

**SANTA ROSA CITY COUNCIL MEETING MINUTES
TUESDAY, FEBRUARY 9, 2010
COUNCIL CHAMBER, CITY HALL, 100 SANTA ROSA AVENUE
REGULAR MEETING**

**1:45 P.M. (MAYORS CONFERENCE ROOM,
ROOM 10)**

1. CALL TO ORDER AND ROLL CALL

Mayor Gorin called the meeting to order at 1:45 p.m. Councilmembers present: Mayor Gorin, Vice Mayor Wysocky, Councilmembers Bender, Sawyer, Jacobi, and Vas Dupre. Councilmember Olivares was absent during Item 2.1 – Applicant Interviews- but was present beginning with the closed session item 3.1 through adjournment.

2. APPLICANT INTERVIEWS FOR BOARDS AND COMMISSIONS VACANCIES

2.1 APPLICANT INTERVIEWS FOR HOUSING AUTHORITY / REDEVELOPMENT AGENCY

The Council interviewed Pamela Nobel, Helga Lemke, Rick Lewis, and Rene Latosa for one vacancy on the Housing Authority/Redevelopment Agency.

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

PUBLIC COMMENT ON CLOSED SESSION ITEMS

3.1 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

3.2 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).

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

3:00 P.M. (CITY COUNCIL CHAMBER) [3:08:44 PM](#)

Mayor Gorin reconvened the meeting in open session in the Council Chamber at 3:05 p.m. All members of the Council were present.

4. STUDY SESSION

4.1 MID-YEAR FINANCIAL UPDATE

Dave Heath, Director of Finance, provided the Council with a mid-year financial update revised to reflect the most current projections based on the latest sales tax and other expenditure and revenue data. \$16 million in reductions or new revenues were required to restore the reserve to policy levels by the end of FY10/11. Projections were adjusted due to the department's continual monitoring of economic indicators to reflect a widening gap requiring an additional \$9.4 million adjustment. Mr. Heath noted the projection does not assume state impacts.

Brian Cochran, Principal Financial Analyst, reviewed state and national economic indicators and discussed the local and regional economy and local government revenue trends. Current year revenue projections were revised downward by 8% in response to the data.

Jean Gill, Budget and Financial Analyst, summarized the changes that had occurred in the fiscal year and the five year forecast which reflected the ending reserve levels in each of those five years based on current revenue and expenditure projections. Mr. Heath noted that meeting targeted reductions based on current assumptions would sufficiently address the problem going forward.

Next steps including potential retirement incentives, budget cuts, organizational efficiencies, revenue measures and employee concessions were noted were outlined.

COUNCIL DISCUSSION [3:36:40 PM](#)

Preservation of City's credit rating by maintaining reserve levels was discussed and identified as a priority and impending state impacts were noted.

Mayor Gorin recessed the meeting from 4:04 until [4:11:25 PM](#).

4:00 P.M. (CITY COUNCIL CHAMBER) [4:12:05 PM](#)

5. ANNOUNCEMENT OF ROLL CALL [4:12:57 PM](#)

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

6. REPORT, IF ANY, ON STUDY AND CLOSED SESSION(S) [4:14:13 PM](#)

Interim City Manager Goldberg reported that the Council had received the mid-year financial update during its earlier study session.

City Attorney Fowler announced that the Council had met in closed session to discuss Item 3.1 as listed on the agenda made the following announcement: "The Council has directed the City Attorney to dismiss the lawsuit against the Sonoma County Water Agency without prejudice which would allow the City to file at a later date if needed. This action is being taken in recognition of the

Agency Board of Directors' resolution last week directing its staff to work with the water contractors including Santa Rosa on important water planning issues and reiterating the Agency's commitment to improve communications, relationships and planning efforts with the water contractors and in furtherance of ongoing cooperative discussions between staff members from the Agency, the City, North Marin Water District and the Valley of Moon which began after the lawsuit was filed and which we hope will continue in the future. The City Council looks forward to a much improved cooperative and collaborative relationship with the Agency as we work together on future water supply issues."

She stated that the Council had not taken up Item 3.2 and would reconvene in closed session at the conclusion of the open session.

7. PROCLAMATIONS/PRESENTATIONS

7. STAFF BRIEFINGS

7.1 PROCLAMATION -- LEAGUE OF WOMEN VOTERS MAKING DEMOCRACY WORK DAY [4:17:05 PM](#)

Councilmember Vas Dupre presented the proclamation in honor of the League of Women Voters Making Democracy Work Day which was accepted on behalf of the League by Chelle Gummer, Nancy Richards and Willard Richards.

7.2 PRESENTATION – SONOMA VIETNAMESE ASSOCIATION 2010 LUNAR NEW YEAR [4:22:22 PM](#)

Linh Truong, Sonoma Vietnamese Association, announced their 2010 Lunar Festival to be held at the Vet's Building on Sunday, February 14. She outlined the roster of events and invited the public to attend.

8. STAFF BRIEFINGS

8.1 WATER CONSERVATION [4:27:34 PM](#)

Miles Ferris, Utilities Director, updated the Council on new and existing water conservation programs.

Dick Dowd, Chairman of the Board of Public Utilities, presented Mayor Gorin with a Conservation Hero Award in recognition of her home water recycling efforts, during which she had recently suffered a fall and broken wrist carrying a

pail of recycled water to her garden. Mr. Ferris presented a purple bucket as well.

Dan Mulerath, Water Conservation Program Coordinator, spoke regarding recent achievements including the removal of 1 million square feet of grass within the City resulting in a savings of 19 million gallons of water annually.

9. APPROVAL OF MINUTES – JANUARY 5, 2010 AND JANUARY 12, 2010 REGULAR MEETING MINUTES [4:41:40 PM](#)

The Minutes of the January 5, 2010 and the January 12, 2010 Regular Meetings were approved as presented.

10. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS [4:42:17 PM](#)

Councilmember Jacobi stated she would abstain from Item 11.1 due to the proximity of her residence.

11. CONSENT ITEMS [4:42:39 PM](#)

PUBLIC COMMENT

Peter Tcherneff suggested asking gardening clubs to remove weeds and plant vegetables related to item 11.3; suggested involving Zap vehicles in item 11.6, and on 11.7 asked if only commercial drivers should be required to have a license.

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

11.1 RESOLUTION -- ASSESSMENT LIEN AGAINST THE REAL PROPERTY LOCATED AT 300 CARRILLO STREET

RESOLUTION NO. 27570 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 300 CARRILLO STREET, SANTA ROSA, A.P.N. 180-750-031, AND ORDERING THE ASSESSMENT BE COLLECTED ON THE TAX

ROLL BY THE SONOMA COUNTY TAX COLLECTOR

MOVED by Vice Mayor Wysocky, seconded by Councilmember Olivares, carried unanimously, to adopt and waive reading of the text of the resolutions in items 11.2 through 11.6 and adopt and waive reading of the text of the ordinance in item 11.7 as follows:

11.2 RESOLUTION -- ASSESSMENT LIEN AGAINST THE REAL PROPERTY LOCATED AT 244 CARRINGTON STREET

RESOLUTION NO. 27571 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 244 CARRINGTON STREET, SANTA ROSA, A.P.N. 037-123-004, AND ORDERING THE ASSESSMENT BE COLLECTED ON THE TAX ROLL BY THE SONOMA COUNTY TAX COLLECTOR

11.3 RESOLUTION -- DECLARING WEEDS AND RUBBISH IN THE CITY OF SANTA ROSA A PUBLIC NUISANCE

RESOLUTION NO. 27572 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DECLARING WEEDS AND RUBBISH UPON OR IN FRONT OF CERTAIN PROPERTIES WITHIN THE CITY OF SANTA ROSA TO BE A PUBLIC NUISANCE AND DIRECTING THE SANTA ROSA FIRE DEPARTMENT TO GIVE NOTICE

11.4 RESOLUTION -- FIRST AMENDMENT TO REIMBURSEMENT AGREEMENT FOR VARIABLE RATE DEMAND WASTEWATER REVENUE REFUNDING BONDS, SERIES 2004A

RESOLUTION NO. 27573 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST AMENDMENT TO REIMBURSEMENT AGREEMENT AND

DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH

11.5 RESOLUTION -- AMENDMENT TO THE CITY CLASSIFICATION AND SALARY PLAN TO CORRECT AND ADJUST THE DEPARTMENTAL APPLICATION SPECIALIST SALARY RANGE ON COUNCIL RESOLUTION 27554 FROM \$4,490 - \$4,713 - \$4,948 - \$5,196 - \$6,252 PER MONTH TO \$5,145 – \$5,401 – \$5,674 – \$5,953 – \$6,252 PER MONTH

RESOLUTION NO. 27574 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

11.6 RESOLUTIONS -- TRANSPORTATION FUND FOR CLEAN AIR / CALIFORNIA ENERGY COMMISSION AB 118 PROJECT PROPOSAL

RESOLUTION NO. 27575 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING AN APPLICATION TO THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT FOR FISCAL YEAR 2009/10 TRANSPORTATION FUND FOR CLEAN AIR REGIONAL FUNDS

11.7 ORDINANCE ADOPTION -- COMMERCIAL VEHICLE PROHIBITIONS

ORDINANCE NO. 3936 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING SECTIONS 11-28.110 AND 11-28.120 OF THE SANTA ROSA CITY CODE TO REVISE RESTRICTIONS ON VEHICLES USED FOR COMMERCIAL PURPOSES

12. REPORT ITEMS

****12.1 REPORT -- 1111 PETALUMA HILL ROAD - SANTA ROSA PATIENT GROUP MEDICAL CANNABIS DISPENSARY PERMIT DENIAL APPEAL [4:47:22 PM](#)**

Councilmembers made ex parte disclosures as follows: Councilmember Olivares had no discussions but was familiar with the site; Councilmember Jacobi had received emails but had no discussions; Councilmember Sawyer had

no discussions but was familiar with the site; Mayor Gorin had no discussions but was familiar with the site; Vice Mayor Wysocky had no discussions but had gone by the site; Councilmember Bender had no disclosures to make; Councilmember Vas Dupre said she had the same disclosure except for being familiar with the area due to previous employment as a school counselor.

Noah Housh, City Planner, made the staff presentation. On August 17, 2009, the applicant, Mina Sohaei filed a Medical Cannabis Dispensary Permit application to operate a Medical Cannabis Dispensary at 1111 Petaluma Hill Road. The application was denied by the City Manager on November 12, 2009 based on the existing crime levels and specific types of crime in the surrounding neighborhood (South Park) as identified by the City of Santa Rosa Police Department. An appeal of the decision was filed by the applicant's attorney with supporting documentation identifying the grounds of the appeal being provided in a letter dated December 21, 2009. He stated the proposed facility was currently in use as a motorcycle shop and the applicant was proposing a 1200 square foot tenant space in the building for the proposed use, which included security measures such as bullet proof glass. Mr. Housh outlined the ordinance requirements which required it to be in an area without crime issues and to not impact the peace or safety of the area. Denial was based upon the area having been identified as an area with gang and organized crime, prostitution and narcotic sales. Staff recommended denial of the appeal.

PUBLIC COMMENT

Scott Candell, attorney representing the appellant, the Santa Rosa Patients Group, spoke of their successful collectives in other areas and their close work with the City in their two application attempts. Concerns cited related to the proposal for the former China Light restaurant had led to the selection of the subject location in an industrial area. He spoke of the need due to the existing collective operating at patient capacity, and of their willingness to work with the Police Department to make it safer, noting they share their security tapes with the police and the use would create eyes into the neighborhood. He presented their analysis of crime data in the area.

Police Sergeant Litchfield, Narcotics Investigation Unit, said the South Park neighborhood is a Neighborhood Revitalization Area with gang, drug and blight issues that require the special services of the City. He said the reason for the reduced crime statistics is a result of this focused effort yet four significant investigations have been conducted in the neighborhood recently which resulted in arrests in other areas. He noted the high level of street crime activity in the area as well as the outlaw motorcycle clubhouse activities. He offered assistance if they want him to go out and preview sites with them.

Police Sergeant Randy Navarro, Gang Crimes Team, spoke regarding the specific violence issues they have dealt with in the South Park area. He noted the appellant's crime statistics didn't take into account the entire year which had two homicides in the South Park and Aston Avenue area and that the area has serious gang issues and the presence of the Hells Angels motorcycle club. He voiced concern for the safety of dispensary employees and customers.

PUBLIC COMMENT [5:18:19 PM](#)

Peter Tcherneff suggested selling marijuana out of the police department headquarters as a source of revenue generation.

MJ Murphy, member of the Board of the Burbank Gardens Neighborhood Association, requested the appeal be denied. He spoke of their efforts to improve the neighborhood and a recent gang tagging outbreak in the area.

Leah Barron Thomas, member of the West End Neighbor Association, also supported denial of the appeal due to the fragility of the neighborhood. She also requested that notification requirements be broadened to inform a wider area of neighbors in affected areas. She opposed locating dispensaries in residential areas or where children walk to school.

Scott Candell stated that the internal security measures which include cameras, steel security doors and bullet proof glass would adequately protect their staff and that the outdoor lights and cameras would help deter street level crimes.

Sgt. Navarro responded that it was important not to underestimate the sophistication of gang criminals

who do surveillance and follow their victims as they are leaving dispensaries.

Rachel Hart noted that South Park is a community of immigrants who are statistically less likely to make police and who are often not English speakers. She said their homes are frequently tagged and this is a neighborhood of families.

MOVED by Councilmember Olivares, seconded by Vice Mayor Wysocky, carried 6-1 (Councilmember Vas Dupre voting NO) to deny without prejudice and adopt and waive reading of the text of the resolution in item 12.1 as follows:

RESOLUTION NO. 27576 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DENYING THE APPEAL AND UPHOLDING THE CITY MANAGER'S DENIAL OF THE SANTA ROSA PATIENT GROUP MEDICAL CANNABIS DISPENSARY PERMIT APPLICATION FOR 1111 PETALUMA HILL ROAD, FILE NUMBER MCD09-002

12.2 REPORT – APPROVAL OF PROFESSIONAL SERVICES AGREEMENT FOR EXECUTIVE RECRUITMENT SERVICES [5:46:31 PM](#)

Fran Elm, Human Resources Director, made the staff presentation. At the January 12, 2010 meeting, the Council appointed an ad hoc subcommittee for the purpose of interviewing executive recruitment firms specializing in public sector executive searches in California. Interviews were conducted and at the January 26, 2010 Council meeting the subcommittee's recommendation to retain Bob Murray & Associates as the firm to recruit for a new City Manager was approved. Ms. Elm presented a professional services agreement in an amount not to exceed \$16,500 plus up to \$6,500 for expenses for Council consideration and recommended approval.

Bob Murray, Bob Murray and Associates, discussed the recruitment process he would be undertaking and what he will be looking for from the Council. He estimated interviews would occur in early May with an appointment date by the end of May with a new City Manager to be identified by June 1. The role of the public was discussed, with Mr. Murray suggesting a town hall meeting to

receive community input or the opportunity to provide comments via the City's website.

PUBLIC COMMENT [6:00:58 PM](#)

Anne Seeley, Concerned Citizens for Santa Rosa, appreciated the opportunity for public participation, the earlier the better, and offered her involvement.

Peter Tcherneff suggested retaining the interim city manager.

Colleen Fernald, also suggested retaining the interim city manager.

Saturday, March 6 was tentatively set as a meeting date to hold a town hall meeting to obtain public input. Mr. Murray also invited interested parties to contact his office directly to provide input.

MOVED by Councilmember Olivares, seconded by Councilmember Sawyer, carried unanimously, to adopt and waive reading of the text of the resolution in item 12.2 as follows:

RESOLUTION NO. 27577 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA TO APPROVE A PROFESSIONAL SERVICES AGREEMENT FOR EXECUTIVE RECRUITMENT SERVICES

12.3 REPORT – AGREEMENT CONVEYING A CONSERVATION EASEMENT WITH THE SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT FOR ROSELAND CREEK COMMUNITY PARK AND TRAIL – PHASE 1A
[6:16:33 PM](#)

Marc Richardson, Recreation Parks & Community Services Department, made the staff presentation for the agreement conveying a conservation easement for the Sonoma County Agricultural Preservation and Open Space District over 1400 Burbank Avenue also known as the Roseland Creek Community Park and Trail – Phase 1a.

PUBLIC COMMENT [6:36:10 PM](#)

Peter Tcherneff spoke in support due to Burbank Avenue and Luther Burbank's legacy.

Duane DeWitt requested delaying action due to lack of communication with the public and in order to allow other public meetings.

Mr. Richardson spoke regarding the public involvement process that had been followed in accordance with Prop 84 grant requirements, stating three of the five required public meetings had been conducted and one was set for the next night and another a week later. He noted the agreement had to be executed by March 4.

MOVED by Councilmember Jacobi, seconded by Councilmember Olivares, carried unanimously, to adopt and waive reading of the text of the resolution in item 12.3 as follows:

RESOLUTION NO. 27578 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AN AGREEMENT CONVEYING A CONSERVATION EASEMENT OVER 1400 BURBANK AVENUE

13. PUBLIC COMMENTS ON NON-AGENDA MATTERS
[6:53:43 PM](#)

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

Colleen Fernald spoke against war and in favor of green jobs.

Rachel Bell spoke about a lawsuit involving John Jenkel.

John Jenkel, spoke against war.

Michael Aranda complained of a complete lack of parking enforcement within the JC neighborhood parking district despite permit price increases and reduced permit allocations per household.

Mary Morrison spoke against war.

Peter Tcherneff suggested recruiting four retired businessmen to work with four JC students to carry out the City Manager function in a volunteer capacity.

Duane DeWitt thanked the Council for their earlier vote and advised that priority conservation areas are getting funding and recommended going after similar funding for the Roseland conservation area. He expressed disappointment at retaining a recruitment firm rather than a community based approach.

14. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)
[7:16:24 PM](#)

14.1 ANNUAL REPORTS FOR SPECIAL TAX DISTRICTS FOR TAX YEAR 2009/10

14.2 APPOINTMENT TO THE HOUSING AUTHORITY/REDEVELOPMENT AGENCY
[7:16:28 PM](#)

PUBLIC COMMENT

John Jenkel neither supported nor opposed the appointment.

MOVED by Councilmember Bender, seconded by Vice Mayor Wysocky, carried 6-0-1 (Councilmember Olivares abstaining), to appoint Helga Lemke to the Housing Authority – Redevelopment Agency Board of Directors.

15. MAYOR'S/COUNCILMEMBERS' REPORTS

16. CITY MANAGER'S/CITY ATTORNEY'S REPORTS

17. [IF NEEDED] – ANNOUNCEMENT OF ADDITIONAL CLOSED SESSION ITEMS(S), ADJOURNMENT TO CLOSED SESSION(S), RECONVENE TO OPEN SESSION, AND ANNOUNCEMENTS, IF ANY

The Mayor recessed the meeting at 7:30 p.m. and reconvened in closed session in the Mayors Conference Room at 7:32 p.m. with all Councilmembers present. There were no announcements to be made upon reconvening in open session at 8:35 p.m.

18. ADJOURNMENT OF MEETING

Hearing no further business, Mayor Gorin adjourned the meeting in open session at 8:35 p.m. The next regularly scheduled meeting will take place on February 23, 2010, at a time to be set by the Mayor.

Approved on: March 2, 2010

Susan Stoneman
City Clerk