

**SANTA ROSA CITY COUNCIL MEETING MINUTES
TUESDAY, SEPTEMBER 15, 2009
COUNCIL CHAMBER, CITY HALL, 100 SANTA ROSA AVENUE
REGULAR MEETING**

**3:00 P.M. (MAYORS CONFERENCE ROOM,
ROOM 10)**

**1. CALL TO ORDER AND ROLL CALL
[4:23:44 PM](#)**

Mayor Gorin called the meeting to order at 3:00 p.m. Councilmembers present: Mayor Gorin, Vice Mayor Vas Dupre, Councilmembers Bender, Sawyer, Jacobi, and Wysocky. Councilmember Olivares absent.

PUBLIC COMMENT

2. STUDY SESSION

2.1 QUIET ZONES

Jason Nutt, Deputy Director Public Works, provided an update to the Council on recent discussions with the Sonoma Marin Area Rail Transit District (SMART) and provided specific details on the process associated with establishing quiet zones along the railroad corridor.

PUBLIC COMMENT

Jack Osborne, asked for and received clarification on noise levels for trains and train horns.

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 Government Code Section 54956.9: One potential case.

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 [4:24:13 PM](#)

Members of the Council were present as noted above. Teen Councilmember Rena Wang was also present.

5. REPORT, IF ANY, ON STUDY AND CLOSED SESSION(S)

Deputy City Manager Greg Scoles stated that staff would bring back a report item for the Council to consider establishing future quiet zones in the city.

City Attorney Caroline Fowler reported that Council had met in closed session regarding items 3.1 and 3.2 as listed on the agenda and that no action was taken or announcement to be made on item 3.1. Council voted to add an item, the urgency for which arose after publishing of the agenda, to substitute for item 3.2 which was identified at the time the agenda was posted for anticipated litigation. The litigation had been filed and the closed session was added to reflect that fact conference with legal counsel regarding existing litigation under Subdivision (a) of Government Code Section 54956.9 the City of Santa Rosa vs. the Sonoma County Water Agency, SCV 245844.

6. PROCLAMATIONS/PRESENTATIONS

6.1 PRESENTATION – AWARD WINNERS FOR “GIVE IT YOUR BEST SHOT” [4:26:39 PM](#)

Tricia Consani, Community Outreach Specialist, made a presentation for the Give It Your Best Shot Santa Rosa showing a PowerPoint presentation displaying over 400 entries and thanked the judges and winners.

Judges:

- Annette Townley
- Kent Porter
- Kelly McManus
- Miles Ferris (tie breaker)

Categories/Winners:

- Cityscape/Allen Thomas
- Downtown/Leslie Hunziger
- Gardens/Debra Wand
- Historic Building/Jimmy Tillet
- My Neighborhood/Marilyn Brooner
- Nature/Marilyn Brooner
- Best Park/Lea Barron-Thomas
- Best Place to Take Your Kids/Debbie Wales
- Public Art/Dave Redden
- Special Events/Steven Alacorta

6.2 PROCLAMATION - RACE EQUALITY WEEK [4:47:46 PM](#)

Vice Mayor Vas Dupre presented Sandy Morgan, Economic Development and Housing Technician, and Reverend Turner with a proclamation for Race Equality Week. Sandy Morgan and Reverend Turner outlined some of the activities available during Race Equality Week.

6.3 PROCLAMATION - KAY MARQUET, "JEWEL OF A WOMAN" 2009 [4:54:11 PM](#)

Councilmember Bender presented Kay Marquet a proclamation for her work with the Girl Scouts of Northern California.

7. STAFF BRIEFINGS – NONE

8. APPROVAL OF MINUTES – AUGUST 4, 2009 AND SEPTEMBER 1, 2009 REGULAR MEETING MINUTES [5:00:15 PM](#)

The August 4, 2009 meeting minutes were approved as submitted. The September 1, 2009 meeting minutes were approved as amended.

9. STATEMENTS OF ABSTENTION BY

COUNCILMEMBERS [5:03:25 PM](#)

Councilmember Jacobi stated she would abstain from item 11.2 as it is near her residence.

Councilmember Sawyer stated he would abstain from items 10.6, 11.1 and 11.2 due to the location of his business.

Mayor Gorin stated she would abstain from item 11.4 due to the proximity to her home.

10. CONSENT ITEMS [5:04:27 PM](#)

PUBLIC COMMENT [5:10:20 PM](#)

Duane DeWitt, spoke in opposition to item 10.4, disputing the accuracy of the staff report, and in support of item 10.5.

MOVED by Vice Mayor Vas Dupre, seconded by Councilmember Sawyer, carried 6-0-1 (Councilmember Olivares absent), to adopt and waive the reading of the motion in item 10.1 and to adopt and waive reading of the text of the resolutions in items 10.2, 10.3, 10.4, 10.5, and 10.7 as follows:

10.1 MOTION – APPOINTMENT OF FRANCES SIMS AS HEARING OFFICER FOR PARKING CITIATIONS

MOTION APPOINTING FRANCES SIMS TO THE POSITION OF HEARING OFFICER

10.2 RESOLUTION - TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE IV CLAIM SUBMITTAL

RESOLUTION NO 27476 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE FILING OF A FUNDING CLAIM WITH THE METROPOLITAN TRANSPORTATION COMMISSION FOR ALLOCATION OF TRANSPORTATION DEVELOPMENT ACT ARTICLE IV FUNDS FOR FISCAL YEAR 2009-10

10.3 RESOLUTION - AMENDMENT TO CHANGE THE CITY CLASSIFICATION AND SALARY PLAN TO CREATE THE CLASSIFICATION OF RECORDS MANAGEMENT TECHNICIAN

RESOLUTION NO 27477 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING THE CITY CLASSIFICATION AND SALARY PLAN AND

AUTHORIZING THE CITY MANAGER TO IMPLEMENT THESE CHANGES

10.4 RESOLUTION - SPEED LIMITS ON AIRWAY DRIVE, CORPORATE CENTER PARKWAY AND HALL ROAD

RESOLUTION NO 27478 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ESTABLISHING RADAR-ENFORCEABLE SPEED LIMITS ON AIRWAY DRIVE, CORPORATE CENTER PARKWAY, AND HALL ROAD

10.5 RESOLUTION -- FUNDING AGREEMENT AND BENEFIT FINDINGS FOR THE NEIGHBORHOOD REVITALIZATION PROGRAM - SOUTHWEST REDEVELOPMENT PROJECT AREA

RESOLUTION NO 27479 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 NEIGHBORHOOD REVITALIZATION PROGRAM TO BENEFIT THE SOUTHWEST REDEVELOPMENT PROJECT AREA

10.7 RESOLUTION -- CONTRACT AWARD - DOYLE PARK BASEBALL FIELD LIGHTING REPAIR

RESOLUTION NO 27480 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ACCEPTING A BID FOR THE DOYLE PARK BASEBALL FIELD LIGHTING REPAIR AND AWARDED CONTRACT NO. 2009-022RP TO HANNIBAL'S INC. ELECTRICAL CONSTRUCTION OF SAN RAFAEL, CALIFORNIA

MOVED by Vice Mayor Vas Dupre, seconded by Councilmember Bender, carried 5-0-1-1 (Councilmember Sawyer abstaining and Councilmember Olivares absent), to adopt and waive the reading of the text of the resolution in item 10.6 as follows:

10.6 RESOLUTION -- FUNDING AGREEMENT FOR SPECIAL DOWNTOWN MAINTENANCE SERVICES

RESOLUTION NO 27481 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 CITY'S PROVISION OF SPECIAL DOWNTOWN MAINTENANCE SERVICES

MOVED by Vice Mayor Vas Dupre, seconded by Councilmember Sawyer, carried 6-0-1 (Councilmember Olivares absent), to adopt and waive reading of the text of the ordinance in item 10.8 as follows:

10.8 ORDINANCE ADOPTION -- FALL 2009 GENERAL PLAN AMENDMENT PACKAGE: 930 FRESNO AVENUE GENERAL PLAN AMENDMENT AND REZONING

ORDINANCE NO 3919 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE – RECLASSIFICATION OF PROPERTY LOCATED AT 930 FRESNO AVENUE – FILE NUMBER REZ09-004

11. REPORT ITEMS

11.1 REPORT -- PARKING FINE INCREASES
[5:17:39 PM](#)

Councilmember Sawyer recused himself from this item and left the Council Chamber.

Cheryl Woodward, Deputy Director – Parking, made the staff presentation recommending adoption of a revised schedule of parking fines and penalties. Effective January 1, 2009, the surcharge imposed by the State of California on each parking offense had increased to a total of \$9.50 per citation. The California Vehicle Code provides for each city to collect fines and penalties for parking violations under civil administrative procedures set forth in the Vehicle Code. The Vehicle Code authorizes the issuing authority to establish the schedule of parking penalties for parking violations and late payment penalties and provides that, to the extent possible, issuing agencies within the same county shall standardize parking penalties. This item proposed increases to the City's Schedule of Parking Fines and Penalties to reflect the additional costs imposed by Senate Bill 1407 and to standardize the fine and penalty schedule with the County of Sonoma and neighboring cities.

Staff outlined the following options:

No changes to Schedule of Parking Fines and Penalties (Santa Rosa will differ from neighboring cities).

Increase all fines by \$5.00 to offset increase by State. (Santa Rosa's fee schedule will differ from county and neighboring cities).

Adopt fine schedule with phased implementation for fine increase for expired meter violations during fall season. Increase initially by \$5 to cover state surcharge by 1/1/2010 to match Santa Rosa Junior College.

Staff recommended adopting the revised Schedule of Parking Fines and Penalties to (1) reflect the additional costs imposed by the State under Senate Bill 1407 and (2) standardize the fine and penalty schedule with the County of Sonoma and neighboring cities.

PUBLIC COMMENT [5:33:23 PM](#)

Willard Richards, spoke in favor of not decreasing revenue to the General Fund and that parking fines are intended to influence the behavior of drivers to obey the parking rules.

Chris Messina, Executive Director of Santa Rosa Main Street, spoke on behalf of close to a majority of Santa Rosa Main Street members who are in favor of increasing parking fines in two phases: Increase expired meter fines by \$5.00 and delay additional increases until all of Dr. Donald Shoup's recommendations have been reviewed and/or implemented. He requested that the new revenue generated by the \$10 increase be invested into the downtown area (i.e., promotional campaigns, programs, events, projects that benefit the downtown). He said Santa Rosa Main Street members are in support of: 1) Progressive sliding scale on meters right price parking, 2) Employee parking plan to help get employees off the street, 3) After hours permit program for evening employees for minimum wage employees that work in the downtown area, 4) Eliminate time limits, turn over the spaces by value pricing.

MOVED by Councilmember Bender, seconded by Councilmember Jacobi, carried 5-1-1 (Councilmember Sawyer abstaining and Councilmember Olivares absent), to return a resolution at the September 22, 2009 Regular Council meeting adopting a revised Schedule of Parking Fines and Penalties, increasing parking fines by \$5.00 per violation.

**11.2 REPORT -- REVISED FY 09-10
GATEWAYS REDEVELOPMENT PROJECT
AREA BUDGET** [5:59:32 PM](#)

Councilmembers Sawyer and Jacobi recused themselves from item 11.2 and left the Council Chamber.

Jocelyn Lundgren, Economic Development and Redevelopment Manager, made the staff presentation requesting revision of the FY 09-10 Gateways Redevelopment Project Area Budget. In June 2009, the Redevelopment Agency and City Council approved the Redevelopment Agency budget for fiscal year 09-10, including a limited administration budget (\$125,000) for the Gateways Redevelopment Project Area related to the defense of a lawsuit challenging the validity of the plan adoption. On August 28, 2009, the Appellate Court filed a decision in favor of the validity of the Gateways Redevelopment Plan. Program implementation may now begin subject to Council approval of budget revisions. Revenues are estimated at \$5,700,000, expenditures are estimated at \$5,599,992 and reserves are estimated at \$156,538. The economic impact of the budget approval was estimated at approximately 500 jobs and about \$90 million in sales revenue and construction sector income.

PUBLIC COMMENT

Judy Kennedy, stated she is happy Gateways is out of litigation. Spoke against Santa Rosa Area Business group and encouraged allowing neighbors that pulled out of the Gateways project to petition to rejoin.

Duane Dewitt, spoke in favor of Project Area Committees to encourage public involvement and requested no action be taken on this item until it has been determined when PAC meetings will be held.

Anne Seeley, Concerned Citizens for Santa Rosa, asked for and received clarification of function of project advisory committees and development assistance.

Colleen Fernald, spoke in support of Duane DeWitt and Anne Seeley's comments and made recommendation for committees and Councilmembers to look for opportunities to use existing resources to make Santa Rosa better, greener and permanently affordable.

MOVED by Vice Mayor Vas Dupre, seconded by Councilmember Bender, carried 4-2-1 (Councilmembers Sawyer and Jacobi abstaining and Councilmember Olivares absent), to adopt and waive reading of the text of the resolution in Item 11.2 as follows:

RESOLUTION NO 27483 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE REVISED FY 09-10 GATEWAYS REDEVELOPMENT PROJECT AREA BUDGET

11.3 REPORT -- PROPOSED BICYCLE AND PEDESTRIAN RAILROAD CROSSINGS
[6:34:25 PM](#)

Jason Nutt, Deputy Director – Public Works, made the staff presentation updating Council on recent discussions with the Sonoma Marin Area Rail Transit District (SMART) regarding three proposed new bicycle and pedestrian crossings of the rail lines and outlined steps necessary to formally request that these bicycle and pedestrian crossings be approved by the California Public Utilities Commission. The proposed crossings are Jennings, downtown Railroad Square, and Joe Rodota trail. Staff advised that community discussions will occur for the station area plans. Council provided direction for staff to proceed with exploratory discussions SMART and CPUC for the recommended crossings at Third Street, Jennings Avenue (with full crossing) and Joe Rodota Trail and Fourth Street.

PUBLIC COMMENT

Chris Coursey, SMART, stated SMART will look at the whole track to see what works for the track and residents. Jennings station site is identified in EIR and there is a potential for changes. Looking forward to working with Staff and Council.

Duane Dewitt, spoke in favor of safe railroad crossings on Hearn Avenue, Sebastopol Road, and Hopper Avenue. Requested a wide space for safety of bicyclists and pedestrians at Hearn Avenue crossing.

Steve Birdlebaugh, Friends of SMART, showed map of Jennings crossing, expressed appreciation for Council's support of crossings and suggested full crossing at the Jennings location.

Willard Richards, spoke in favor of proposals made by staff.

Christine Culver, Executive Director Sonoma County Bicycle Coalition, spoke in support of staff recommendations. Encouraged Council to keep the trail on the west side of the Joe Rodota for best alignment, and consider crossings for bikes and pedestrians on Third Street from the Joe Rodota trail.

MOVED by Councilmember Wysocky, seconded by Vice Mayor Vas Dupre carried 6-0-1 (Councilmember Olivares absent), to adopt the motion in Item 11.3 as follows:

MOTION (1) DIRECTING STAFF TO SUBMIT A REQUEST TO THE SONOMA MARIN AREA RAIL TRANSIT DISTRICT SUPPORTING THE CITY'S INTEREST IN ESTABLISHING A NEW BICYCLE AND PEDESTRIAN CROSSING OF THE RAIL LINES AT JENNINGS AVENUE, (2) DIRECTING STAFF TO PREPARE A LETTER OF SUPPORT TO THE SONOMA MARIN AREA RAIL TRANSIT DISTRICT DESCRIBING THE IMPORTANCE OF NEW RAIL CROSSINGS AT THE JOE RODOTA TRAIL AND FOURTH STREET, AND (3) DIRECTING STAFF TO SUBMIT A FORMAL REQUEST TO THE CALIFORNIA PUBLIC UTILITIES COMMISSION TO ESTABLISH A NEW BICYCLE AND PEDESTRIAN CROSSING OF THE RAIL LINES AT JENNINGS AVENUE

11.4 REPORT -- FORECLOSURE OF DELINQUENT ASSESSMENTS AND RETENTION OF SPECIAL COUNSEL
[7:25:05 PM](#)

Dave Heath, Finance Director made the staff presentation for a professional service contract to retain special counsel. Bond covenants require that the City take legal action to collect on delinquent assessments. The City has notified property owners of their delinquencies informed them that the City would commence foreclosure proceedings unless they fulfilled their obligation. Currently, the City is owed approximately \$378,000. The most efficient way for the City to conduct the foreclosure is to retain experienced special counsel who charges a flat fee for these services which can be added to the assessment.

PUBLIC COMMENT

Jack Osborne, asked for and received clarification on why we the City is outsourcing this task to a non-local attorney and why a request for proposal was not done.

MOVED by Councilmember Sawyer, seconded by Councilmember Bender, carried 5-1-1 (Mayor Gorin abstaining and Councilmember Olivares absent), to adopt and waive reading of the text of the resolution in Item 11.4 as follows:

RESOLUTION NO 27483 ENTITLED:
RESOLUTION OF THE COUNCIL OF
THE CITY OF SANTA ROSA
ORDERING JUDICIAL
FORECLOSURE OF DELINQUENT
ASSESSMENT INSTALLMENTS
PURSUANT TO THE IMPROVEMENT
BOND ACT OF 1915, ORDERING
THAT THE TAX COLLECTOR BE
CREDITED WITH THOSE
INSTALLMENTS AND AUTHORIZING
RETENTION OF SPECIAL COUNSEL

**11.5 REPORT – DELINQUENT PENALTIES
AND NOTICE OF NONCOMPLIANCE
AMENDMENTS**

Michael Whitaker, Chief Building Official, made the staff presentation in response to a to a 2007 Council goal to bolster code enforcement. On June 17, 2008 the Council adopted an ordinance adding Article 6 (Administrative Citation) and Article 7 (Notice of Noncompliance) to Chapter 1-30 of the Santa Rosa City Code, which implemented staff recommendations for resolving code enforcement cases. Following implementation, City staff identified two issues with the ordinance, including difficulty calculating proper delinquency fees and reference to only Title 18 of the City Code (Building and Construction). The amendments to Articles 6 and 7 simplify the process for calculating delinquency fees and amend the noncompliance section to reflect the entire City Code.

PUBLIC COMMENT - NONE

MOVED by Councilmember Bender, seconded by Councilmember Sawyer, carried 6-0-1 (Councilmember Olivares absent), to introduce and waive reading of the text of the ordinance in Item 11.5 as follows:

ORDINANCE ENTITLED: ORDINANCE OF THE
COUNCIL OF THE CITY OF SANTA ROSA
AMENDING SANTA ROSA CITY CODE TITLE 1
(GENERAL PROVISIONS), CHAPTER 1-30,
ARTICLE 6 (ADMINISTRATIVE CITATION) AND
ARTICLE 7 (NOTICE OF NONCOMPLIANCE),
SECTIONS 1-30.235.6 (DELINQUENT

PENALTIES) AND 1-30.236.1 (NOTICE OF
NONCOMPLIANCE) TO SIMPLIFY THE
PROCESS FOR CALCULATING DELINQUENCY
FEES AND TO AMEND THE NONCOMPLIANCE
SECTION TO REFLECT THE ENTIRE CITY
CODE

**12. PUBLIC COMMENTS ON NON-AGENDA
MATTERS 7:50:51 PM**

Duane Dewitt, spoke regarding Veterans Day and requested additional support for Brownfield redevelopment funding.

Heidi Chretien, submitted a petition signed by neighbors concerning graffiti and gang activities in her neighborhood. She requested added lighting, surveillance camera(s) and a fence across a stretch of land not being claimed by anyone. Drug sales are occurring in the evenings. She stated that the police have been helpful and supportive and requested the Council's assistance.

Elizabeth Neylon, spoke regarding John Jenkel's arrest.

Annette Elder-Evins, spoke regarding her health and as a Native American sovereign nation to have her property exempted from police entering her property.

Colleen Fernald, spoke in opposition to war and sang a song for Council.

Scott Wimmer, suggested Santa Rosa purchase foreclosed homes and set up a lottery.

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

**13.1 MEMORANDUM FROM DAVID GOUIN,
DIRECTOR OF ECONOMIC
DEVELOPMENT AND HOUSING,
REGARDING ECONOMIC DEVELOPMENT
SUBCOMMITTEE AND BUSINESS
VISITATIONS**

14. MAYOR'S/COUNCILMEMBERS' REPORTS

Vice Mayor Vas Dupre attended the September 11 anniversary celebration at the Bennett Valley clubhouse. Held her bimonthly meeting with appointments to boards and commissions.

Councilmember Bender encouraged Council to attend the Economic Development Subcommittee business meetings.

15. CITY MANAGER'S/CITY ATTORNEY'S

REPORTS

- 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 [8:22:55 PM](#)**

Hearing no further business, Mayor Gorin adjourned the meeting at 8:22 p.m. The next regularly scheduled meeting will take place on September 22, 2009, at a time to be set by the Mayor.

Approved on: September 29, 2009

Sandi Bliss
Deputy City Clerk