

**SANTA ROSA CITY COUNCIL MEETING MINUTES  
TUESDAY, OCTOBER 6, 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**

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

**2. 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)

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

**3.3 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b)(1) of Government Code section 54956.9. One potential case.

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

**4:00 P.M. (CITY COUNCIL CHAMBER) [4:04:50 PM](#)**

**4. ANNOUNCEMENT OF ROLL CALL**

Councilmembers were present as noted above. Teen Council member Rena Wang was also in attendance.

**5. REPORT, IF ANY, ON STUDY AND CLOSED SESSION(S) [4:05:36 PM](#)**

City Attorney Fowler reported that the Council had met in closed session regarding items 3.1 through 3.3 as listed on the agenda and that no action was taken and there were no announcement to be made.

**6. PROCLAMATIONS/PRESENTATIONS – NONE**

**7. STAFF BRIEFINGS**

**7.1 UTILITY BILLING CUSTOMER INFORMATION SYSTEM (CIS) SOFTWARE REPLACEMENT PROJECT UPDATE [4:06:08 PM](#)**

Patty Kutches, Revenue Operations Supervisor, updated the Council on the status of the Customer Information System (CIS) software installation project, which replaces the City's obsolete 30 year old billing system. She described the features and improvements to the billing system, which enhanced customer service and payment options. Testing had been done, the data conversion was

complete, and the new software was scheduled to go on line the following Monday.

**8. APPROVAL OF MINUTES – SEPTEMBER 29, 2009 REGULAR MEETING MINUTES**  
[4:21:06 PM](#)

The Minutes of the September 29, 2009 Regular Meeting were approved as submitted.

**9. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS** [4:21:34 PM](#)

Councilmember Bender stated she would abstain from the ordinance adoption in Item 10.1 due to her absence the previous week.

**10. CONSENT ITEMS** [4:21:44 PM](#)

MOVED by Vice Mayor Vas Dupre, seconded by Councilmember Wysocky, carried 5-0-1-1 (Councilmember Bender abstaining, Councilmember Jacobi absent), to adopt and waive reading of the text of the ordinance in item 10.1 as follows:

**10.1 ORDINANCE ADOPTION -- ORDINANCE AMENDING SANTA ROSA CITY CODE CHAPTER 3-28 TRANSIENT OCCUPANCY TAX, SECTION 3-28.130**

**ORDINANCE NO 3921 ENTITLED:** CITY OF SANTA ROSA AMENDING SECTION 3-28.130 OF THE SANTA ROSA CITY CODE – TRANSIENT OCCUPANCY TAX

Mayor Gorin reordered the agenda as follows:

**12. PUBLIC COMMENTS ON NON-AGENDA MATTERS** [4:23:25 PM](#)

The following people made comments concerning items not on the agenda:

Davin Cardenas spoke regarding the Committee for Immigrants' Rights' efforts to initiate public policy regarding impounding cars driven by undocumented immigrants. He agreed to submit the proposal to Mayor Gorin when it was ready.

Jack Osborne, objected to raising water rates after the ratepayers had so strongly responded to the call to conserve. He also objected to current general plan growth allowances given the restricted water supply.

Patrick Broderick, Dean of Empire Law School, briefed the Council on the law school's five legal clinics which were provided at no cost to benefit the community, and invited referrals.

Trish Consani, Fire Department Public Outreach Specialist, announced Fire Prevention Week and invited everyone to the Community Safety Fair to be held that weekend at the Fire Training Center.

Claude Biava, asked about protections for neighboring property owners when trees are planted that will impact a neighbor, citing a row of Western Red Cedars that had been planted along his fence line and would cut off solar access and shed onto his property. City staff was to follow up.

Mayor Gorin acknowledged the Santa Rosa High School history students who were in attendance, some of whom described their class requirement to attend a Council meeting.

**14. MAYOR'S/COUNCILMEMBERS' REPORTS**  
[4:45:49 PM](#)

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

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

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

**11. REPORT ITEMS**

**\*\*11.1 PUBLIC HEARING -- FAST AND EASY MART APPEAL – 2550 GUERNEVILLE ROAD, SUITE A** [5:00:12 PM](#)

Councilmembers made ex parte disclosures as follows: all had visited the site, but had no new information to report. Vice Mayor Vas Dupre had also spoken with employees and shoppers.

Jessica Jones, City Planner, made the staff presentation. On February 26, 2009 the Planning Commission adopted a resolution (4-3) denying a Conditional Use Permit, with prejudice, for the sale of distilled spirits for off-site consumption and extended hours of operation at an existing Fast and Easy Mart. On April 14, 2009 the Council held a public hearing on an Appeal of the Commission's denial, and continued the item, directing the applicant to remove the existing advertising signs in the windows and comply with the approved hours of operation. Since the April meeting, the applicant had complied with Council's direction, and had rearranged the store inventory to concentrate alcoholic beverage products at the back of the store, farthest from the entrance, with the exception of beer that was being promoted with price discounts. The applicant contended they

would honor required conditions, and, therefore, should be granted the requested Conditional Use Permit. She noted the staff recommendation to the Planning Commission had been to approve based on findings that the use met zoning code and general plan requirements and there were no law enforcement or ABC issues. She presented the Planning Commission recommendation to deny the Appeal with prejudice as the appellant had failed to comply with the existing conditional use permit regarding hours of operation, signage, and alcohol displays.

Vickie Duggan, Planning Commission Chair, spoke regarding the basis of Planning Commission's denial based on the non-compliance issues noted above.

**PUBLIC HEARING [5:11:06 PM](#)**

Richard Warren, attorney for the appellant, noted the unusual inconsistencies between the ABC's license conditions and the City's use permit conditions which led to the owner unintentionally violating the City's conditions. He further explained the appellant was unaware of the inconsistency because he was a store employee before purchasing the store and had carried forward the hours and signage/display practices of the former owner. Since learning of the requirement, he said the owner had been fully compliant.

The following spoke in support of upholding the appeal:

Mahipal Ahimiri

James Cowden

Georgia Barrow

Hearing no further testimony, Mayor Gorin closed the hearing at [5:21:53 PM](#).

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

**RESOLUTION NO. 27493 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING, ON APPEAL, A CONDITIONAL USE PERMIT FOR FAST AND EASY MART FOR THE SALE OF DISTILLED SPIRITS FOR OFF-SITE CONSUMPTION AND EXTENDED HOURS OF OPERATION;

ASSESSOR'S PARCEL NUMBER(S) 034-110-087; FILE NUMBER CUP08-109

**12. PUBLIC COMMENTS ON NON-AGENDA MATTERS (CONTINUED) [5:28:25 PM](#)**

The following people made comments concerning items not on the agenda:

Colleen Fernald spoke against war and requested a cease fire resolution.

Bill Williams, General Manager of the Bodean Co., requested that the Council permit the use of recycled asphalt in a City contract at the same compensation rate as non-recycled asphalt.

Dean Soiland, owner of the Bodean Co., also requested Council approval of recycled asphalt without a cost adjustment, noting that the recycled asphalt had been tested and found to meet the City's specified requirements and would be guaranteed for a year.

Staff pointed out there was a contract provision for a cost adjustment if recycled asphalt was used. Council discussion was limited due to the request not having been on the agenda. The City Manager was directed to meet with the Bodean Co. representatives on the matter.

John Jenkel, spoke regarding legal filings concerning a property dispute he was a party to.

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

**13.1 LOCAL GOVERNMENT COMMISSION REPORTS – AUGUST/SEPTEMBER 2009**

**13.2 LIVABLE PLACES UPDATE – AUGUST/SEPTEMBER 2009**

**14.1 SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT MATCHING GRANT PROGRAM PROPOSED REVISIONS [5:48:42 PM](#)**

**14.1 SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT MATCHING GRANT PROGRAM PROPOSED REVISIONS**

MOVED BY Councilmember Bender, seconded by Councilmember Sawyer, carried 6-0-1 (Councilmember Jacobi absent) to authorize Mayor Gorin to vote in support of the proposal put forth by the City of Cloverdale.

**14.2 RECOMMENDATION FOR APPOINTMENT**

**TO THE NORTH COAST RAIL AUTHORITY**  
[5:52:54 PM](#)

MOVED by Councilmember Bender, seconded by Vice Mayor Vas Dupre, carried 6-0-1 (Councilmember Jacobi absent) to authorize the Mayor to vote to appoint Councilmember Sawyer to the North Coast Rail Authority Board of Directors.

MOVED by Vice Mayor Vas Dupre, seconded by Councilmember Sawyer, carried 6-0-1 (Councilmember Jacobi absent) to submit a letter of support for the Sonoma County Redevelopment District's application for funding to clean up brownfields along Sebastopol Road.

**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 [5:58:23 PM](#)**

Hearing no further business, Mayor Gorin adjourned the meeting at 5:58 p.m. The next regularly scheduled meeting will take place on October 13, 2009, at a time to be set by the Mayor.

Approved on: October 13, 2009

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Susan Stoneman  
City Clerk