

**SANTA ROSA CITY COUNCIL MEETING MINUTES  
TUESDAY, JANUARY 5, 2010  
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 Wysocky, Councilmembers Bender, Sawyer, Jacobi, Vas Dupre and Olivares.

**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: 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).

**2.2 CONFERENCE WITH LABOR  
NEGOTIATORS**

Agency Designated Representative: Mayor Susan Gorin

Unrepresented Employees: City Manager

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

**3:15 P.M. (CITY COUNCIL CHAMBER)**

**3. STUDY SESSION**

Mayor Gorin reconvened the meeting at 3:45 p.m. Councilmembers present: Mayor Gorin, Vice Mayor Wysocky, Councilmembers Bender, Sawyer, Jacobi, Olivares and Vas Dupre.

**3.1 POTENTIAL REVENUE OPTIONS [3:45:55  
PM](#)**

Dave Heath, Director of Finance, presented an overview of options to generate additional revenue going into the budget process and in light of having to make additional cuts. Revenue options which could be adopted by the Council included an Emergency Medical Services subscription program, an increase in parking fines, and fee increases for service costs. Available options requiring voter approval included a sales tax, a parcel tax, increases in the utility users tax or transient occupancy tax, or a business tax. The Council discussed the options with staff.

Mayor Gorin recessed the meeting from [4:16:10 PM](#) until [4:17:36 PM](#).

**PUBLIC COMMENT [4:17:36 PM](#)**

Scott Enbysk spoke in favor of parcel tax for the Parks Department, explaining how important parks are to the health and well-being of a community.

City Manager Kolin summarized his understanding of direction to staff as some interest in doing further research and prioritize recommendations for transient occupancy tax, utility users tax and further research on a business tax, the EMS fee and a parcel tax.

No Council action was taken on this item.

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

**4. ANNOUNCEMENT OF ROLL CALL [4:28:29  
PM](#)**

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) [4:30:10 PM](#)**

City Manager Kolin reported that the Council had met in study session to discuss potential revenue options.

City Attorney Fowler announced that the Council had met in closed session to discuss Items 2.1 and 2.2 as listed on the agenda and that no action had been taken and there were no announcements to be made.

- 6. **PROCLAMATIONS/PRESENTATIONS – NONE**
- 7. **STAFF BRIEFINGS**
- 8. **APPROVAL OF MINUTES – NONE**
- 9. **STATEMENTS OF ABSTENTION BY COUNCILMEMBERS [4:30:42 PM](#)**

There were no statements of abstention made.

- 10. **CONSENT ITEMS [4:30:52 PM](#)**

MOVED by Vice Mayor Wysocky, seconded by Councilmember Bender, carried unanimously, to adopt and waive reading of the text of the resolutions in items 10.1 through 10.9 as follows:

**10.1 RESOLUTION -- ASSESSMENT LIEN AGAINST THE REAL PROPERTY LOCATED AT 2505 MAYA COURT**

**RESOLUTION NO. 27546 ENTITLED:**  
 RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA CONFIRMING THE AMOUNT OF A SPECIAL ASSESSMENT, CONFIRMING AND ORDERING THE RECOVERY OF PENALTIES AND COSTS ASSESSED AND IMPOSED BY THE ADMINISTRATIVE HEARING OFFICER FOR VIOLATIONS OF CITY CODE PROVISIONS OCCURRING ON THE PROPERTY AT 2505 MAYA COURT, SANTA ROSA, A.P.N. 015-566-024, AND ORDERING THE ASSESSMENT BE COLLECTED ON THE TAX ROLL BY THE SONOMA COUNTY TAX COLLECTOR

**10.2 RESOLUTION -- ASSESSMENT LIEN AGAINST THE REAL PROPERTY LOCATED AT 831 LINK LANE**

**RESOLUTION NO. 27547 ENTITLED:**  
 RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA CONFIRMING THE AMOUNT OF A SPECIAL ASSESSMENT, CONFIRMING AND ORDERING THE RECOVERY OF PENALTIES AND COSTS ASSESSED AND IMPOSED BY THE ADMINISTRATIVE HEARING OFFICER FOR VIOLATIONS OF CITY CODE PROVISIONS OCCURRING ON THE PROPERTY AT 831 LINK LANE, SANTA ROSA, A.P.N. 010-268-001, AND ORDERING THE ASSESSMENT BE COLLECTED ON THE TAX ROLL BY THE SONOMA COUNTY TAX COLLECTOR

**10.3 RESOLUTION -- AMENDMENT TO THE CITY CLASSIFICATION AND SALARY PLAN TO CREATE THE CLASSIFICATION OF CODE ENFORCEMENT OFFICER AND SENIOR CODE ENFORCEMENT OFFICER**

**RESOLUTION NO. 27548 ENTITLED:**  
 RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING THE CITY CLASSIFICATION AND SALARY PLAN TO CREATE THE CLASSIFICATIONS OF CODE ENFORCEMENT OFFICER AND SENIOR CODE ENFORCEMENT OFFICER, AND AUTHORIZING THE CITY MANAGER TO IMPLEMENT THESE CHANGES

**10.4 RESOLUTION -- APPROPRIATING DEPARTMENT OF ENERGY RECOVERY ACT GRANT FUNDS TO PROJECTS**

**RESOLUTION NO. 27549 ENTITLED:**  
 RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROPRIATING DEPARTMENT OF ENERGY RECOVERY ACT GRANT FUNDS TO PROJECTS

**10.5 RESOLUTION -- AUTHORIZING INTERAGENCY AGREEMENT FOR COUNTYWIDE ENERGY EFFICIENCY BUILDING RETROFIT PROGRAM**

**RESOLUTION NO. 27550 ENTITLED:**  
 RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING INTERAGENCY AGREEMENT FOR COUNTYWIDE ENERGY EFFICIENCY BUILDING RETROFIT PROGRAM

**10.6 RESOLUTION -- APPROPRIATING FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE FOR THE FY 09 RECOVERY ACT EDWARD BYRNE MEMORIAL COMPETITIVE GRANT PROGRAM TO PRESERVE CIVILIAN LIMITED TERM POSITIONS IN THE POLICE DEPARTMENT**

**RESOLUTION NO. 27551 ENTITLED:**  
 RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROPRIATING GRANT FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE FOR THE FY 09 RECOVERY ACT EDWARD BYRNE MEMORIAL COMPETITIVE GRANT PROGRAM TO PRESERVE CIVILIAN LIMITED TERM POSITIONS IN THE POLICE DEPARTMENT

**10.7 RESOLUTION -- CALGRIP GRANT PROPOSAL**

**RESOLUTION NO. 27552 ENTITLED:**  
 RESOLUTION OF THE OF COUNCIL OF THE CITY OF SANTA ROSA DIRECTING STAFF TO SUBMIT A PROPOSAL TO THE 2010 CALIFORNIA GANG REDUCTION,

INTERVENTION, AND PREVENTION PROGRAM (CALGRIP) FOR CITIES

**10.8 RESOLUTION -- AUTHORIZE BENEFITS PACKAGE FOR EMPLOYEES BEING LAID OFF FROM JANUARY 1, 2010 THROUGH JUNE 30, 2010**

**RESOLUTION NO. 27553 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING A BENEFITS PACKAGE FOR EMPLOYEES BEING LAID OFF FROM JANUARY 1, 2010 THROUGH JUNE 30, 2010

**10.9 RESOLUTION -- AMENDMENT TO THE CITY SALARY AND CLASSIFICATION TO ADD A DEPARTMENTAL APPLICATION SPECIALIST AND ADJUST THE SALARY RANGE FOR THE CLASSIFICATION**

**RESOLUTION NO. 27554 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING THE CITY CLASSIFICATION AND SALARY PLAN TO ADD A DEPARTMENTAL APPLICATION SPECIALIST AND ELIMINATE A SENIOR ADMINISTRATIVE ASSISTANT, AND AUTHORIZING THE CITY MANAGER TO IMPLEMENT THESE CHANGES

**11.1 REPORT -- ART IN PUBLIC PLACES RECOMMENDATION FOR ART SCULPTURE AT SANTA ROSA AVENUE AND SOUTH A STREET (NISSAN PUBLIC ART PROJECT) [4:34:54 PM](#)**

Marc Richardson, Assistant City Manager – Director of Recreation and Parks, introduced Arts Coordinator Tara Matheny Schuster, who made the staff presentation for installation of a public art sculpture on Santa Rosa Avenue.

In June, 2009, the City of Santa Rosa's Art in Public Places Committee announced the Nissan Public Art Project, a public art commission opportunity. Twenty artists answered the "Request for Qualifications". A Selection Panel was formed, consisting of arts professionals and representatives from the City's Design Review Board, Nissan Santa Rosa, and the surrounding neighborhood. After careful consideration, the panel selected three finalists. Public input was invited when the finalists' proposals were displayed at the Santa Rosa Plaza Mall. The selection panel made their final decision on October 27 and forwarded their recommendation to the Art in Public Places Committee on November 2. The Art in Public Places Committee voted unanimously to support the panel's recommendation of Mark D. Grieve's

"Bicycle Obelisk" and now forward this recommendation to Council. Ms. Schuster displayed some photos of a representative sculpture composed of bicycle parts. The proposed sculpture would be an obelisk composed of salvaged bike parts and its proposed location which will function as a gateway element to the City. The target date for installation is May 2010. She recommended the Council authorize Mr. Richardson to enter into an agreement with the artist.

**PUBLIC COMMENT**

Colleen Fernald requested that solar be included in the installation.

MOVED by Councilmember Sawyer, seconded by Councilmember Olivares, carried unanimously, to adopt the motion in item 11.1 as follows:

**MOTION:** AUTHORIZING THE DIRECTOR OF THE RECREATIONS, PARKS & COMMUNITY SERVICES DEPARTMENT TO ENTER INTO AN ARTWORK LICENSE AGREEMENT WITH MARK D. GRIEVE IN THE AMOUNT OF \$37,000 TO PLACE ART WORK ON CITY PROPERTY AT THE INTERSECTION OF SANTA ROSA AVENUE AND SOUTH A STREET

**11.2 REPORT -- NORTH BAY CORPORATION CONTRACT AMENDMENT [4:52:12 PM](#)**

Greg Scoles, Deputy City Manager, made the staff presentation for the proposed amendment to the North Bay Corporation garbage franchise agreement.

On January 21, 2003, the City entered into a collection services contract with North Bay Corporation for the hauling of refuse, yard waste and recyclable materials in accordance with Chapter 9-12 of the City Code. This contract granted an exclusive franchise to North Bay Corporation from February 1, 2003, to December 31, 2012, and established specific performance requirements to be complied with during this period. In April of 2008, North Bay Corporation made a request to extend the term of the franchise contract for 15 years in exchange for payment of a franchise extension fee along with other enhancements to benefit the ratepayers. This request has been modified to include a five year extension with a potential for an additional five year extension. This request had been reviewed by the Council's Solid Waste Subcommittee and would satisfy the outstanding financial audit that was prepared for calendar years 2005 - 2008 and

would also require all street sweeping to be provided by North Bay Corporation.

Mr. Scoles also detailed the results of the 2008 audit for the years 2005 through 2007 which resulted in a determination that North Bay Corporation owed the City \$ 1.2 million, half of which was penalty and fines for failure to pay and the other half for fees they had failed to pay. He also said North Bay had also proposed flow control, which was not acceptable to the City. He noted that the contract amendment had also included a clause that permitted a discount for annual payment, and included a provision for the garbage hauler to provide street sweeping services. Removal of compostable food waste material from the waste stream and putting it through digesters to produce energy is another program that is being evaluated.

PUBLIC COMMENT [5:27:40 PM](#)

Tony Alvernez, SRCEA, spoke in support of the amendment to help stop the already massive employee layoffs the city is experiencing.

Pam Davis, North Bay Corporation, highlighted some of their successes and addressed some misconceptions, and spoke regarding the revenues generated by recycling which are integral to the viability of the contract and generate revenue for the city. She said that recycling boxes are being used for garbage which is a violation of the franchise agreement.

Lee Pierce recommended that the City go out to bid rather than extending the franchise agreement with North Bay, saying it should not be considered until the audit findings had been cured. He stated that although he was speaking as a private citizen, Industrial Carting was a client of Lee Pierce and Associates.

Craig Schwartz, Santa Rosa Police Management Association, spoke in favor of the proposed contract amendment as a means of bringing needed revenue in this time of budget crisis.

Maureen Gleeson, Rohnert Park, spoke in support of going out to bid.

Beverly Ackerman, real estate agent, objected to the rise in commercial rates in the city.

Jeremy Fietz, local ratepayer, recommended going to bid in order to evaluate the best option for the city.

Donna Jeye, Santa Rosa City School Board member, supported the contract extension, noting the contributions North Bay Corporation makes to

the community and the schools by providing free waste disposal to the schools.

David Stafford said North Bay has been a good employer to him and requested that the contract be extended.

Dave Gossman, Operating Engineers Local 3, opposed the loss of two city jobs if North Bay takes on street sweeping.

Jack Thomas, Santa Rosa Firefighters Association, spoke in support of the contract extension due to the revenue it would bring to the city.

Erin Carlstrom, Sonoma County Young Democrats and local business owner, supported putting the contract out for bid.

John Moore, attorney representing Industrial Carting, requested that he be allowed to orchestrate their presentation and called the next several speakers to the podium. He felt staff had mischaracterized the benefits to the city and objected to the rates that businesses would pay and the lack of competition, saying the proposal was a poor fit for the environment.

Gary Liss, solid waste consultant and Mayor of Loomis, opposed the extension and increasing taxes on business, saying that commercial rates should be evaluated and that waste reduction and recycling should be emphasized.

DeLyn Kies, solid waste and recycling consultant appearing on behalf of Industrial Carting, objected to the new provision in the contract which allows North Bay to discontinue service for non-payment as the public gets to require a necessary service for public health safety and welfare in exchange for the controlled market. She also objected to the history of inadequate and inaccurate reporting of payments to the City which had not been promptly paid and with no provisions in the contract to provide for this. She also objected to the contract diversion rate, noting the state requires 50%.

Dana Weeks, Industrial Carting, referenced the 1993 Grand Jury recommendation to go to bid, saying she receives complaints from business clients about North Bay's rates who have no other service options.

Dennis Rosatti, Conservation Action, said that Global Materials Recovery Systems is a donor to their organization but that he was not representing any specific company, presented nearly 4,000 postcards from their postcard drive requesting the Council go to bid on the contract. He said local operators could handle the waste stream which is

currently being shipped out of the county. He also requested a higher diversion benchmark be specified in the contract.

David Petritz also recommended going out to bid as the contract was worth over \$300 million and the ratepayers would be losing the benefit of competitive bidding. He also requested competition be allowed on commercial recycling boxes.

Norman deVall, Sonoma County Resource Recovery Assn., said he represents a small number of debris box owners that serve the city, said that he believes the amendments to the original agreement to be substantial enough to require CEQA review, and objected to allowing discontinuation of service for non-payment. He thought a higher diversion rate should be required and that the City should adopt open competitive bidding between debris box haulers.

Curtis Michilini, as a ratepayer and business recycler, said that unresolved issues such as the landfill may have some impacts, and recommended not extending the contract in order to act in the best interest of the ratepayer.

Arthur Boone, Berkeley, said he is involved in the Northern California Recycling Association, said citizens should be able to recycle as they choose and should not have to use the curbside bin if they do not wish to, and said that waste companies vary in their commitment to recycling. He said growth in the garbage industry is in recycling, and did not want commercial recycling restricted to a franchise hauler.

Barry Adams, attorney for Industrial Carting, said there were potential Prop 218 issues due to recent rulings putting into question practices regarding franchise and garbage fees for service. He recommended following Prop 218 procedures for fee increases, and having an attorney review this and practices around providing free services to schools which come out of the rate base.

Lisa Hardin, Industrial Carting and Global Materials Recovery Services, thanked the subcommittee for their hard work and invited them to tour their recycling facility.

Mark Davis said he moved his business out of Santa Rosa due to garbage service and increased costs. He opposed any extension.

Bill Fallis supported going out to bid as a way to save the ratepayers money.

Dawna Gallagher, Rohnert Park, also supported competitive bidding.

Harlan Varner, independent debris box hauler in the county and contractor in the city, also supported competitive bidding.

David Keller, water resources and utility privatization consultant retained by Industrial Carting, also opposed the contract extension out of fairness to the ratepayers.

Joel Fox, Garbage Reincarnation, a non-profit that operates at the central transfer station in Healdsburg, said that despite problems with various vendors, North Bay has been an excellent business neighbor for them.

Rene Meza praised North Bay's contribution to the Cinco de Mayo celebration in Santa Rosa.

Portia Sinnott, self employed waste management professional, suggested a series of town hall meetings on how to maximize diversion to achieve zero waste.

Matt Byrne said he can see the opposition is about money, and said that the revenues the extension would generate to support city services was worth pursuing, because going to bid may not result in any lower rate and it would be foolish to lose the \$5 million.

Scott Enbysk also objected to the loss of two city street sweeping jobs and recommended this part of the proposal be rejected.

Mark Steiner supported the service provided by North Bay and extension of the contract.

Brad Connors, Santa Rosa Police Officers Association, also was in favor of the contract extension.

Steve Birdlebough, Sierra Club, requested the required diversion rate of 45% be increased to 50% and that source separation of food compostables be directed to digesters for power production. He also suggested no more than a five year extension.

Alan Strachan, associate of Dennis Hunter on a couple of ventures, said that materials recovery was key to achieving climate change, and said North Bay is committed to doing so.

Mike Lockwood, North Bay Corporation, noted that not one service complaint had been made, and that curbside recycling is not hauled out of county but sorted at their facility and then hauled to market, and that waste is hauled to the local landfill.

Tom Yarish, co-chair of Friends of the Esteros and consultant to Industrial Carting, suggested negotiating an opportunity to put the construction and demolition debris boxes out to bid now instead of in three years.

Eric Koenigshofer, attorney representing the Ratto Group of Companies, said the diversion rates in the contract are not the target rates, and noted the bidding that took place several years ago was the first in 40 or 50 years. He noted that it is three years before the contract would be up for bid, and in the meantime that benefit to the city would be lost.

Clay Clement representing North Bay Corporation, spoke regarding the audit results, saying that the discrepancies occurred due to how the auditor interpreted the data, and it was a question of interpreting the agreement. He stated their position that their calculations are correct but have chosen not to pursue a claim. He also said that commercial debris boxes are part of the agreement and any change would kill the agreement.

Jim Salyers, North Bay Corporation, said the rates are set by the Council, so charitable donations come out of the corporate profits, which are comparable low because they are a family run business. They are being kept at 5 to 7%.

Mayor Gorin recessed the meeting from 7:28 until 7:30 p.m.

MOVED by Vice Mayor Wysocky, seconded by Councilmember Vas Dupre, carried 5-2 (Councilmembers Sawyer and Olivares voting NO) to refer the proposed contract amendment to the Council subcommittee to clarify the residential rate schedules, food waste clause, diversion rate penalties and the assignment clause and to return their recommendation to the Council as soon as possible in view of the City's financial circumstance.

The meeting recessed from 7:29 to 8:01 p.m. Mayor Gorin reordered the agenda as follows:

**11.5 PUBLIC HEARING -- CONDUIT FINANCING FOR THE SOUTHWEST COMMUNITY HEALTH CENTER PROJECT FINANCING THE ACQUISITION, CONSTRUCTION, IMPROVEMENT AND EQUIPPING OF COMMUNITY CLINIC FACILITIES** [10:08:57 PM](#)

Dave Heath, Director of Finance, accompanied by Naomi Fuchs, CEO of Southwest Community Health Center, made the staff presentation. Southwest Community Health Center is requesting

that the California Municipal Finance Authority (CMFA) serve as the municipal issuer of Bonds in an aggregate principal amount not to exceed \$16,000,000 of tax-exempt revenue bonds. The proceeds of the Bonds would be loaned to Southwest Community Health Center, a nonprofit public benefit corporation, to finance the purchase of an approximately 42,500 square foot building situated on 2.83 acres at 3569 Round Barn Circle, Santa Rosa, California, the construction of tenant improvements to the building, and the purchase of equipment and furniture for the building, for use as a community clinic. In order for all or a portion of the Bonds to qualify as tax-exempt bonds, the City conducts this public hearing to provide members of the community an opportunity to speak in favor of or against the use of tax-exempt bonds for the financing of the Project. The City must also become a member of the CMFA. There are no costs associated with membership in the CMFA and the City will in no way become exposed to any financial liability by reason of its membership in the CMFA. In addition, participation by the City in the CMFA would not impact the City's appropriations limits and would not constitute any type of indebtedness by the City.

PUBLIC HEARING [10:12:16 PM](#)

Jack Osborne concerned with the idea that there is no liability to the City, saying that if it goes bankrupt the bondholders get to collect those taxes which may usurp the City's tax income.

Mr. Heath responded said the City would not lose any taxes nor be obligated on this bond issue.

Hearing no further testimony, Mayor Gorin closed the public hearing at [10:14:43 PM](#).

MOVED by Councilmember Bender, seconded by Councilmember Olivares, carried unanimously, to adopt and waive reading of the text of the resolution in item 11.5 as follows:

**RESOLUTION NO. 27555 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING, AUTHORIZING AND DIRECTING EXECUTION OF A JOINT EXERCISE OF POWERS AGREEMENT RELATING TO THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY AND APPROVING THE ISSUANCE OF THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY REVENUE BONDS (SOUTHWEST COMMUNITY HEALTH CENTER), SERIES 2010, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$16,000,000 FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION,

IMPROVEMENT AND EQUIPPING OF COMMUNITY CLINIC FACILITIES FOR THE BENEFIT OF SOUTHWEST COMMUNITY HEALTH CENTER AND CERTAIN OTHER MATTERS RELATING THERETO

**11.3 REPORT -- APPOINTMENT OF INTERIM CITY MANAGER AND APPROVAL OF EMPLOYMENT AGREEMENT AND ESTABLISHMENT OF COMPENSATION**  
[10:16:14 PM](#)

Human Resources Director Fran Elm said that Wayne Goldberg agreed to the terms and conditions as negotiated in the employment agreement with the term commencing on January 11, 2010 and extending until the Council appoints a permanent City Manager. She proposed an ordinance setting the salary at 15,890 per month and a resolution appointing Mr. Goldberg to the position and approving the employment agreement.

**PUBLIC COMMENT**

Jack Osborne stated he had no objection to the appointment of Mr. Goldberg but questioned whether the employment negotiations were properly conducted in accordance with the Brown Act.

John Jenkel spoke regarding Federal funds received.

Councilmember Sawyer stated he would abstain on the ordinance due to the financial obligation it incurred.

Councilmember Gorin noted Mr. Goldberg had waived many benefits such as a car allowance or sick or vacation leave.

MOVED by Councilmember Jacobi, seconded by Vice Mayor Wysocky, carried unanimously, to adopt and waive reading of the text of the resolution in item 11.3 as follows:

**RESOLUTION NO. 27556 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPOINTING AN INTERIM CITY MANAGER AND APPROVING AN EMPLOYMENT CONTRACT FOR THE INTERIM CITY MANAGER POSITION

MOVED by Councilmember Jacobi, seconded by Councilmember Vas Dupre, carried 6-0-1 (Councilmember Sawyer abstaining), to introduce and waive reading of the text of the ordinance in item 11.3 as follows:

**ORDINANCE ENTITLED:** ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ESTABLISHING SALARY AND OTHER COMPENSATION AND BENEFITS FOR THE INTERIM CITY MANAGER

**11.4 REPORT -- EXECUTIVE SEARCH FOR NEW CITY MANAGER** [10:32:23 PM](#)

Ms. Elm made the staff presentation to retain an executive search firm to recruit a new City Manager, with a focus on Northern California firms, listing Avery and Associates, Ralph Anderson and Associates, Peckham and McKenney and Associates, and Bob Murray and Associates as firms likely to be interviewed.

**PUBLIC COMMENT**

John Jenkel asked that they take action to find out where the government money is going.

The Mayor, by consensus of the Council, directed staff to place the matter of appointment of a Council subcommittee to interview executive search firms on the next Council agenda.

**11.6 PUBLIC HEARING –SUPERIOR DESIGN TEXT AMENDMENTS** [10:45:10 PM](#)

Clare Hartman, Supervising Planner, made the staff presentation. Beginning in February, 2009, the Design Review Board initiated a series of discussions on "Superior Design". On July 16, 2009, the Board recommended (6-0-1) that the City Council amend the City of Santa Rosa Design Guidelines regarding "Superior Design", specifically amending the text of Subsection C (Introduction) and adding a new table entitled "Framework of Design Review"; and further recommended amendment of Zoning Code Section 20-52.030 (J), adding a new finding for Design Review approval that references the above noted "Framework of Design Review". The intent of the amendments is to comply with General Plan Policy UD-A-5 which requires new development to be of "Superior" quality, and to improve design quality by addressing broader review criteria, in addition to applying the more specific guidelines identified throughout the body of the Design Guidelines. On October 22, 2009, the Planning Commission supported the Board's efforts and recommended (6-0-1) the Council amend the Zoning Code as noted. The Design Review Board and Planning Commission recommended that the Council amend the Santa Rosa Design Guidelines (Introduction, Subsection C) to include a new Framework of Design Review table; and introduce an ordinance, amending the Zoning Code (Section 20-52.030 (J)

by adding a new finding for Design Review approval that references compliance with the new "Framework of Design Review" table.

PUBLIC HEARING [11:28:35 PM](#)

John Jenkel said the country is bankrupt and there are no projects to review.

Hearing no further testimony, Mayor Gorin closed the public hearing at [11:30:02 PM](#)

MOVED by Councilmember Olivares, seconded by Councilmember Vas Dupre, carried unanimously, to adopt and waive reading of the text of the resolution in item 11.6 as follows:

**RESOLUTION NO. 27557 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AN AMENDMENT TO THE INTRODUCTION SECTION, SUBSECTION C, OF DESIGN GUIDELINES, TO INCLUDE REVISED TEXT REGARDING "SUPERIOR DESIGN" AND A NEW TABLE ENTITLED "FRAMEWORK OF DESIGN REVIEW" – FILE NUMBER ST09-015

MOVED by Councilmember Olivares, seconded by Councilmember Vas Dupre, carried unanimously, to introduce and waive reading of the ordinance in Item 11.6 as follows:

**ORDINANCE ENTITLED:** ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING SECTION 20-52.030 (J) OF TITLE 20 OF THE SANTA ROSA CITY CODE (THE ZONING CODE) RELATING TO FINDINGS FOR DESIGN REVIEW APPROVAL – FILE NUMBER ST09-015

**12. PUBLIC COMMENTS ON NON-AGENDA MATTERS [11:31:29 PM](#)**

The following people made comments concerning items not listed on the agenda.

Mary Morrison, objected to having to wait for a turn to speak, saying less consideration was given to them than for garbage collectors. She spoke against legal proceedings against John Jenkel and against war.

Rachel Bell spoke against war.

John Jenkel spoke against war and against a legal action against him.

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

**13.1 MEASURE O CITIZEN OVERSIGHT COMMITTEE ANNUAL REPORT**

**13.2 2009 ATTENDANCE REPORT – BOARD OF COMMUNITY SERVICES**

**14. MAYOR'S/COUNCILMEMBERS' REPORTS [11:41:28 PM](#)**

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

**15. CITY MANAGER'S/CITY ATTORNEY'S REPORTS [11:41:39 PM](#)**

The City Manager and City Attorney made further announcements and reports 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 [11:43:57 PM](#)**

Hearing no further business, Mayor Gorin adjourned the meeting at 11:44 p.m. The next regularly scheduled meeting will take place on January 12, 2010, at a time to be set by the Mayor.

Approved on February 9, 2010

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Susan Stoneman  
City Clerk