

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

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

Mayor Gorin called the meeting to order at 3:30 p.m. in the Mayor's Conference Room. Councilmembers present: Mayor Gorin, Vice Mayor Wysocky, Councilmembers Bender, Jacobi, Vas Dupre and Olivares. Councilmember Sawyer arrived at 4:16 p.m.

**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) [4:12:42 PM](#)**

**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 REAL PROPERTY NEGOTIATOR**

Property: 1400 Burbank Avenue, Santa Rosa, CA 95407  
APN 125-331-001

Agency Negotiator: Marc Richardson, Director of Recreation, Parks and Community Services

Negotiating Parties: SBRI 1400 Burbank, LLC

Under Negotiations: Price and terms of payment

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

**4:00 P.M. (CITY COUNCIL CHAMBER) [4:11:32 PM](#)**

**4. ANNOUNCEMENT OF ROLL CALL**

Councilmembers were present as noted above.

**5. REPORT, IF ANY, ON STUDY AND CLOSED SESSION(S) [4:13:55 PM](#)**

City Attorney Fowler announced that Council did not confer with labor negotiators regarding Item 3.1 and that they had met on Item 3.2 with no action taken.

**6. PROCLAMATIONS/PRESENTATIONS -- NONE**

**7.1 CENSUS 2010 COMPLETE COUNT STAFF BRIEFING [4:14:26 PM](#)**

Peter Brown, Senior Planner - Advance Planning and Public Policy, made the staff presentation regarding the decennial Census which is set to occur on April 1, 2010. Mr. Brown noted that while the primary purpose of the census is Congressional apportionment, the federal government also uses the census to determine allocation of funds to states and local governments. He stressed the importance of Santa Rosa residents completing and returning their census mailer information to ensure that the traditional undercounts that have occurred in the past which could cause California's cities and counties to lose up to \$5 billion, do not occur in 2010.

**8. APPROVAL OF MINUTES – FEBRUARY 23, 2010 REGULAR MEETING MINUTES [4:25:40 PM](#)**

The minutes of the February 23, 2010 regular meeting were approved as submitted.

**9. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS**

Councilmember Jacobi announced she would abstain from item 11.2 due to the location of her residence.

**10. CONSENT ITEMS [4:26:16 PM](#)**

Mayor Gorin announced that Item 11.6 had been pulled from the agenda.

MOVED by Vice Mayor Wysocky, seconded by Councilmember Vas Dupre, carried unanimously, to adopt and waive reading of the text of the resolution in item 10.1 as follows:

**10.1 RESOLUTION -- STIMULUS II – JOBS FOR MAINSTREET- CITYWIDE OVERLAY PROJECT [4:26:19 PM](#)**

**RESOLUTION NO. 27589 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL STIMULUS II JOBS FOR MAIN STREET FUNDING FOR THE OVERLAY PROJECT AND STATING THE ASSURANCE OF THE CITY TO COMPLETE THE PROJECT

MOVED by Vice Mayor Wysocky, seconded by Councilmember Vas Dupre, carried 5-0-2 (Mayor Gorin and Councilmember Jacobi abstaining), to adopt and waive reading of the ordinance in item 10.2 as follows:

**10.2 ORDINANCE ADOPTION -- REPEALING EXISTING SANTA ROSA CITY CODE CHAPTER 6-32, MESSAGE ESTABLISHMENTS, AND ENACTING NEW CHAPTER 6-32, MESSAGE THERAPY, MASSAGE BUSINESS OR ESTABLISHMENT**

**ORDINANCE NO. 3937 ENTITLED:** ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA REPEALING EXISTING SANTA ROSA CITY CODE CHAPTER 6-32, MESSAGE ESTABLISHMENTS, AND ENACTING A NEW CHAPTER 6-32, MESSAGE THERAPY, MASSAGE BUSINESS OR ESTABLISHMENT

**11. REPORT ITEMS [4:29:30 PM](#)**

**11.1 REPORT -- GOOGLE FIBER FOR COMMUNITIES REQUEST FOR INFORMATION [4:56:02 PM](#)**

Eric McHenry, Chief Technology Officer, made the staff presentation announcing a Google Fiber experimental program targeted at providing ultra-high speed broadband service to homes and businesses in select communities across the country. Mr. McHenry recommended partnering with the Economic Development Department to submit a Request for Information to Google on behalf of the City of Santa Rosa for the "Google

Fiber for Communities" program which he anticipated would be an economic boost to the community both from the public awareness associated with the pilot as well as a strong incentive for businesses and homeowners.

**PUBLIC COMMENT**

Duane DeWitt, spoke in favor of this item

Jack Osborn, spoke in favor of this item but expressed concern about the potential loss of revenue to the City from internet orders.

MOVED by Councilmember Olivares, seconded by Councilmember Jacobi, carried unanimously, to waive reading of the text of the motion in item 11.1 as follows:

**MOTION:** AUTHORIZING STAFF TO SUBMIT A REQUEST FOR INFORMATION RESPONSE TO THE GOOGLE FIBER FOR COMMUNITIES PROJECT

Councilmember Jacobi left the dais at 4:57 p.m.

**11.2 REPORT -- CONTRACT AWARD-- DETURK ROUND BARN RENOVATION [4:58:55 PM](#)**

Marc Richardson, Director – Recreation, Parks & Community Services, made the staff presentation for the award of Contract Number 2009-006RP, De Turk Roundbarn Renovation. The project bids had been opened on February 17, and he summarized the tabulation of eight base bids ranging from \$2,076,300 to \$2,452,000. He said the engineer's estimate was \$2,170,000; and that the low bidder was GCCI, Inc. He recommended that the Council adopt a resolution to award Contract No. 2009-006RP to GCCI Inc., of Santa Rosa, California for the DeTurk Roundbarn Renovation.

**PUBLIC COMMENT**

Jack Osborne spoke in favor of approving this item since the bid process had been completed but in opposition to spending money in the current climate.

Richard Canini, spoke regarding his experience with public works contracts.

MOVED by Councilmember Bender, seconded by Councilmember Sawyer, carried 6-0-1 (Councilmember Jacobi abstaining), to adopt the resolution in item 11.2 as follows:

**RESOLUTION NO. 27590 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ACCEPTING A BID AND AWARDED CONTRACT NO. 2009-006RP TO

GCCI INC., OF SANTA ROSA, CALIFORNIA FOR THE DETURK ROUND BARN RENOVATION

Councilmember Jacobi returned to the dais at 5:27 p.m.

**11.3 REPORT -- AGREEMENT CONVEYING A CONSERVATION EASEMENT WITH THE SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT FOR BAYER NEIGHBORHOOD PARK AND GARDENS [5:27:48 PM](#)**

Marc Richardson, Director - Recreation, Parks and Community Services made the staff presentation outlining the request by the City for funds from the District Matching Grant Program for remaining funding needed to acquire 1550 and 1632 West Avenue known as Bayer property in the sum of \$1,311,229. The Sonoma County Agricultural Preservation and Open Space District earmarked a grant award for the amount requested. The City purchased the property now known as Bayer Neighborhood Park and Gardens and will be reimbursed for \$1.3 million upon execution of a conservation easement on the property. Mr. Richardson recommended that the Council enter into an agreement conveying a conservation easement with the Sonoma County Agricultural Preservation and Open Space District for Bayer Neighborhood Park and Gardens.

**PUBLIC COMMENT**

Duane DeWitt, Roseland, spoke in support of this item.

MOVED by Councilmember Bender, 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. 27591 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AN AGREEMENT CONVEYING A CONSERVATION EASEMENT FOR BAYER NEIGHBORHOOD PARK AND GARDENS

**11.4 REPORT – ORDINANCE AMENDING CHAPTER 10-32 – “POLITICAL CAMPAIGN REPORT REQUIREMENTS” TO INCLUDE ADDITIONAL DISCLOSURE REQUIREMENTS FOR INDEPENDENT CAMPAIGN EXPENDITURES [5:40:44 PM](#)**

Caroline Fowler, City Attorney, made the staff presentation requiring any person or entity making an expenditure of \$500.00 or more which expressly advocated the election or defeat of a Council

candidate or City measure, when the expenditure was not made at the behest of the affected candidate or committee, to notify the public of the expenditure by filing disclosure reports in accordance with established reporting procedures and deadlines set forth by the California Political Reform Act and Section 10-32.016 of the City Code. The ordinance further provided that the communications must clearly identify the name and contact information, including email address, of the independent expenditure committee funding the message and require the names of the top three contributors to be listed on mailed messages. . She recommended adoption of the proposed ordinance.

**PUBLIC COMMENT**

Jack Osborn spoke in opposition to this item.

Chele Gummer, League of Women Voters President, spoke in support of this item.

Duane DeWitt, spoke in support of this item.

Wayne Clarke, spoke in support of this item.

MOVED by Councilmember Vas Dupre, seconded by Vice Mayor Wysocky, carried unanimously, to introduce and waive reading of the text of the ordinance as amended in item 11.4 as follows:

**ORDINANCE ENTITLED:** ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ADDING AND AMENDING PROVISIONS OF THE SANTA ROSA CITY CODE RELATING TO COUNCIL ELECTION INDEPENDENT EXPENDITURES AND THE REPORTING THEREOF

**11.5 REPORT -- ORDINANCE ENACTING LOBBYIST REGISTRATION REQUIREMENTS [6:18:06 PM](#)**

Caroline Fowler, City Attorney, made the staff presentation requiring individuals receiving compensation expressly for the purpose of influencing administrative or legislative matters pending before the City to register on an annual basis with the City Clerk, and to file reports each time the lobbyist has been engaged by or terminated by a client. It set forth filing fees to offset the cost of administration of the ordinance, and prohibited Council Members, Members of Boards and Commissions, and City staff from lobbying any City official, elected or appointed, for a period of one year following their employment or term of office with the City of Santa Rosa. Ms. Fowler recommended adoption of the proposed ordinance.

## PUBLIC COMMENT

Anne Seeley, Concerned Citizens for Santa Rosa, spoke in support of clarifying the definition of lobbyist in the ordinance and expressed concern about the amount of work this ordinance would add to the City Clerk's duties.

Jean Kapolchok spoke in favor of adding professional land use consultants to the list of exempted professions.

Duane DeWitt, spoke in favor of increasing the proposed fine to \$10,000.

Wayne Clarke, spoke in opposition to exempting attorneys.

Colleen Fernald, spoke in favor of individuals registering without a fee or with a smaller fee.

Joanna Schaefer, spoke in opposition to including City employees.

Ann Hancock, Climate Protection Campaign, spoke in favor of postponement of this item.

Marlene Dehlinger, director of Accountable Development Coalition, spoke in favor of removing non profits from the ordinance and requiring organizations to register with a list of individuals that would be lobbying for that organization.

John Jenkel, Graton, spoke in favor of clarifying the definition of lobbyist.

This item was referred back to the subcommittee for revisions.

### **11.6 REPORT – CAMPAIGN DEBT RETIREMENT ORDINANCE**

This item was pulled from the agenda.

## **12. PUBLIC COMMENTS ON NON-AGENDA MATTERS**

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

Colleen Fernald spoke in favor of lobbying against all nuclear energy.

Duane DeWitt spoke in favor of Sonoma County Housing Advocacy group.

Mary Morrison spoke about lawsuit involving John Jenkel.

Callie Brusatorj spoke about lawsuit involving John Jenkel.

John Jenkel Graton, spoke against war and seizure of his property.

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

### **14. MAYOR'S/COUNCILMEMBERS' REPORTS**

MOVED by Councilmember Bender, seconded by Vice Mayor Wysocky, carried 6-0-1 (Councilmember Sawyer absent), to add as an urgency item due to time constraints item 14.1 Santa Rosa City Council support of June 2010 Ballot Measure for Vehicle License Fee for Safe Routes to School.

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

MOVED by Councilmember Sawyer, seconded by Councilmember Jacobi, carried unanimously, to support a resolution calling an election to be consolidated with June 8' 2010 primary election to approve imposing a \$10 vehicle registration fee to fund congestion and pollution mitigation problems and projects and allowing Vice Mayor Wysocky discretion to modify the proposed percentages. The fee would be allocated as follows: 73% to Transit, 14% to Bike Paths & Pedestrian Projects, 8% to Safe Routes to School, 5% to administration.

### **14.1 SANTA ROSA CITY COUNCIL SUPPORT OF SONOMA COUNTY TRANSPORTATION AUTHORITY JUNE 2010 BALLOT MEASURE FOR VEHICLE LICENSE FEE**

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

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

### **16. [IF NEEDED] – ANNOUNCEMENT OF ADDITIONAL CLOSED SESSION ITEM(S), ADJOURNMENT TO CLOSED SESSION(S), RECONVENEMENT TO OPEN SESSION, AND ANNOUNCEMENTS, IF ANY**

### **17. ADJOURNMENT OF MEETING [8:09:08 PM](#)**

Hearing no further business, Mayor Gorin adjourned the meeting at 8:09 p.m. The next regularly scheduled meeting will take place on March 16, 2010, at a time to be set by the Mayor.

Approved on March 9, 2010:

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Susan Stoneman  
City Clerk