

**SANTA ROSA CITY COUNCIL MEETING MINUTES  
TUESDAY, MARCH 2, 2010  
COUNCIL CHAMBER, CITY HALL, 100 SANTA ROSA AVENUE  
REGULAR MEETING**

**1. CALL TO ORDER AND ROLL CALL**

Vice Mayor Wysocky called the meeting to order at 3:00 p.m. Councilmembers present: Vice Mayor Wysocky, Councilmembers Bender, Sawyer, and Olivares. Mayor Gorin and Councilmember Jacobi were absent. Councilmember Vas Dupre arrived at 3:25 p.m.

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

**PUBLIC COMMENT**

Duane DeWitt spoke in favor of furloughs.

**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 LEGAL COUNSEL-ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9

**2.3 CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Property: 983 Sonoma Avenue, Santa Rosa CA 9540 APN 009-171-029

Agency Negotiator: Josh Maresca, Right-of-Way Agent

Negotiating Parties: Housing Authority of Santa Rosa

Under Negotiations: Price and terms of payment

**2.4 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**

Councilmembers were present as noted above, with Mayor Gorin and Councilmember Jacobi absent. Teen Council member Rena Wang was also in attendance.

**5. REPORT, IF ANY, ON STUDY AND CLOSED SESSION(S) [4:03:36 PM](#)**

City Attorney Fowler reported that the Council had met in closed session to discuss items 2.1 through 2.3 and that there was no action taken and no announcement to be made.

**6. PROCLAMATIONS/PRESENTATIONS**

**6.1 PROCLAMATION/PRESENTATION – ARBOR DAY**

Councilmember Bender presented the Proclamation for Arbor Day to Lisa Grant, Park Maintenance Superintendent, and Laneil Bryant, Recreation Coordinator.

Ms. Bryant presented the Arbor Day Poster Contest winners as listed below. The poster theme was Trees Are Terrific and Energy Wise.

[Binkley Elementary School](#)

Maggie Moody

Proctor Terrace Elementary School

3<sup>rd</sup> grade - Stephen Kennedy; Chloe Pereta

Austin Creek Elementary School

3<sup>rd</sup> grade – Peyton Sloan; Ryan Poole; Raymond Lee

4<sup>th</sup> grade - Francesca Muchow

Sequoia Elementary School

4<sup>th</sup> grade - Connor Gilligan

Hidden Valley Elementary School

3<sup>rd</sup> Grade - Ava Kirby

Abraham Lincoln Elementary School

2<sup>nd</sup> grade – Alondra Romero; Angel Hernandez

3<sup>rd</sup> grade – Jessica Vega

2<sup>nd</sup>-4<sup>th</sup> grade Jonathan Nunez; Yesenia Borges

4<sup>th</sup> grade –Cristian Solis; Luis Magana

4<sup>th</sup>-6<sup>th</sup> grade– Nathaniel Garcia

5<sup>th</sup> grade – Nora Meas

6<sup>th</sup> grade -- Jonathan Gonzalez

**7. STAFF BRIEFINGS -- NONE**

**8. APPROVAL OF MINUTES – FEBRUARY 2, AND FEBRUARY 9, 2010 REGULAR MEETING MINUTES [4:12:50 PM](#)**

The minutes of the February 2, and February 9, 2010 regular meeting were approved as submitted.

**9. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS [4:13:22 PM](#)**

Councilmember Sawyer stated that, despite his usual abstention from similar items, because the work on the project under discussion in Item 11.1 would not begin until after closure of his downtown business, he would participate in the matter.

Vice Mayor Wysocky announced that Items 10.2 and 11.3 had been pulled.

**10. CONSENT ITEMS [4:14:08 PM](#)**

PUBLIC COMMENT [4:15:04 PM](#)

Jack Osborne, 5636 Del Monte Court, suggested delaying for two years the expenditure on police cars given the City's financial circumstances and suggested that the City self-insure rather than purchase extended vehicle warranties.

Jim Wright, purchasing agent, and Jon Merian, Fleet Superintendent, stated that their research has indicated that with the high mileage conditions on these vehicles the extended warranty produces value. They also noted that they are now replacing vehicles at 120,000 miles now, when previously that was done at 90,000 miles. It was noted that in addition to the cost component vehicle safety was also a consideration.

MOVED by Councilmember Vas Dupre, seconded by Councilmember Bender, carried 5-0-2 (Mayor Gorin and Councilmember Jacobi absent), to adopt the motion in item 10.1 and adopt and waive reading of the text of the resolution in item 10.3 as follows:

**10.1 MOTION -- CONTRACT AWARD – POLICE SEDANS**

**MOTION:** AUTHORIZING THE CONTRACT AWARD AND ISSUANCE OF A PURCHASE ORDER FOR FOUR FORD CROWN VICTORIA POLICE SEDANS WITH EXTENDED POWER TRAIN WARRANTIES TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, HANSEL FORD, SANTA ROSA, CALIFORNIA, IN THE TOTAL AMOUNT OF \$102,538.40. FUNDING FOR THIS CAPITAL PURCHASE IS ALLOCATED IN THE POLICE DEPARTMENT PROJECT ACCOUNT NUMBERS 4459, REPLACEMENT FUND POLICE VEHICLE PURCHASES (\$76,903.80) AND 4204, JAG FORMULA GRANT 2009 PROGRAMS 2 (\$25,634.60), OBJECT CODE 584.

**10.2 RESOLUTION -- CONTRACT AWARD – 2010 FORD F550 4-DOOR 4X4**

This item was pulled from the agenda.

**10.3 RESOLUTION -- APPROPRIATING FUNDS FOR REMODEL OF THE POLICE DEPARTMENT COMMUNICATIONS CENTER**

**RESOLUTION NO. 27587 ENTITLED:  
RESOLUTION OF THE COUNCIL OF THE  
CITY OF SANTA ROSA APPROPRIATING  
FUNDS FOR THE REMODEL OF THE POLICE  
DEPARTMENT COMMUNICATIONS CENTER**

**11. REPORT ITEMS**

**11.1 REPORT -- TRANSIT MALL  
RELOCATION AND DETOUR PLAN  
[4:22:09 PM](#)**

Jason Parrish, Administrative Services Officer – Transit, made the staff presentation for the proposed relocation of the Transit Mall related to the Transit Mall Revitalization project. The revitalization project began its principal design phase in the summer of 2008, with an approved expanded design program in spring 2009. He explained that the project requires closing the Transit Mall during construction, projected to take place during summer of 2010, and relocating the transit hub services to an alternate location. The purpose of the project is to improve the customer experience and enhance the safety and security of the site, and improve the connectivity between transit, pedestrian, and bicycle infrastructure; as well as meet regional and federal grant requirements. After evaluating six primary sites throughout the downtown core, staff recommended its temporary location at Sonoma Avenue between D Street and Santa Rosa Avenue. The six sites evaluated are listed below:

- a. 1<sup>st</sup> Street (between Santa Rosa Ave and D St.);
- b. 5<sup>th</sup> Street (between Santa Rosa Ave. and B St.);
- c. B Street (between 5<sup>th</sup> St. and Ross St.);
- d. Santa Rosa Avenue (between 1<sup>st</sup> St. and 3<sup>rd</sup> St.);
- e. Morgan Avenue (between 3<sup>rd</sup> St. and 5<sup>th</sup> St.);
- f. Sonoma Avenue (between D St. and Santa Rosa Ave.); and,
- g. A partial closure configuration was also considered utilizing one side of the existing Transit Mall while relocating the side under construction to the East side of Santa Rosa Avenue between 1<sup>st</sup> and 3<sup>rd</sup> Streets.

Mr. Parrish described the planned site amenities and the detour plan for the use of the proposed site.

**PUBLIC COMMENT**

Jack Osborne suggested using Courthouse Square as a means of evaluating what the impacts of proposed future changes to Courthouse Square would be since they are thinking of closing it anyway. He also suggested use of the White House parking lot, as stopping interfering with parking is preferable to interfering with traffic movement. He also suggested closing D Street instead, rather than detouring Sonoma Avenue.

Duane DeWitt, Roseland, also suggested that using Courthouse Square would better improve the customer experience, or else First Street, as it would be easier to make connections. He was concerned that the Luther Burbank Home and Gardens would be damaged due to the foot traffic.

Carol Skold, Luther Burbank Home and Gardens volunteer, requested use of another site due to concerns about negative impacts to the gardens; to their revenue because all signage directs visitors to Sonoma Avenue; and to their available volunteer and visitor parking.

Gig Hitao also requested another site due to the possible negative impact on The Luther Burbank Home and Gardens. He suggested moving up the street from D to E Street instead, or the use of First Street between D Street and Santa Rosa Avenue.

Peter Tcherneff, supported Mr. Osborne's and Mr. DeWitt's comments.

MOVED by Councilmember Olivares, seconded by Councilmember Bender, carried 5-0-2 (Mayor Gorin and Councilmember Jacobi absent), to adopt the motion in item 11.1 as follows:

**MOTION:** TO CONTINUE THIS ITEM TO MARCH 30 WITH THE STAFF REPORT REFLECTING FIRST STREET AS THE PREFERRED ALTERNATIVE.

**11.2 REPORT -- TRANSIT MALL PUBLIC  
ARTIST SELECTION [5:50:03 PM](#)**

Jason Parrish, Administrative Services Officer – Transit, made the staff presentation for the installation of Public Artwork as a primary component of the Transit Mall Revitalization Project. Between July 2009 and January 2010, the Transit Department solicited artist qualifications through a public process that received 115 submittals, which were narrowed through a three-step review process by the Transit Mall Artwork Selection Committee. The Transit Mall Artwork Selection Committee recommended that the Council select Leticia Huerta of Arlington, Texas as the principal artist, and that the Transit Director be authorized to enter into an Artwork Commission Agreement with Ms. Huerta, in the amount of \$25,000 with a 15% contingency.

#### PUBLIC COMMENT

Jane Jarlesberg, Santa Rosa, requested that bus schedules be expanded to later in the evening. She also advocated using a local artist.

Peter Tcherneff, Santa Rosa, also requested using a local artist.

Mr. Parrish responded that two of the top ten artists were local, as was one of the top three, but this was the artist eventually recommended by the selection committee due in part to her experience with transit projects.

MOVED by Councilmember Vas Dupre, seconded by Councilmember Sawyer, 5-0-2 (Mayor Gorin and Councilmember Jacobi absent), to adopt the motion in item 11.2 as follows:

**MOTION:** TO SELECT ARTIST LETICIA HUERTA AS THE PRINCIPAL ARTIST FOR THE TRANSIT MALL REVITALIZATION PROJECT AND AUTHORIZE THE TRANSIT DIRECTOR TO ENTER INTO AN ARTWORK COMMISSION AGREEMENT WITH MS. HUERTA FOLLOWING REVIEW BY THE CITY ATTORNEY.

#### **11.3 REPORT -- REVISION TO CHAPTER 11-08 OF THE CITY CODE RELATING TO STAFF DELEGATIONS OF CITY TRAFFIC ENGINEER AND CITY PARKING MANAGER FUNCTIONS**

This item was pulled from the agenda.

#### **11.4 REPORT -- GREENHOUSE GAS WORK GROUP UPDATE [6:14:27 PM](#)**

Gillian Hayes, City Planner; Dell Tredinnick, Utility Project Manager; Peter Brown, Senior Planner; and Colin Close, Research and Program Coordinator, updated the Council on the Greenhouse Gas (GHG) Work Group which was formed in September 2008 to address current GHG reduction mandates and long term Citywide GHG reduction strategies. The members of the group include staff representatives from the departments of Utilities, Transit, Parking, Advance Planning, Public Works and Community Development. Staff outlined the regional and citywide initiatives as outlined in the staff report, the city's renewable energy installations, funding sources and opportunities, and the group's next steps. The upcoming Solar Fair and Earth Day activities were also highlighted.

#### PUBLIC COMMENT

Jack Osborne requested information on how the work had resulted in greenhouse gas reductions and what the cost was for what, if any, result. He asked what the strategy was to handle emissions caused by growth.

Duane DeWitt, encouraged the involvement of the public and the involved stakeholders.

Councilmember Jacobi joined the meeting in progress at 6:43 p.m.

Peter Tcherneff advocated cycling and smart cars and vegetarianism.

Jane Jarlsberg, Bennett Valley, asked about LEED standards and recommended allowing dogs on buses.

Brent Arthur, Climate Protection Campaign, thanked staff for the update and noted the importance of the regional coordination.

Peter Tcherneff spoke regarding concerns about public participation.

There was no Council action requested or taken on this item.

#### **11.5 REPORT -- ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA**

**ROSA REPEALING EXISTING SANTA ROSA CITY CODE CHAPTER 6-32, MASSAGE ESTABLISHMENTS, AND ENACTING NEW CHAPTER 6-32, MASSAGE THERAPY, MASSAGE BUSINESS OR ESTABLISHMENT [7:04:35 PM](#)**

Police Lieutenant Paul Henry made the staff presentation. The Santa Rosa Police Department is mandated by the existing Santa Rosa City Chapter 6-32, Massage Establishments (massage ordinance), to issue permits to any person, massage business or massage establishment, who is performing or engaging in the practice of massage within the City. On September 27, 2008, the State of California enacted SB 731 Massage Therapy Title Act. This law commenced September 1, 2009, providing for a voluntary statewide certification of massage practitioners and massage therapists by the Massage Therapy Organization (MTO). A key section of SB 731 prohibits the City from enacting and/or enforcing certain ordinances regulating the practice of massage by a certificate holder, which is currently in conflict with existing Santa Rosa City Code Chapter 6-32, Massage Establishments. To be in compliance with new State law, it was necessary to enact the proposed ordinance amending City Code Chapter 6-32, Massage Therapy, Massage Business or Establishment (massage ordinance).

**PUBLIC COMMENT**

Peter Tcherneff supported legalizing prostitution since abused children end up working as prostitutes, so why not legalize it.

MOVED by Councilmember Bender, seconded by Councilmember Olivares, carried 6-0-1 (Mayor Gorin 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 REPEALING EXISTING SANTA ROSA CITY CODE CHAPTER 6-32, MASSAGE ESTABLISHMENTS, AND ENACTING A NEW CHAPTER 6-32, MASSAGE THERAPY, MASSAGE BUSINESS OR ESTABLISHMENT

**11.6 PUBLIC HEARING -- WEED AND RUBBISH ABATEMENT PROGRAM [7:17:23 PM](#)**

Scott Moon, Senior Fire Inspector, made the staff presentation to initiate the Weed and Rubbish Abatement procedure, which requires that the Council first declare weeds and rubbish a public nuisance, which was done February 2, 2010, to be followed by this public hearing to receive any public protests to the Weed and Rubbish Abatement Program. Upon hearing any and all protests, staff recommended that the Council grant or overrule any such protests and authorize the Fire Department to abate the nuisances.

**PUBLIC HEARING [7:18:27 PM](#)**

Jane Jarlesberg requested and received clarification of the term public nuisance and suggested replacing weeds with cactus.

Peter Tcherneff, also asked requested and received clarification of the terms 'public nuisance' and 'overruling protests'. He suggested hiring another party to abate weeds.

Hearing no further testimony, Vice Mayor Wysocky closed the public hearing at [7:24:30 PM](#)

MOVED by Councilmember Jacobi, seconded by Councilmember Sawyer, carried 6-0-1 (Mayor Gorin absent), to adopt and waive reading of the text of the resolution in item 11.6 as follows:

**RESOLUTION NO. 27588 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA OVERRULING PROTESTS AND AUTHORIZING ABATEMENT OF WEEDS OR RUBBISH UPON OR IN FRONT OF CERTAIN PROPERTIES WITHIN THE CITY OF SANTA ROSA AS A PUBLIC NUISANCE

**12. PUBLIC COMMENTS ON NON-AGENDA MATTERS [7:25:56 PM](#)**

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

Wayne Clark spoke regarding political issues.

Duane DeWitt, Roseland, advocated for parks in Roseland and recommended against paying for

the use of consultants for Bayer Park and others in favor of spending on buildings.

Doug Millar, Santa Rosa, spoke regarding a local political race and child molestation.

Peter Tcherneff, said he had witnessed numerous child murders and knows first-hand of organized pedophilia by someone caught in a sting operation.

Hearing no further testimony, Vice Mayor Wysocky closed public comment at [7:40:05 PM](#).

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

**13.1 LIVABLE PLACES UPDATE – JANUARY 2010**

**13.2 LOCAL GOVERNMENT COMMISSION REPORTS – JANUARY 2010**

**15. MAYOR'S/COUNCILMEMBERS' REPORTS [7:40:11 PM](#)**

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

**16. CITY MANAGER'S/CITY ATTORNEY'S REPORTS [7:46:33 PM](#)**

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

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

**18. ADJOURNMENT OF MEETING [7:48:47 PM](#)**

Hearing no further business, Vice Mayor Wysocky adjourned the meeting at 7:48 p.m. in honor of Board of Public Utilities member Steven Gale, whom he wished a speedy recovery, and in the memory of George Merrill, 90 year resident of Santa Rosa. The next regularly scheduled meeting will take place on March 9, 2010, at a time to be set by the Mayor.

Approved on March 16, 2010:

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Susan Stoneman  
City Clerk