

**SANTA ROSA CITY COUNCIL MEETING MINUTES
TUESDAY, SEPTEMBER 29, 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 Sawyer, Jacobi, Wysocky and Olivares. Absent: Councilmember Bender.

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

2.1 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: Operating Engineers Local 3, Maintenance and Utility System Operators (Employee Units 3 and 16) Santa Rosa City Attorneys' Association (Employee Unit 17) Santa Rosa Management Association (Employee Unit 18) Unrepresented Executive Management and Middle Management, (Employee Units 10 and 11)

2.2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Subdivision (a) of Government Code Section 54956.9)

City of Santa Rosa v. Sonoma County Water Agency, et al., Sonoma County Superior Court Case Number SCV – 245844

2.3 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Subdivision (a) of Government Code Section 54956.9)

Name of Case: City of Banning, et al. v. James Jones Co., et al., Los Angeles County Superior Court Case No. BC321513.

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

3:00 P.M. (CITY COUNCIL CHAMBER)

3. STUDY SESSION

3.1 SMART OVERVIEW OF IMPROVEMENTS WITHIN CITY OF SANTA ROSA [3:18:27 PM](#)

Lillian Hames, Sonoma Marin Area Rail Transit SMART Project Director, presented an overview of the project improvements planned for Santa Rosa. The Sonoma-Marin Area Rail Transit District (SMART) project was estimated to cost about \$540 million, the bulk of which was to come from Measure Q, a voter-approved one-quarter percent sales tax increase in Sonoma and Marin Counties. Ms. Hames provided an overview of the passenger railroad and parallel bicycle-pedestrian path improvements to be constructed within the City. She described the Railroad Square and "Jennings" proposed stations and platforms, the Guerneville Road option currently under discussion; the Bicycle-Pedestrian Pathway improvements; described the rail cars and outlined the project status and funding issues. There was no Council action taken on this item.

3.2 HOSPITALITY ZONE ASSESSMENT [3:53:18 PM](#)

Raissa de la Rosa, Economic Development Program Specialist, and Alison Harnden, Consultant with the Responsible Hospitality Institute, presented an overview of the Hospitality Zone Assessment, a comprehensive and integrated approach to assess and enhance management of the nighttime economy by engaging the broadest range of perspectives representing hospitality, safety, development and community organizations. Action plan elements were: to attract a business and patron variety; reduce impacts on neighboring businesses and residents; improve perceptions of safety; to build capacity for Hospitality Excellence; and to add a nighttime economy manager.

4:00 P.M. (CITY COUNCIL CHAMBER) [4:30:36 PM](#)

4. ANNOUNCEMENT OF ROLL CALL

Members of the Council were present as noted above. Teen Council member Rena Wang was also in attendance.

5. REPORT, IF ANY, ON STUDY AND CLOSED SESSION(S) [4:31:05 PM](#)

City Manager Kolin reported that the Council had met in study session regarding items 3.1 and 3.2 as listed on the agenda.

City Attorney Fowler announced that the Council had met in closed session regarding Items 2.1 through 2.3 as listed on the agenda and there had been no action taken and there were no announcements to be made.

6. PROCLAMATIONS/PRESENTATIONS -- NONE

7. STAFF BRIEFINGS -- NONE

8. APPROVAL OF MINUTES -- SEPTEMBER 15, AND SEPTEMBER 22, 2009 REGULAR MEETING MINUTES [4:32:06 PM](#)

The Minutes for September 15, 2009 and September 22, 2009 were approved as submitted.

9. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS [4:33:23 PM](#)

Councilmember Sawyer to abstain from item 11.1 related to downtown goals due to the location of his business.

10. CONSENT ITEMS [4:33:52 PM](#)

MOVED by Vice Mayor Vas Dupre, seconded by Councilmember Olivares, carried 4-0-3 (Councilmembers Bender, Sawyer and Wysocky absent), to adopt and waive reading of the text of the resolution in item 10.1 as follows:

10.1 RESOLUTION -- TRANSIT MALL WAYFINDING FUNDING AGREEMENT

RESOLUTION NO 27491 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING AN APPLICATION TO THE METROPOLITAN TRANSPORTATION COMMISSION (MTC) FOR HUB SIGNAGE PROGRAM FUNDING AND AUTHORIZING THE DIRECTOR OF THE TRANSIT DEPARTMENT TO EXECUTE FOR AND ON BEHALF OF THE CITY OF SANTA ROSA A FUNDING AGREEMENT WITH THE MTC

11. REPORT ITEMS

11.1 REPORT -- PROGRESS REPORT AND UPDATE ON 2009/2011 WORK PLANS FOR CITY COUNCIL GOALS AND STRATEGIES [4:34:42 PM](#)

City Manager Kolin provided an overview of the Council Goals and the work being done on the goals prioritized as follows:

- Creating and Sustaining a Vital Downtown
- Develop and Sustain a Regional Gang Prevention Effort
- Develop a Sustainable Organization
- Sustain Efforts to Make Santa Rosa a More Inclusive Community
- Sustain Leadership in Environmental Initiatives
- Focus on Seniors and Youth
- Sustain Thriving Diverse Neighborhoods

Council liaisons had worked with staff conveners, board and commission representatives, and members of the community to develop work plans for each of the goals. Staff conveners presented an overview of each goal's work plan for any questions or proposed revisions from the Council.

PUBLIC COMMENT [5:35:26 PM](#)

Colleen Fernald offered help in refining the goals and urged that they go local and go green and promote peace at home and abroad.

Peter Tcherneff advocated for gardens, fewer gangs, vegetarianism and street musicians.

MOVED by Councilmember Wysocky, seconded by Vice Mayor Vas Dupre, carried 5-0-1-1 (Councilmember Sawyer abstaining, Councilmember Bender absent), to adopt and waive reading of the text of the motion in item 11.1 as follows:

MOTION: APPROVING THE 2009/2011 CREATING AND SUSTAINING A VITAL DOWNTOWN WORK PLAN AND DIRECTING STAFF TO PROCEED WITH THE IMPLEMENTATION OF THE PLAN

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

MOTION: APPROVING THE REMAINING 2009/2011 WORK PLANS FOR CITY COUNCIL GOALS AND STRATEGIES, AND DIRECTING STAFF TO PROCEED WITH THE IMPLEMENTATION OF THE PLANS

11.2 REPORT -- DECLARATION OF THE END OF THE WATER SHORTAGE EMERGENCY AND RESCINDING STAGE 1 OF THE CITY OF SANTA ROSA URBAN WATER SHORTAGE CONTINGENCY

PLAN [5:42:51 PM](#)

Jennifer Burke, Senior Water Resources Planner, made the staff presentation. On February 24, 2009, the Council adopted Resolution No. 27308 declaring a water shortage emergency and implementing Stage 1 of the City's Urban Water Shortage Contingency Plan, requesting customers to voluntarily reduce water use by 15%. In April 2009, the Sonoma County Water Agency (Water Agency) submitted a Temporary Urgency Change Petition to the State Water Resources Control Board (State Board) requesting a change in the minimum in stream flow requirements in the Russian River to help preserve water supply in Lake Mendocino for the fall run of the three Federally listed fish species. In May 2009, the State Board issued an Order allowing the temporary reductions in in stream flow requirements and also requiring the Agency to reduce diversions from the Russian River by 25% from June 15 - October 2, 2009 compared to the same time frame in 2004 and for SCWA to submit a plan to achieve 25% conservation in Sonoma County from April 6 - October 2, 2009. The Santa Rosa had been successful in achieving the requirements of Stage 1 and, along with the other water contractors, had been successful in assisting the Water Agency with meeting the requirements of the State Board Order. The Board of Public Utilities recommended that the Council declare the end of the water shortage emergency and rescind Stage 1 of the City's Urban Water Shortage Contingency Plan effective October 3, 2009.

PUBLIC COMMENT

Brenda Adelman, Russian River Watershed Protection Committee, commended the City for its successful conservation program but cautioned against rescission as it may send the incorrect message that conservation is no longer necessary and could compound the problem if there is another dry winter.

Colleen Fernald agreed with Ms. Adelman's comments and asked about contingencies for climate change, and requested that the conservation program be permanent.

Peter Tcherneff spoke in opposition due to lack of water.

MOVED by Councilmember Sawyer, seconded by Councilmember Olivares, carried 5-1-1 (Councilmember Jacobi voting NO; Councilmember Wysocky absent), to adopt and waive reading of the text of the resolution in Item 11.2 as follows:

RESOLUTION NO [27492](#) ENTITLED:

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DECLARING THE END OF THE WATER SHORTAGE EMERGENCY AND RESCINDING STAGE 1 OF THE CITY'S URBAN WATER SHORTAGE CONTINGENCY PLAN

11.3 REPORT – ORDINANCE AMENDING SANTA ROSA CITY CODE CHAPTER 3-28 TRANSIENT OCCUPANCY TAX, SECTION 3-28.130 [6:21:37 PM](#)

Many Silverio, Revenue Operations Supervisor, made the staff presentation. The City's Transient Occupancy Tax (TOT) Ordinance requires that hotel operators collect from each transient a tax in the amount of nine percent of the rent charged by the operator and remit the tax amount to the City. If a hotel operator does not remit the appropriate tax amount to the City, the City may issue a tax assessment. The current ordinance does not expressly require a hotel operator to remit to the City the amount of a tax assessment prior to pursuing judicial review of the assessment. The proposed ordinance amends the City Code to include a provision requiring that a hotel operator pay all tax, interest, and penalties as a condition precedent to seeking judicial review of any hotel operator's tax liability. The proposed ordinance amendment had no impact on the overall amount of revenue generated by the transient occupancy tax, but would effect timely collection of that revenue.

MOVED by Councilmember Olivares, seconded by Councilmember Sawyer carried 6-0-1 (Councilmember Bender absent), to introduce and waive reading of the ordinance in Item 11.3 as follows:

ORDINANCE ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING SECTION 3-28.130 OF THE SANTA ROSA CITY CODE – TRANSIENT OCCUPANCY TAX

11.4 REPORT -- RENEWAL OF NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) DISCHARGE PERMIT FOR STORM WATER AND NON-STORM WATER DISCHARGES [6:25:28 PM](#)

Rita Miller, Supervising Engineer, made the staff presentation. The North Coast Regional Water Quality Control Board (Regional Water Board) had issued the second draft NPDES Storm Water Permit (second Draft Permit) on May 22, 2009. Minor revisions and clarifications to the second Draft Permit language had been released on

September 24 in advance of the Regional Water Board's October 1, 2009 Public Hearing on the permit. City staff had reviewed those changes for significant concerns and provided a report to the Council. Ms. Miller said they had resolved many concerns since receiving the first draft and had reduced much of the city's costs for compliance, but remained very concerned about the technical approach for the revised SUSMP program standards, which wouldn't work in the city's clay soils, and the requirement to promote an LID program without design guidelines yet in place. She said there were also concerns about the lack of flexibility in the new the School Education program requirements and Storm Drain Maintenance. She outlined the compliance costs, and recommended that a summary of these concerns be presented to the Regional Water Board at their October 1 public hearing.

PUBLIC COMMENT

Colleen Fernald shared some suggestions for conducting low cost children's education programs as had been done in Graton.

There was no Council action taken on this item.

12. PUBLIC COMMENTS ON NON-AGENDA MATTERS [6:38:48 PM](#)

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

Richard Canini reviewed staff comments made at the Council's September 15 meeting regarding Redevelopment Agency budget request and expressed concerns about redevelopment funding.

Peter Tcherneff suggested the appointment of Colleen Fernald as a liaison with Sebastopol and requested a working water fountain.

Colleen Fernald spoke in favor of peace and against war spending.

Annette Elder Evins, submitted some papers related to her claim of tribal sovereignty and oaths of office.

Kay Tokerud, president of the Santa Rosa Area Business Association, objected to comments made in reference to her by a speaker at the previous week's meeting.

Roger McConnell thanked the Council for their lobbyists' efforts on behalf of AB 566 concerning mobile home park conversion. He also asked for clarification on rumors that the senior wing being constructed at the Finley Community Center would not be dedicated to use by seniors. City Manager

Kolin confirmed that wing would be dedicated exclusively for use as a senior center.

Misty Clans spoke regarding charges brought against John Jenkel involving Paul Hobbs Winery.

Kelly Smith, Sebastopol, spoke regarding a restraining order imposed against John Jenkel related to property access.

John Jenkel, Graton, spoke of a court case against him and spoke against war.

Doug Millar, private investigator, spoke regarding violent crimes against children covered up by law enforcement.

13. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)

14. MAYOR'S/COUNCILMEMBERS' REPORTS [7:11:36 PM](#)

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

14.1 LOBBYIST REGISTRATION ORDINANCE [7:14:22 PM](#)

14.2 INDEPENDENT CAMPAIGN DISCLOSURE

Mayor Gorin announced the appointment of a Council subcommittee, comprised of Councilmembers Sawyer, Wysocky and herself, to draft a lobbyist registration ordinance and an independent campaign disclosure ordinance for Council consideration.

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 7:22 p.m. in the memory of Councilmember Wysocky's mother, Wilma Viglasky. The next regularly scheduled meeting will take place on October 6, 2009, at a time to be set by the Mayor.

Approved on: October 6, 2009

Susan Stoneman
City Clerk