Councilmembers present: Mayor Gorin; Councilmembers Bender, Jacobi, Olivares, and Wysocky. Absent: Vice Mayor Vas Dupre and Councilmember Sawyer. Vice Mayor Vas Dupre arrived at the meeting at [2:14:18 PM](#).

**2. STUDY SESSION**

**2.1 SONOMA COUNTY WATER AGENCY - WATER SUPPLY AND PLANNING WORKSHOP [2:03:59 PM](#)**

Jennifer Burke, Senior Water Resources Planner, explained that this is an abbreviated version of a Sonoma County Water Agency public workshop regarding water supply challenges and planning that had been held on April 13, 2009 before the Board of Supervisors; and also before the Board of Public Utilities on May 7.

Grant Davis, Jay Jaspers, and Don Seymour of the Sonoma County Water Agency made the presentation which outlined 12 strategies recommended by the water agency staff to address challenges to securing a reliable and sustainable water supply.

PUBLIC COMMENT [3:13:03 PM](#)

Duane DeWitt, Roseland, advocated for sustainability and natural habitat and recommended a moratorium on new connections.

Brenda Adelman, Russian River Watershed Protection Committee, commented on the current flow of 330 CFS in the river at a time when Lake Mendocino levels are low; saying that as of July 6 the state will order flows reduced to 36 CFS which will adversely impact recreational use of the river and may also adversely impact water quality and the fishery. She asked that a biologist be consulted.

Peter Tcherneff suggested not using water for turf or grazing and consulting other experts.

Water agency staff responded that the high flows occurring at present are natural flows from tributaries downstream from Lake Mendocino and would attenuate once rainfall diminishes. He said the agency had worked closely with the Water Quality Control Board and others to develop the water quality and temporary monitoring plan.

There was no Council action taken on this item.

**2.2 CAPITAL IMPROVEMENT PROGRAM [3:28:35 PM](#)**

David Guhin, Deputy Director – Engineering; Jean Gill, Principal Financial Analyst, Marc Richardson, Assistant City Manager – Director of Recreation and Parks, and Deputy City Manager Greg Scoles provided an overview of citywide assets and the proposed five-year Capital Improvement Program (CIP) for Council review prior to forwarding the CIP to the Planning Commission to determine its consistency with the City's General Plan. Mr. Guhin also provided a funding history of the CIP, and displayed a map identifying the locations of the City's CIP projects.

PUBLIC COMMENT [4:04:00 PM](#)

Brenda Adelman, Russian River Watershed Protection Committee, requested increasing the sanitary sewer replacement rate.

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

MOVED by Councilmember Bender, seconded by Vice Mayor Vas Dupre, carried 6-0-1 (Councilmember Sawyer absent) to add a closed session item that came to the attention of the City after publication of the agenda, a conference with legal council regarding anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9, one potential case.

**3.1 CONFERENCE WITH LABOR NEGOTIATORS**

**3.2 ADJOURN CLOSED SESSION(S) AND RECONVENE TO REGULAR SESSION IN THE COUNCIL CHAMBER**

The Council postponed the Closed Session items to the end of the regular agenda.

**4:00 P.M. (CITY COUNCIL CHAMBER) [4:08:08 PM](#)**

Mayor Gorin called the regular session to order in the Council Chamber at 4:08 p.m. with all members of the Council present except Councilmember Sawyer, who was absent.

**5. REPORT, IF ANY, ON STUDY AND CLOSED SESSION(S) [4:08:48 PM](#)**

City Manager Kolin reported that the Council had met in study session to discuss Items 2.1 and 2.2 as listed on the agenda and that there had been no Council action taken. He also reported that the Council had not met in Closed Session.

**6. PROCLAMATIONS/PRESENTATIONS**

**6.1 PRESENTATION -- WATER CONSERVATION POSTER CONTEST AWARDS [4:09:27 PM](#)**

Gail Chavez made a presentation to poster contest winners Cole Brady, third grade winner; and Lindsey Snetsinger, fourth grade winner. The poster theme was "We Are Planting Ideas to Save Water". The contest entries were on display in the Chamber.

**PUBLIC COMMENT**

Peter Tcherneff offered to do a contest to do a cactus garden or living cactus fence with eight \$100 gift certificates. He also offered to donate cactus plants.

**6.2 PROCLAMATION -- SMALL BUSINESS WEEK [4:19:18 PM](#)**

Councilmember Wysocky presented the Small Business Week Proclamation which was accepted by Chris Lynch, Chamber of Commerce, Lorraine Dunlavey, Small Business Development Center, and Nancy Manchester of the Economic Development and Housing Department.

**6.3 PROCLAMATION -- NATIONAL PUBLIC WORKS WEEK [4:22:21 PM](#)**

Councilmember Bender presented the National Public Works Week Proclamation, which was accepted by Public Works Director Rick Moshier.

**7. STAFF BRIEFINGS – NONE**

**8. APPROVAL OF MINUTES – MARCH 24, 2009 AND APRIL 21, 2009 REGULAR MEETING MINUTES [4:31:54 PM](#)**

The minutes of the March 24, 2009 and April 21, 2009 Regular were approved as submitted.

**9. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS [4:32:16 PM](#)**

There were no statements of abstention made.

**10. CONSENT ITEMS [4:32:31 PM](#)**

MOVED by Councilmember Bender, seconded by Councilmember Wysocky, carried 6-01 (Councilmember Sawyer absent) to add Item 10.10 to the agenda due to time urgency.

Item 10.2 was pulled from the agenda.

**PUBLIC COMMENT [4:36:30 PM](#)**

Duane DeWitt, Roseland, opposed the widening of Stony Point Road and supported Items 10.8 and 10.9, suggesting naming the park in honor of Margo Piccinini.

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 resolutions in Items 10.3 through 10.10 as follows:

**10.1 MOTION -- COMMUNITY CHOICE AGGREGATION INVESTIGATION DECLARATION**

**MOTION AUTHORIZING THE MAYOR TO SIGN THE DECLARATION FOR DATA RELEASE FROM PG&E IN SUPPORT OF THE CLIMATE PROTECTION CAMPAIGN'S AND SONOMA COUNTY WATER AGENCY'S ANALYSIS OF ENERGY USAGE IN SONOMA COUNTY.**

**10.3 RESOLUTION -- AUTHORIZING THE EXECUTION OF A MASTER AGREEMENT AND PROGRAM SUPPLEMENTS FOR STATE-FUNDED TRANSIT PROJECTS**

**RESOLUTION NO. 27378 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE EXECUTION OF A MASTER AGREEMENT AND PROGRAM SUPPLEMENTS FOR STATE-FUNDED TRANSIT PROJECTS**

**10.4 RESOLUTION -- ARBITRAGE INTEREST REBATE**

**RESOLUTION NO. 27379 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE REBATE OF EXCESS INTEREST EARNINGS ON THE**

2004 SERIES A & B WASTEWATER BONDS TO THE DEPARTMENT OF THE TREASURY

**10.5 RESOLUTION -- SANTA ROSA CREEK - B STREET OUTFALL RETROFIT PROJECT FINANCIAL ASSISTANCE AGREEMENT**

**RESOLUTION NO. 27380 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING ENTERING INTO A FINANCIAL ASSISTANCE AGREEMENT WITH THE STATE OF CALIFORNIA AND THE STATE WATER RESOURCES CONTROL BOARD; DESIGNATING A REPRESENTATIVE TO SIGN THE FINANCIAL ASSISTANCE AGREEMENT, AND ANY AMENDMENTS THERETO, FOR THE SANTA ROSA CREEK – B STREET OUTFALL RETROFIT PROJECT; AND TRANSFERRING CREEK RESTORATION - STORM WATER UTILITY FUNDS

**10.6 RESOLUTION -- CONTRACT AWARD - STONY POINT ROAD WIDENING AND RECONSTRUCTION PHASE 1 - HIGHWAY 12 TO SEBASTOPOL ROAD**

**RESOLUTION NO. 27381 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ACCEPTING BID AND AWARING CONTRACT NO. 2006-001 TO GHILOTTI CONSTRUCTION COMPANY OF SANTA ROSA, CALIFORNIA FOR THE STONY POINT ROAD WIDENING AND RECONSTRUCTION PHASE 1 – HIGHWAY 12 TO SEBASTOPOL ROAD

**10.7 RESOLUTION -- ESTABLISH A ONE-WAY STREET - TENTH STREET**

**RESOLUTION NO. 27382 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ESTABLISHING A ONE-WAY STREET

**10.8 RESOLUTION -- APPROVAL OF FUNDING AGREEMENT AND BENEFIT FINDINGS FOR CONSTRUCTION OF AIRFIELD PARK**

**RESOLUTION NO. 27383 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A FUNDING AGREEMENT WITH THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA ROSA AND [MAKING CERTAIN](#) BENEFIT FINDINGS [FOR THE CONSTRUCTION OF AIRFIELD PARK](#)

**10.9 RESOLUTION -- APPROVAL OF FUNDING AGREEMENT AND BENEFIT FINDINGS**

**FOR BAYER NEIGHBORHOOD PARK AND GARDENS**

**RESOLUTION NO. 27384 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A FUNDING AGREEMENT WITH THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA ROSA AND MAKING CERTAIN BENEFIT FINDINGS FOR BAYER NEIGHBORHOOD PARK AND GARDENS

**\*10.10 RESOLUTION -- FISCAL HARDSHIP RESULTING FROM PROPOSED STATE BORROWING OF LOCAL PROPERTY TAXES**

**RESOLUTION NO. 27385 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA FINDING A SEVERE FISCAL HARDSHIP WILL EXIST IF ADDITIONAL LOCAL PROPERTY TAX FUNDS ARE SEIZED AND ADDITIONAL UNFUNDED MANDATES ARE ADOPTED BY THE STATE OF CALIFORNIA

Item 10.2 was pulled from the agenda:

**10.2 MOTION -- PROFESSIONAL SERVICES AGREEMENT FOR PREPARATION OF A FEASIBILITY STUDY FOR CAPACITY ENHANCEMENTS AT THE INTERSECTION OF FARMERS LANE AND STATE ROUTE 12 / FOURTH STREET**

**MOTION** AWARING A PROFESSIONAL SERVICES AGREEMENT WITH BKF ENGINEERS IN AN AMOUNT NOT TO EXCEED \$139,500 FOR THE PREPARATION OF A FEASIBILITY STUDY FOR CAPACITY ENHANCEMENTS AT THE INTERSECTION OF FARMERS LANE AND STATE ROUTE 12 / FOURTH STREET.

**11. REPORT ITEMS**

**11.1 REPORT -- COUNCIL REVIEW OF WORK PROGRAMS - GREEN BUILDING ADVISORY COMMITTEE RECOMMENDATIONS [4:41:02 PM](#)**

Community Development Director Chuck Regalia presented the draft work plans to implement the Green Building Council Advisory Committee recommendations. How those particular recommendations match with existing City programs, resources and priorities had been evaluated, resource needs had been estimated and schedules prepared.

Administrative Analyst Tasha Wright, Building Official Michael Whitaker, Chuck Regalia and

Supervising Planner Clare Hartman each outlined sections of the work plans.

Mr. Regalia recommended on behalf of the Green Building Recommendations Working Group that the Council accept the work plans to implement the recommendations of the Green Building Council Advisory Committee and provide direction regarding further staff action.

#### PUBLIC COMMENT

Patricia Foster encouraged more public input and asked for and received clarification regarding a suggested JC Neighborhood retrofit pilot project and whether there were any mandatory requirements.

Melissa Bastianon was concerned about the accuracy of the projected timelines and felt that commercial buildings were not adequately addressed. She said that sellers of distressed properties are required to be current on mortgage and property taxes and this would adversely affect them. She opposed recommendation C and D in favor of letting stakeholders develop a retrofit program with public input.

Duane DeWitt spoke regarding his research of AB 811 and spoke in support of the recommendation.

Colleen Fernald supported the Go Local campaign and spoke in support.

Mr. Regalia noted the recommendation doesn't enact decisions, but sets forth tasks in order to evaluate the best final product, and recommended against eliminating any portion of the evaluation tasks.

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

**MOTION RECOMMENDING THAT THE COUNCIL**  
1) ACCEPT THE WORK PLANS PREPARED TO IMPLEMENT THE RECOMMENDATIONS OF THE GREEN BUILDING COUNCIL ADVISORY COMMITTEE

#### **11.2 RESOLUTION -- PROFESSIONAL SERVICES AGREEMENT - BAYER NEIGHBORHOOD PARK & GARDENS** [6:05:53 PM](#)

Marc Richardson, Assistant City Manager – Director of Recreation and Parks, provided an overview of the scope of work for the proposed Professional Services Agreement for the

development of a master plan for the development of the Bayer Farm as a neighborhood park and gardens. He explained the six-acre farm on West Avenue had been acquired from the Bayer family with a vision of establishing a neighborhood park and community garden area. A variety of funding sources, including State grants and the Sonoma County Agricultural Preservation and Open Space District, were used to purchase the farm in the late summer of 2007. In order to provide as much programming at the site as possible during the planning phase, the Recreation & Parks Department partnered with LandPaths, through a co-sponsorship agreement, to provide interim programming and a community garden at the property. Some temporary improvements including site access, pathways and garden plots had been made. He said the design and master planning process would include extensive public participation.

Mr. Richardson also outlined the proposal process, which culminated in the selection panel's recommendation of Royston Hanamoto Alley & Abey of Mill Valley. He said funding for the proposed \$93,881.60 (with a 10% contingency) agreement was in the current fiscal year capital improvement budget, Project Number 8446, which is funded by the Redevelopment Agency and Park Acquisition & Development Fees.

#### PUBLIC COMMENT

Duane DeWitt spoke in favor, as encumbered redevelopment funds could not be grabbed by the state, and requested public involvement.

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

**RESOLUTION NO. 27386 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH ROYSTON HANAMOTO ALLEY & ABEY (RHAA) OF MILL VALLEY, CALIFORNIA FOR BAYER NEIGHBORHOOD PARK AND GARDENS

#### **11.3 PUBLIC HEARING – SAMUEL L. JONES HALL HOMELESS SHELTER EXPANSION** [6:19:03 PM](#)

City Planner Noah Housh presented the request for a Conditional Use Permit by the Economic Development and Housing Department to allow a 50 percent increase in occupancy for the Samuel

L. Jones Homeless Shelter. The request was a result of the proposed closing of the Brookwood Homeless Shelter due to the City's current budget issues. Samuel Jones Hall had been selected as the City-owned homeless shelter because the 17,000 square foot facility could accommodate the additional occupancy and \$1,500,000 in State funding (grant funds for the acquisition and rehabilitation of the facility) required that it remain a homeless shelter until September 19, 2012 or else the funds must be repaid to the State. He said that no other changes were proposed to the current operation of the facility.

He recommended approval of the proposed expansion of homeless shelter services at Samuel L. Jones Hall from 80 beds to 120 beds, with an additional 15 percent occupancy between October and April to address weather emergencies.

PUBLIC HEARING [6:23:18 PM](#)

Duane DeWitt requested public involvement and obtaining funding through community support in order to keep Brookwood Shelter open.

David Grabill, Housing Advocacy Group, opposed the closure of the Brookwood Shelter and felt homeless services should be expanded, and that additional funds should be obtained for homeless services, suggesting redevelopment funds.

Peter Tcherneff supported expansion of Samuel Jones Hall while keeping other shelters open.

Hearing no further testimony, Mayor Gorin closed the public hearing at [6:33:29 PM](#)

MOVED by Councilmember Olivares, seconded by Councilmember Bender, carried 6-0-1 (Councilmember Sawyer absent), to adopt and waive reading of the text of the resolution in item 11.3 as follows:

**RESOLUTION NO. 27387 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL USE PERMIT FOR THE SAMUEL L. JONES HALL HOMELESS SHELTER EXPANSION - LOCATED AT 3900 FINLEY AVENUE - FILE NUMBER CUP09-005

**11.4 PUBLIC HEARING -- MENDOCINO AVENUE CORRIDOR PLAN [6:42:00 PM](#)**

Peter Brown, Senior Planner, presented the Mendocino Avenue Corridor Plan which was authorized and funded by the City Council in 2007. The main objective of this corridor plan was to make the area function better and to be more

attractive to residents, students, and businesses. He provided an overview of the plan which seeks to enhance all modes of travel (walking, bicycling, transit and automobile) through safety improvements as well as aesthetics and landscaped medians. He recommended adoption of a resolution adopting a Negative Declaration and amending the Design Guidelines to include the corridor plan guidelines.

PUBLIC HEARING [7:10:12 PM](#)

Jenny Bard spoke in support of the corridor plan and recommended it serve as a pilot project.

Charlie McGowan also spoke in support of adoption but didn't see the need for a left turn lane into the northern JC garage entrance, and recommended synchronization of traffic signals.

Anne Seeley, Concerned Citizens for Santa Rosa, also supported adoption, noting it is the culmination of a neighborhood-initiated effort which would result in a more desirable and attractive public space.

Mary Morrison objected to initiating new projects due to the economy.

MOVED by Councilmember Wysocky, seconded by Vice Mayor Dupre, carried 6-0-1 (Councilmember Sawyer absent), to adopt and waive reading of the text of the resolution in item 11.4 as follows:

**RESOLUTION NO. 27388 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING A NEGATIVE DECLARATION FOR THE MENDOCINO AVENUE CORRIDOR PLAN LOCATED BETWEEN COLLEGE AVENUE AND STEELE LANE -- ; FILE NO. ST09-014

MOVED by Councilmember Wysocky, seconded by Vice Mayor Dupre, carried 6-0-1 (Councilmember Sawyer absent), to adopt and waive reading of the text of the resolution in item 11.4 as follows:

**RESOLUTION NO. 27389 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AN AMENDMENT TO THE DESIGN GUIDELINES TO INCLUDE SECTION 4.9 OF THE MENDOCINO AVENUE CORRIDOR PLAN, WHICH ADDRESSES PROPERTIES ALONG MENDOCINO AVENUE BETWEEN COLLEGE AVENUE AND STEELE LANE, FILE NO. ST09-014

MOVED by Councilmember Wysocky, seconded by Vice Mayor Dupre, carried 6-0-1

(Councilmember Sawyer absent), to adopt and waive reading of the text of the resolution in item 11.4 as follows:

**RESOLUTION NO. 27390 ENTITLED:**  
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE MENDOCINO AVENUE CORRIDOR PLAN - FILE NUMBER ST09-014

**12. PUBLIC COMMENTS ON NON-AGENDA MATTERS [7:22:46 PM](#)**

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

Laura Gonzales, representing Sonoma County Latino Democratic Club submitted a letter requesting that the person selected to head up the gang prevention programs be bilingual and culturally competent.

Colleen Fernald recommended budget backup plan and spoke against war.

Peter Tcherneff opposed censure.

Elizabeth Neylon, 911 Truth Campaign, spoke about litigation involving John Jenkel.

Mary Morrison opposed all new spending.

John Jenkel spoke of a court order against him and spoke against war.

Anika Posnoyavich thanked the Council for their support of the bicycling community.

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

**14. MAYOR'S/COUNCILMEMBERS' REPORTS [7:43:29 PM](#)**

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

Councilmember Wysocky announced his appointment of Kris Sunderlage to the Design Review Board.

**15. CITY MANAGER'S/CITY ATTORNEY'S REPORTS [7:53:10 PM](#)**

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**

Hearing no further business, Mayor Gorin adjourned the meeting to closed session at 7:58 p.m. in honor of Elee Tsai's many years of service to the Design Review Board. All members of the Council were present except Councilmember Sawyer.

**17. ADJOURNMENT OF MEETING [7:58:03 PM](#)**

The Mayor reconvened in open session and adjourned the meeting at 8:30 p.m. There were no actions or announcements to be made. The next regularly scheduled meeting will take place on June 2, 2009, at a time to be set by the Mayor.

Approved on June 23, 2009

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Susan Stoneman  
City Clerk