

**SANTA ROSA CITY COUNCIL MEETING MINUTES
TUESDAY, APRIL 20, 2010
COUNCIL CHAMBER, CITY HALL, 100 SANTA ROSA AVENUE
REGULAR MEETING**

**2:00 P.M. (MAYORS CONFERENCE ROOM,
ROOM 10)**

1. CALL TO ORDER AND ROLL CALL

Mayor Gorin called the meeting to order at 2:00 p.m. Councilmembers present: Mayor Gorin, Vice Mayor Wysocky, Councilmembers Bender, Sawyer, Jacobi, Vas Dupre and Olivares.

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 was opposed to reductions in the GIS program, suggesting using it to generate revenue.

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 PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: Interim City Manager

2.3 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Subdivision (a) of Government Code section 54956.9

James A. Mitchel v. City of Santa Rosa, et al.

United States District Court, Northern District of California, Case No. CV-09-5004 SI

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

3:00 P.M. (CITY COUNCIL CHAMBER)

3. STUDY SESSION [3:09:56 PM](#)

Mayor Gorin reconvened the meeting at 3:09 pm in the Council Chamber with all members of the Council present except Councilmember Jacobi, who was seated at 3:15 p.m.

3.1 PROPOSED SANTA ROSA LODGING BUSINESS IMPROVEMENT ASSESSMENT

Dave Gouin, Director of Economic Development and Housing, led the presentation by department staff, the Chamber of Commerce and local hoteliers to discuss a proposal to form a Business Improvement Area (BIA) in lieu of considering a potential increase in the City's transit occupancy tax (TOT). The proposal was to dedicate proceeds from the 3% BIA fee assessment to support economic development programming, such as the Convention and Visitors' Bureau (CVB), to ensure that Santa Rosa obtains a competitive share of the Sonoma County tourism market and resulting transit occupancy and sales taxes.

Mr. Gouin outlined the pros and cons of a Transient Occupancy Tax (TOT) as opposed to a BIA, noting that the current TOT in Santa Rosa is 9%, and in addition a 2% BIA fee is collected for the Sonoma County Tourism Bureau, for a total of 11%. He noted that competitive destinations range from 10 to 14%.

Bill Arnone, Chair of the Santa Rosa Chamber of Commerce and member of the Housing Authority Board of Directors, outlined the process for forming a BIA.

Jonathan Coe, Santa Rosa Chamber of Commerce, explained that since the BIA money would be exclusively used for the purpose of generating tourism the hoteliers supported it while

opposing the TOT because some of the TOT revenues could be directed to the City's general fund.

Lowell Johnson, General Manager of the Hilton, said that 22 hotels were in support, including the Hilton, and spoke about the business that the CVB had brought into the area and the City.

Mr. Arnone requested that the Advisory Board, to be established by the proposed ordinance, be required to have 51% of the membership represent hoteliers and the remaining members represent the tourism industry.

Mo Renfro, Convention and Visitors Bureau, discussed the economic impacts of tourism and the economic impact of tourism.

PUBLIC COMMENT [4:00:09 PM](#)

Richard Canini questioned the need to form a BIA if the hotels were willing to voluntarily contribute a percentage of proceeds to fund the CVB, calling it a privatization of the authority to tax and spend the revenue. He also opposed the potential for conflicts of interest resulting from hoteliers serving on the CVB board or other such relationships.

Tim Thresh, Melita Station Bed and Breakfast, stated they pay the TOT but would be opposed to adding an additional 3% to their room rates, and opposed pushing Santa Rosa's rates up to those paid in Napa.

After informally polling the Council for consensus, Mayor Gorin requested that a resolution of intent be brought forward for Council consideration, the adoption of which would initiate the 45 day formation process. A contract and work plan outline would also be prepared for review.

4:00 P.M. (CITY COUNCIL CHAMBER) [4:21:16 PM](#)

4. ANNOUNCEMENT OF ROLL CALL

Councilmembers were present as noted above. Teen Council member Rena Wang was also in attendance. Vice Mayor Wysocky left the meeting at 6:30 p.m.

5. REPORT, IF ANY, ON STUDY AND CLOSED SESSION(S) [4:22:22 PM](#)

City Manager Wayne Goldberg announced that the Council had met in study session prior to the regular session to discuss a proposal to form a Business Improvement Area.

City Attorney Caroline Fowler announced that the Council had met in closed session to discuss Item 2.3 as listed on the agenda and that no action had been taken and there were no announcements to be made.

6. PROCLAMATIONS/PRESENTATIONS

6.1 PROCLAMATION -- BIG READ MONTH [4:23:49 PM](#)

Nancy Dobbs, KRCB, and Barbara Fisher, Library Foundation, accepted the proclamation on behalf of Big Read Month, in which schools are given free books during the Month of April. Ms. Dobbs and Ms. Fisher spoke of the month's events, in which *The Adventures of Tom Sawyer* would be read.

6.2 PROCLAMATION -- VOLUNTEERS IN POLICE SERVICE (VIPS)

Joan Johnson, Rita Runyan and other VIPS volunteers accepted the proclamation, presented by Councilmember Sawyer, honoring the VIPS volunteers. The VIPS volunteer coordinator briefed the Council on the hours of and categories of services provided by the volunteers.

6.3 PROCLAMATION -- 25TH ANNIVERSARY OF SONOMA COUNTY MUSEUM AND 100TH ANNIVERSARY OF HISTORIC POST OFFICE BUILDING [4:34:38 PM](#)

Judy Glenn, President of the Sonoma County Museum Board of Trustees and Diane Evans, Executive Director of the Sonoma County Museum, were presented with a proclamation in honor of the Museum's 25th Anniversary by Mayor Gorin. The Proclamation also commemorated the 100th anniversary of the historic Post Office Building which presently houses the museum.

7. STAFF BRIEFINGS

7.1 CRIME STATISTICS UPDATE [4:41:42 PM](#)

Police Chief Schwedhelm updated the Council on crime statistics and trends in the community.

8. APPROVAL OF MINUTES -- NONE

9. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS [4:57:14 PM](#)

Councilmember Jacobi stated she would abstain from item 13.2 due to the location of her residence in the West End neighborhood.

10. CONSENT ITEMS [4:57:44 PM](#)

Item 10.2 was pulled from the consent agenda.

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

10.1 MOTION -- CONTRACT AWARD-MENDOCINO AVENUE INTELLIGENT TRAFFIC SYSTEM IMPROVEMENTS

MOTION AWARDING CONSTRUCTION CONTRACT NO. 2010-019, MENDOCINO AVENUE ITS IMPROVEMENTS IN THE TOTAL AMOUNT OF \$ 401,120 TO THE LOWEST RESPONSIBLE BIDDER, STEINY AND COMPANY OF VALLEJO, CALIFORNIA. THIS PROJECT IS FULLY FUNDED BY AMERICAN RECOVERY AND REINVESTMENT ACT FUNDS

10.2 MOTION – APPROVAL OF PRELIMINARY 2010/11 SUBREGIONAL WATER REUSE SYSTEM OPERATING AND DEBT SERVICE BUDGET AND ALLOCATION OF COSTS [4:59:15 PM](#)

Linda Reed, Administrative Services Officer, explained that there had been a correction made to the O&M portion of the calculation for the allocation to the user agencies which had been approved by the allocation members and by Board of Public Utilities resolution adopted at a special meeting of the Board held earlier the same day. It was noted that salaries were up 4.9% with no new personnel. Ms. Reed said that approximately 40% of that is for permanent salaries, which are primarily filled by staff at a salary level above the bottom step, which is the MOVED by Vice Mayor Wysocky, seconded by Councilmember Sawyer, carried unanimously, to adopt and waive the reading of the text of the motion in item 10.2 as follows:

10.2 MOTION – APPROVAL OF PRELIMINARY 2010/11 SUBREGIONAL WATER REUSE SYSTEM OPERATING AND DEBT SERVICE BUDGET AND ALLOCATION OF COSTS

MOTION APPROVING THE PRELIMINARY 2010/11 SUBREGIONAL WATER REUSE SYSTEM OPERATING AND DEBT SERVICE BUDGET AND ALLOCATION OF COSTS TO THE SUBREGIONAL AGENCIES FOR THE PURPOSE OF NOTIFYING EACH OF THE AGENCIES OF THEIR COSTS ALLOCATION FOR THE 2010/11 YEAR, APPROVAL OF SANTA ROSA'S CONTRIBUTION TO BE SUBJECT TO COUNCIL

APPROVAL OF THE BUDGET DURING THE 2010/11 COUNCIL BUDGET REVIEW

11. REPORT ITEMS

11.1 REPORT -- CONSIDERATION OF GENERAL PLAN AMENDMENTS WITHIN THE DOWNTOWN STATION AREA SPECIFIC PLAN BOUNDARY [5:04:16 PM](#)

Jessica Jones, City Planner, made the staff presentation. On December 15, 2009, the City Council accepted (4-0-3) a progress report on the Downtown Station Area Specific Plan Zoning and Design Guidelines Consistency Amendments project. Council directed staff (4-0-3) to return with more analysis regarding various public requests for General Plan Amendments in the Specific Plan boundary, in particular, in the areas of Maxwell Court and Sebastopol Road. Ms. Jones displayed a map of the station area plan and the Maxwell Court and Sebastopol/Roberts Roads area and provided a summary inventory of the industrial and retail lands, the potential job capacity, and the proposed amendments' impacts to job capacity and designated lands inventories. Staff recommended that the Council initiate a Zoning Code Text Amendment to add a new limited Light Industrial Combining District, initiate rezoning the properties within the Maxwell Court neighborhood to Transit Village-Residential - Limited Light Industrial, and initiate a rezone of the Sebastopol Road/Roberts Road area to Transit Village-Residential.

PUBLIC COMMENT [5:20:21 PM](#)

Bill Williams, Boden Company, said their business employs over 400 people and generates millions in revenue. He thanked staff for their efforts in creating a proposal that allows the City to maintain the vision of the Station Area Plan while recognizing the economic realities that exist, that these businesses are important to the City, and allowing them to continue up until the time the economy justifies a conversion. He requested the inclusion of language allowing reconstruction or replacement of outdated equipment in the combining zone if it can be demonstrated that it results in better energy efficiency or neighborhood compatibility.

Jean Kapolchok thanked staff and the parties involved for their recognition of the unique nature of the Maxwell Court area and requested a modification to consider the two existing auto repair

facilities with paint booths as legal uses. She also requested a modification to provide that the same leniency given to legal non-conforming uses and apply to general industrial uses as well so long as public benefit can be demonstrated along with substantially better neighborhood compatibility, reduction of environmental impacts and energy efficiency.

George Bunting, Cotati, stated that property he had purchased on West Ninth Street in 1997 and a building he owns in the Maxwell Court area and described the commercial and industrial uses taking place on those properties. He noted the value of the area and supported efforts to assure that businesses and residences co-exist. He would like to see the compromise be allowed for a longer time.

Peter Nelligan spoke in support of the compromise, saying their tenant, Riley Street Art Supply, would like to stay in that location.

Anne Seeley, Concerned Citizens for Santa Rosa, complimented those involved and supported the compromise they came up with that provides for the Station Area Plan while making provisions for the current property and business owners.

Louis Cantarutti spoke in favor of allowing the auto body shops to continue operations, adding that the industry is much cleaner and the two shops operate to the highest environmental standards.

Billy Coughlan, business owner, opposed the decision to convert Maxwell Court to high density housing based on deficiencies in the process, the data used to support it, and the unanimous opposition to the change by the businesses in the area. He said \$2.5 million is generated by these businesses in sales tax revenue each year and provide hundreds of jobs, which are needed more than housing. He would like the plan extended until the year 2025.

Marlene Dehlinger, Accountable Development Coalition, spoke in support of the rezoning of these areas that allow more people to live close to the train and creates walkable communities and lively urban places while creating the option to use lands in more creative ways. She supported the staff recommendation for a combining district and the transition period with a commitment to begin rezoning in 2020.

Steve Birdleough, Friends of SMART, said it is important to let the market decide how rapidly this

area converts and not to interfere with any of the economic vitality that is there. He supported the potential environmental upgrades mentioned. He stated all are legal non-conforming uses not affected by these changes. He supported the recommendation.

Gregorio Roman, owner of a transmission shop on N. Dutton, spoke of the challenges undertaken in starting a small business and his opposition to the proposed changes.

Ms. Jones noted that the issue of a pre-existing non-conforming use of the Bodean Company is outside the scope of this item and staff will be working with the property owner to help resolve those issues.

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

MOTION INITIATING A ZONING CODE TEXT AMENDMENT TO ADD A NEW LIMITED LIGHT INDUSTRIAL COMBINING DISTRICT, INITIATING REZONING THE PROPERTIES WITHIN THE MAXWELL COURT NEIGHBORHOOD TO TRANSIT VILLAGE-RESIDENTIAL - LIMITED LIGHT INDUSTRIAL, AND INITIATING A REZONE OF THE SEBASTOPOL ROAD/ROBERTS ROAD AREA TO TRANSIT VILLAGE-RESIDENTIAL

11.2 REPORT -- SOLAR IMPLEMENTATION PLAN 5:58:32 PM

Dell Tredinnick, Utility Project Development Manager, Tasha Wright, Administrative Analyst, and Chris Cone, Solar Sonoma County, made a presentation on the Solar Implementation Plan (SIP), which provides regional strategies to reduce market barriers to the installation of solar energy systems and energy efficiency measures through advances in policy, financing, education, and market transformation. The SIP is a tool to support the Solar Sonoma County goal to increase the amount of solar power produced in the County by an additional 25 megawatts by 2011.

PUBLIC COMMENT 6:18:32 PM

Jack Osborne opposed government supported competition with PG&E as it would drive prices up.

Peter Tcherneff spoke in support of solar energy.

Kay Tokerud, Santa Rosa Area Business Association, stated support for alternative power production but had concerns about the cost of solar

and other alternative energy costs, particularly as those increased energy costs apply to business.

Colleen Fernald advocated for better public outreach and green micro-loans. She supported open bidding and more affordable easy accountable development.

There was no Council action taken on this item.

Mayor Gorin recessed the meeting at 6:30:54 PM and reconvened at 6:44:01 PM with all Councilmembers present except Vice Mayor Wysocky, who was absent for the remainder of the meeting.

11.3 REPORT -- BUDGET DEFICIT REDUCTIONS MEASURE: REVISED INFORMATION TECHNOLOGY DEFICIT REDUCTION ITEMS [6:44:33 PM](#)

Jean Gill, Budget and Financial Analyst, made the staff presentation. On Tuesday, March 16, 2010 Finance staff presented a report item to the Council on the March 16, 2010 Budget Deficit Reduction Options. After City Department presentations, public input and Council discussion, the Council directed that specific reduction options be pulled from the list and the remaining items be approved. Among those items pulled were all of the Information Technology (IT) Department reduction items. The IT reductions were removed from the list pending additional staff discussion and review by the City Council Budget Subcommittee. Staff has met and finalized the 2009/10 IT Department reductions in the amount of \$700,900. The resulting staff recommendations were presented to the City Council Budget Subcommittee on April 8, 2010. Staff that the Council direct staff to implement, following the meet and confer process, the Information Technology Department Budget Deficit Reduction Options to be effective no later than April 30, 2010; and for those options on the Information Technology Budget Deficit Reduction Options list with a specific start date after April 30, 2010, direct staff to implement, following the meet and confer process, those options to be effective no later than the stated start date.

PUBLIC COMMENT

Peter Tcherneff spoke about balancing the budget.

MOVED by Councilmember Olivares, seconded by Councilmember Sawyer, carried 6-0-1 (Vice Mayor

Wysocky absent) to adopt and waive reading of the text of the resolution in item 11.3 as follows:

RESOLUTION NO. 27617 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DIRECTING STAFF TO IMPLEMENT INFORMATION TECHNOLOGY BUDGET DEFICIT REDUCTION MEASURES TO BE EFFECTIVE NO LATER THAN APRIL 30, 2010, AND FOR THOSE ITEMS SPECIFICALLY STATING A LATER START DATE, TO BE EFFECTIVE NO LATER THAN STATED IMPLEMENTATION DATE, SUBJECT TO COMPLETION OF THE MEET AND CONFER PROCESS

MOVED by Councilmember Olivares, seconded by Councilmember Sawyer, carried 6-0-1 (Vice Mayor Wysocky absent), to adopt and waive reading of the text of the resolution in item 11.3 as follows:

RESOLUTION NO. 27618 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DIRECTING STAFF TO IMPLEMENT INFORMATION TECHNOLOGY BUDGET DEFICIT REDUCTION MEASURES TO BE EFFECTIVE NO LATER THAN APRIL 30, 2010, AND FOR THOSE ITEMS SPECIFICALLY STATING A LATER START DATE, TO BE EFFECTIVE NO LATER THAN STATED IMPLEMENTATION DATE, SUBJECT TO COMPLETION OF THE MEET AND CONFER PROCESS

11.4 REPORT -- AMENDMENT TO THE BUDGET DEFICIT REDUCTION MEASURES DATED MARCH 16, 2010 REASSIGNING TWO ENGINEERING POSITIONS FROM DEVELOPMENT RELATED WORK TO HIGH PRIORITY UTILITY REPLACEMENT PROJECTS [6:51:41 PM](#)

Rick Moshier, Director of Public Works, made the staff presentation for the recommended amendment to Resolution 27600, adopted on March 30, 2010, which approved the Budget Deficit Reduction Options dated March 16, 2010 including the elimination of two development related positions. He explained that the Associate Civil Engineer and Civil Engineering Technician positions that were eliminated are needed for non-development work in the Capital Projects Engineering section for several high priority, fully funded capital improvement program projects. This rescinds the position reductions in Organization 1063, thereby maintaining one

Associate Civil Engineer position and one Civil Engineering Technician position that would not be funded by the General Fund.

MOVED by Councilmember Vas Dupre, seconded by Councilmember Bender, carried 6-0-1 (Vice Mayor Wysocky absent), to adopt and waive reading of the text of the resolution in item 11.4 as follows:

RESOLUTION NO. 27619 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING THE CHANGE TO THE CITY CLASSIFICATION AND SALARY PLAN ASSOCIATED WITH THE BUDGET DEFICIT REDUCTION MEASURES DATED MARCH 16, 2010, AND AUTHORIZING THE CITY MANAGER TO IMPLEMENT THE CHANGE

11.5 PUBLIC HEARING – ADOPTION OF MITIGATED NEGATIVE DECLARATION - STONY POINT ROAD RE-STRIPING PROJECT 6:55:07 PM

Noah Housh, City Planner, made the staff presentation. The proposed project was to construct bike lanes and a center turn lane from Santa Rosa Creek to West Third Street. The installation would link a 1700 foot gap in the current bike lane facility and provide a left turn refuge for Glenbrook Drive and the driveways along this segment of Stony Point Road. The project necessitates the removal of parking between Glenbrook Drive and West Third Street. Staff recommended adoption of the Mitigated Negative Declaration and Mitigation Monitoring Plan for the Stony Point Road Re-Striping Project, and authorization of the Public Works Department to proceed with the final design.

PUBLIC HEARING [7:00:14 PM](#)

Bill Haluzek said he frequently cycles along Stony Point Road between Sebastopol Road and Highway 12 and objected to the right turn lane placement on West Third as it impedes the bicycle lane along this important north-south route.

Duane DeWitt expressed concern about the human dimension and the safety of cyclists along the route, and asked for consideration for cyclists as well as drivers.

Hearing no further comment, Mayor Gorin closed the hearing at [7:05:46 PM](#)

Rob Sprinkle responded that the only other option is to delete the right turn only lane going

northbound onto West Third and that traffic counts could be conducted to determine the feasibility of eliminating that dedicated turn lane.

MOVED by Councilmember Bender, seconded by Councilmember Olivares, carried 6-0-1 (Vice Mayor Wysocky absent), to adopt and waive reading of the text of the resolution in item 11.5 as follows:

RESOLUTION NO. 27620 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AND ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE STONY POINT ROAD RESTRIPIING PROJECT AND AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO PROCEED WITH THE FINAL DESIGN

12. PUBLIC COMMENTS ON NON-AGENDA MATTERS [7:11:12 PM](#)

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

Loretta Van Peborg opposed pool closures.

Colleen Fernald, spoke out against war and requested a resolution.

Doug Millar, spoke about crimes against children covered up by law enforcement.

Peter Tcherneff, said Hitler had a spiritual quest and intervened on animal cruelty and was a vegetarian.

Bill Haluzek objected to issuing a utility certificate and density increase to Burbank Housing when residents of the county island cannot obtain them. He requested the roads be fixed and adequate services be provided.

Duane Dewitt spoke of sustainable urban development in Malmo Sweden and suggested taking similar measures in Santa Rosa.

13. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION) [7:38:03 PM](#)

13.1 BOARDS AND COMMISSIONS QUARTERLY ATTENDANCE REPORTS

13.2 LETTER REGARDING REQUEST TO INITIATE GENERAL PLAN AMENDMENT FOR WEST END NEIGHBORHOOD

Councilmember Jacobi abstained from discussion regarding this request from Jennifer Watson to initiate a General Plan amendment. Staff had

recommended taking it up as a work plan item rather than as a City-initiated General Plan Amendment. There was no Council action taken on this request.

14. MAYOR'S/COUNCILMEMBERS' REPORTS
[7:33:02 PM](#)

Councilmember Sawyer thanked the community for its support of Sawyers News since it opened in 1945 and up until its closure that week.

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

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

The City Manager and City Attorney made 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, Mayor Gorin adjourned the meeting at 7:48 p.m. in honor of Sawyer's News. The next regularly scheduled meeting will take place on May 4, 2010, at a time to be set by the Mayor.

Approved on May 25, 2010:

Susan Stoneman
City Clerk