

**SANTA ROSA CITY COUNCIL MEETING MINUTES
TUESDAY, MARCH 16, 2010
COUNCIL CHAMBER, CITY HALL, 100 SANTA ROSA AVENUE
REGULAR MEETING**

2:30 P.M. (MAYORS CONFERENCE ROOM, ROOM 10)

1. CALL TO ORDER AND ROLL CALL

Mayor Gorin called the meeting to order at 2:30 p.m. Councilmembers present: Mayor Gorin, Vice Mayor Wysocky, Councilmembers Bender, Sawyer, Jacobi, and Olivares. Absent: Councilmember Vas Dupre.

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

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 1021, (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 - EXISTING LITIGATION

(Subdivision (a) of Government Code section 54956.9)
City of Santa Rosa v. George and Karen Dib, et al.
Sonoma County Superior Court Case Number SCV 246184

2.3 CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 14000 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

2.4 CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 983 Sonoma Avenue, Santa Rosa, CA 95404 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

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

3:30 P.M. (CITY COUNCIL CHAMBER) [3:29:25 PM](#)

3. STUDY SESSION

3.1 WATERWAYS ADVISORY COMMITTEE AND CITYWIDE CREEK MASTER PLAN UPDATE [3:30:08 PM](#)

Peter Brown, Senior Planner; Sherry Emerson, Senior Environmental Specialist, Alistair Bleifuss, Environmental Specialist and Waterways Advisory Committee Chair Steve Rabinowitsh updated the Council on the Citywide Creek Master Plan and the 130+ site specific creek restoration projects identified in the plan. The Council was updated on the status of these ongoing efforts.

PUBLIC COMMENT [3:59:26 PM](#)

Mike Thompson, Sonoma County Water Agency, thanked the City and the Committee for their work and spoke of funding and programs the SCWA is partnering with in these creek restoration efforts.

Duane DeWitt, Roseland, commented on Roseland Creek and funding for creeks and parks and the City's creek cleanup efforts.

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

4. ANNOUNCEMENT OF ROLL CALL

Councilmembers were present as noted above.

5. REPORT, IF ANY, ON STUDY AND CLOSED SESSION(S)

Interim City Manager Goldberg reported that the Council had met in study session to receive an update on the work of the Waterways Advisory Committee and the Citywide Creek Master Plan programs and priorities for 2010.

City Attorney Fowler announced that the Council had met in closed session to discuss Items 2.2 and 2.4 as listed on the agenda and that no action had been taken and there were no announcements to be made. She reported Items 2.1 and 2.3 had not been taken up and would be continued to March 30, 2010.

6. PROCLAMATIONS/PRESENTATIONS

6.1 PRESENTATION – SECTION 8 HOUSING CHOICE VOUCHER 2009 HIGH PERFORMANCE AWARD [4:11:59 PM](#)

David Gouin, Director of Economic Development and Housing, presented the Section 8 Housing Choice Voucher 2009 High Performance Award that had been awarded to the City's Section 8 team for the third year in a row. Carmelita Howard, Program Manager, thanked the team for their efforts.

6.2 ADJOURN TO AND RECONVENE AT VETERAN'S MEMORIAL LOCATED AT SONOMA AND SANTA ROSA AVENUES [4:17:23 PM](#)

6.3 PRESENTATION – FLAG PRESENTATION FROM JOHN CROOKER, VIETNAM VETERAN

The Council adjourned to the flag court outside the Chamber where a flag donated by Congressman Woolsey that had been flown over the Capitol on November 13, 2009. Boy Scout troops and local veterans groups assisted in the flag raising ceremony.

6.4 RECONVENE IN COUNCIL CHAMBER [4:39:41 PM](#)

7. STAFF BRIEFINGS -- NONE

8. APPROVAL OF MINUTES – MARCH 2, 2010 REGULAR MEETING MINUTES

The minutes of the March 2, 2010 regular meeting were approved with Mayor Gorin and Councilmember Jacobi abstaining.

9. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS

No statements of abstention were made.

10. CONSENT ITEMS

PUBLIC COMMENT

Jack Osborne commented on the increased cost associated with reserves needed for wind or solar generation backup.

MOVED by Vice Mayor Wysocky, seconded by Councilmember Sawyer, carried unanimously, to adopt and waive reading of the text of the resolution in items 10.1 and 10.2 as follows:

10.1 RESOLUTION -- FIRST AMENDMENT TO EXTEND THE COOPERATIVE AGREEMENT TO IMPLEMENT ENERGY INDEPENDENCE PROGRAM

RESOLUTION NO. 27592 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA EXTENDING THE COOPERATIVE AGREEMENT WITH SONOMA COUNTY AND MAINTAINING PARTICIPATION IN THE SONOMA COUNTY ENERGY INDEPENDENCE PROGRAM (SCEIP) WHILE REVISING THE DISPOSITION OF RESULTING CARBON CREDITS

10.2 ORDINANCE ADOPTION – ORDINANCE AMENDING CHAPTER 10-32 – “POLITICAL CAMPAIGN REPORT REQUIREMENTS” TO INCLUDE ADDITIONAL DISCLOSURE REQUIREMENTS FOR INDEPENDENT CAMPAIGN EXPENDITURES

ORDINANCE NO. 3938 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. REPORT ITEMS

11.1 REPORT -- SONOMA COUNTY WATER AGENCY – 2010/11 WATER TRANSMISSION SYSTEM BUDGET – SECOND REVIEW [4:45:58 PM](#)

Linda Reed, Administrative Services Officer – Utilities and Board of Public Utilities Chair Dick Dowd summarized the Board's review of the Sonoma County Water Agency (SCWA) budget review to date by the Board, noting the deficiencies in the methodologies used which had somewhat obscured the usage trends because it was presented in dollars per acre foot but did not

compare year to year costs because the methodology had been based on predicted water delivery rather than actual usage. As a consequence over the past 15 years or so SCWA rate increases had been running 1% to 2%, partially because water deliveries were increasing each year while the cost per acre foot had not significantly increased. The consensus opinion was that SCWA had been very forthright with cost information which reflected a decrease in water delivery while the unit price increased. He stated a new budget study of the City's rates would commence. Mr. Dowd explained that the BPU had not been able to take formal action so he could not convey the Board's position but listed their choices as accepting the proposed budget as presented or to reject the proposal recognizing that their budgetary trends continue to slightly increase at a time when most local government agencies are facing reductions. He expressed their commitment to work at the City's budget with SCWA to determine ways to reduce their budgetary impact as well.

PUBLIC COMMENT [5:51:24 PM](#)

Colleen Fernald stated she wants abundant clean water and does not want any fluoride added. She also asked for a water town hall meeting.

MOVED by Councilmember Bender, seconded by Councilmember Wysocky, carried 6-1 (Councilmember Vas Dupre voting NO) that the BPU representatives continue to meet with the Water Agency looking at what can be done to lower the cost for the rate payer and what can be done in concert with a very open and transparent Water Agency to enable the representatives to have the most surety possible that everything has been done to supply water and still hold the rates down, and instruct the Mayor to delay action until that information has been received.

Ms. Reed stated that at the next Water Advisory Committee meeting would take a non-binding vote on March 22 on the budget, with the budget decision to be made by the Board of Supervisors.

11.2 REPORT -- EXTENSION OF MEASURE O FISCAL CRISIS [6:01:41 PM](#)

Alan Alton, Administrative Services Officer – Finance; Marc Richardson, Director of Recreation and Parks; and Ellen Bailey, Recreation and Parks, made the staff presentation. On February 10, 2009, the Council made a finding that a fiscal crisis existed under City Code Section 3-26.120 (D) as it related to the City's finances. This action allowed the City to use Measure O reserve funds to

maintain General Fund-funded Police and Fire services during the fiscal crisis period. The City negotiated with the Police and Fire unions on a plan that used a combination of Measure O funds and employee concessions to maintain Police and Fire services. The finding of fiscal crisis by the Council established an 18-month fiscal crisis period, which was set to expire on August 10, 2010. The economic conditions that existed when the Council made their finding of fiscal crisis on February 10, 2009 continue to exist now and will exist beyond August 10, 2010, and have arguably gotten worse. General Fund revenue projections were reduced by \$5 million for the Fall Financial Update, and another \$5 million for the Mid-Year Financial Update. Sales tax and property tax declines, indicative of a poor economy, were significant factors in those reductions. If historic trends hold, the local economy is expected to lag behind the national economic recovery by over a year. Staff recommended extension of the fiscal crisis period as relates to the use of Measure O funds to June 30, 2011.

Rich Sheffield, Chair of the Measure O Oversight Committee, said they reluctantly agreed to the extension last October but that using Measure O funds during this fiscal crisis can only go so far before the City has to find other ways to find a permanent solution to its ongoing budget problems.

Council discussion ensued with concerns about the lack of quarterly reports since the declaration of a fiscal crisis. Mr. Richardson stated that they could bring back a revised Implementation Plan for the April 6 Council meeting, with Alan Alton adding they would confer with the Measure O Oversight Committee prior to bringing it forward.

PUBLIC COMMENT [6:53:32 PM](#)

Duane DeWitt, Roseland, spoke on gang problems and asked for more oversight with a time deadline.

Colleen Fernald expressed concern about the effects of crime on her and her children.

Vice Mayor Wysocky stated that since revenues are expected to continue to decline he is sensitive to placing additional reporting requirements upon reduced staff resources, and it appears there is consensus about the fiscal crisis, and objects to the loss of programs associated with the lack of such a declaration. Councilmembers Bender and Sawyer affirmed Councilmember Olivares' earlier comments about the need for quarterly report information.

MOVED by Vice Mayor Wysocky, seconded by Councilmember Vas Dupre, motion failed 4-3 (Councilmembers Bender, Sawyer, and Olivares voting NO) to follow staff's recommendation and declare a fiscal crisis while recognizing his colleagues' need for further reporting on that and that the quarterly reports be provided.

Because the declaration required six affirmative votes, Mayor Gorin called for a vote to continue.

MOVED by Councilmember Olivares, seconded by Councilmember Sawyer, carried 6-1 (Vice Mayor Wysocky voting NO) to continue this to the April 6 meeting at which time more information brought forward by Recreation and Parks as it relates to the fiscal crisis impacts on that department and to bring back an implementation plan update.

Mayor Gorin reordered the meeting as follows:

11.4 PUBLIC HEARING – REZONING 5150 SONOMA HIGHWAY - VISTA GABRIELLE SUBDIVISION [7:10:49 PM](#)

Bill Rose, Senior Planner, made the staff presentation. On January 14, 2010, the Planning Commission (7-0) adopted resolutions recommending that the Council adopt a Mitigated Negative Declaration and Rezone the property from R-1-6 to R-3-18. At this meeting the Commission approved a Tentative Map subdividing the 0.5 acre site into seven residential lots, and approved a Hillside Development Permit to allow the aforementioned subdivision. The proposed rezoning is consistent with the property's Medium Density Residential General Plan designation. The Planning Commission and the Department of Community Development recommend that the Council, by resolution, adopt the Mitigated Negative Declaration for the Vista Gabrielle Subdivision at 5150 Sonoma Highway, and introduce an ordinance to rezone the site to the R-3-18 Zoning District.

PUBLIC HEARING [7:17:03 PM](#)

Bruce Aspinall, representing the applicant, affirmed that staff had presented the proposal very clearly and described the content of the six-unit project.

Charlie Traboulsi, 3289 Regional Parkway addressed questions of green points in response to questions by Councilmember Jacobi. He stated the project adhered to or exceeds the City ordinances.

Hearing no further testimony, Mayor Gorin closed the public hearing at 7:20 p.m.

MOVED by Councilmember Sawyer, seconded by Councilmember Olivares, carried 6-1 (Councilmember Jacobi voting NO) to adopt and waive reading of the text of the resolution in item 11.4 as follows:

RESOLUTION NO. 27593 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE VISTA GABRIELLE SUBDIVISION, HILLSIDE DEVELOPMENT PERMIT AND REZONING LOCATED AT 5150 SONOMA HIGHWAY - ASSESSOR'S PARCEL NUMBERS 031-430-018/031-430-019 - FILE NO. MJP07-007

MOVED by Councilmember Sawyer, seconded by Councilmember Olivares, carried 6-1 (Councilmember Jacobi voting NO) to introduce and waive reading of the text of the ordinance in item 11.4 as follows:

ORDINANCE ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE – RECLASSIFICATION OF PROPERTY LOCATED AT 5150 SONOMA HIGHWAY (VISTA GABRIELLE SUBDIVISION) – FILE NUMBER MJP07-007

Mayor Gorin recessed the meeting from 7:22 p.m. until 7:45 p.m.

11.3 REPORT -- BUDGET DEFICIT REDUCTIONS MEASURE: MARCH 16, 2010 GENERAL FUND DEFICIT REDUCTION ITEMS [7:45:38 PM](#)

Interim City Manager Wayne Goldberg made the staff presentation. The City's General Fund had a structural deficit approximating \$16 million annually, so City staff had prepared a list budget deficit reduction options for Council consideration. The FY 2010/11 Budget Deficit Reduction Options were initially presented at the January 12, 2010 Council meeting and totaled \$6.5 million in ongoing savings for the City. Since then staff had received several other deficit reduction options from departments, bringing the total to \$6.9 million. Because of the rapid increase of the deficit, staff suggested that the implementation date for most of the items on this list be moved up to April 30, 2010. The name of the list was changed to the March 16, 2010 Budget Deficit Reduction Options list to reflect the date the options would be presented for approval by Council. Staff from each department affected by cuts on the list came forward to discuss the budget cuts and impacts to their department.

MOVED by Councilmember Sawyer, seconded by Councilmember Vas Dupre, carried 6-0-1 (Councilmember Jacobi abstaining) to approve the proposed budget reductions identified as the March 16, 2010 Budget Reduction items with the elimination of all of the IT related items in the original list and the addendum and the eliminations of item 12, 14, 89, and 110.

12. PUBLIC COMMENTS ON NON-AGENDA MATTERS [9:38:38 PM](#)

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

Duane DeWitt thanked the Council for the Veterans Day presentation and commented on San Francisco events and efforts to seek fines for unpaid taxes.

Colleen Fernald spoke against war.

Rachel Bell spoke about a lawsuit involving John Jenkel.

Callie Brusatori spoke about a lawsuit involving John Jenkel.

John Jenkel, Graton, spoke against war.

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 [9:54:58 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 [10:03:04 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

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 April 6, 2010:

Susan Stoneman
City Clerk