

**SANTA ROSA CITY COUNCIL MEETING MINUTES
TUESDAY, MAY 11, 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 2:30 p.m. in the Mayors Conference Room. Councilmembers present: Mayor Gorin, Vice Mayor Wysocky, Councilmembers Bender, Sawyer, Jacobi, Vas Dupre and Olivares.

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)

PUBLIC COMMENT ON CLOSED SESSION ITEMS

Duane DeWitt encouraged the Council to consider hiring a City Manager from current City staff who might be willing to work for \$100,000-\$125,000 or less.

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 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).

3.2 PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: Interim City Manager

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

4:00 P.M. (CITY COUNCIL CHAMBER) [4:15:58 PM](#)

4. ANNOUNCEMENT OF ROLL CALL

Councilmembers were present as noted above. Teen Council member Rena Wang arrived at 4:47 p.m.

5. REPORT, IF ANY, ON STUDY AND CLOSED SESSION(S) [4:16:00 PM](#)

City Attorney Caroline Fowler announced that the Council had met in closed session to discuss Items 3.1 and 3.2 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 -- LAW ENFORCEMENT MEMORIAL WEEK [4:16:22 PM](#)

Councilmember Olivares presented the proclamation for Law Enforcement Memorial Week, honoring fallen law enforcement officers and saluting the service of law enforcement officers in our community and communities across the nation, which was accepted on behalf of the Santa Rosa Police Department by Police Sergeant Steve Fraga and Police Officer Brad Connors.

6.2 PROCLAMATION – iGROW [4:19:51 PM](#)

Councilmember Jacobi presented to iGrow proclamation, in honor of iGrow community gardening efforts and the iGrow Sonoma Campaign, to Suzanne Doyle and Wendy Krupnick, iGrow volunteers, who described the effort and encouraged people to register their gardens at the iGrow website and the 350 iGrow Garden Challenge.

Mayor Gorin reordered the agenda as follows:

7. STAFF BRIEFINGS

7.1 WATER CONSERVATION POSTER AWARDS [4:26:32 PM](#)

Gail Chavez, Water Conservation Program, presented awards to the winners of the annual Water Conservation Poster Contest which is held each year in conjunction with Water Awareness Month. Winners were to be featured in the annual Water Conservation calendar. The theme this year was "Be a Water Saver". The third grade winner was Bailey Waddle of Hidden Valley Elementary School and the fourth grade winner was Hailey Olhiser from St. Eugene's School. Each winner was presented with a tee shirt.

PUBLIC COMMENT

Peter Tcherneff, spoke in support of gardens and law enforcement.

8. APPROVAL OF MINUTES – [4:36:54 PM](#)

The minutes of the April 13, 2010, regular meeting were approved as submitted.

9. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS [4:37:12 PM](#)

Councilmember Bender stated she would abstain from Item 10.4 as she was not present upon first reading. Mayor Gorin stated her abstention from approval of the minutes as she was absent from the meeting.

10. CONSENT ITEMS [4:37:42 PM](#)

PUBLIC COMMENT [4:38:46 PM](#)

Duane DeWitt supported long-term environmental sustainability and community involvement in the sustainable communities planning efforts. He requested lower speed limits on Bellevue and Dutton Meadow, with staff later responding by explaining how speed limits are set. He also urged careful spending of the Bayer Park grant funds and minimal spending on consultants.

Colleen Fernald suggested that Sustainable Sonoma County partner with municipalities with public and private non-profit to build sustainable communities and increase community involvement.

MOVED by Vice Mayor Wysocky, seconded by Councilmember Olivares, carried unanimously, to adopt the motion in item 10.1 and adopt and waive reading of the text of the resolutions in items 10.2 and 10.3 as follows:

10.1 MOTION – INTENT TO PARTICIPATE – SUSTAINABLE COMMUNITIES PLANNING GRANT AND INCENTIVES PROGRAM

MOTION: AUTHORIZING THE MAYOR TO SIGN A LETTER OF SUPPORT AND INTENT TO PARTICIPATE IN THE JOINT PLANNING ACTIVITIES WITH THE COUNTY OF SONOMA AND OTHER CITIES FOR FUNDING BY THE SUSTAINABLE COMMUNITIES PLANNING GRANT AND INCENTIVES PROGRAM.

10.2 RESOLUTION -- SPEED LIMITS ON BELLEVUE AND DUTTON MEADOW

RESOLUTION NO. 27629 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ESTABLISHING RADAR-ENFORCEABLE SPEED LIMITS ON BELLEVUE AVENUE AND DUTTON MEADOW

10.3 RESOLUTION -- REQUEST TO APPROPRIATE \$1.3 MILLION IN GRANT FUNDS FROM THE 2007 SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT MATCHING GRANT PROGRAM

RESOLUTION NO. 27630 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROPRIATING \$1.3 MILLION IN GRANT FUNDS FROM THE 2007 SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT MATCHING GRANT PROGRAM

MOVED by Vice Mayor Wysocky, seconded by Councilmember Olivares, carried 6-0-1 (Councilmember Bender abstaining), to adopt and waive reading of the text of the ordinance in item 10.4 as follows:

10.4 ORDINANCE ADOPTION -- REPEALING CHAPTER 2-05, ESTABLISHING THE LUTHER BURBANK HOME & GARDENS BOARD AND AMENDING SECTIONS 13-24.076, 17-22.146 AND 20-58.020 OF THE CITY CODE

ORDINANCE NO. 3942 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA REPEALING CHAPTER 2-05 ESTABLISHING THE LUTHER BURBANK HOME & GARDENS BOARD AND AMENDING

SECTIONS 13-24.076, 17-22.146 AND 20-58.020
OF THE CITY CODE

Mayor Gorin reordered the agenda as follows:

**6.3 PROCLAMATION – THANKING TEEN
COUNCILMEMBER RENA WANG FOR
SERVICE TO THE COUNCIL [4:56:29 PM](#)**

Councilmember Bender presented Teen Council member Rena Wang with a proclamation thanking her for her exemplary service to the community and as the Teen Council representative on the City Council. Ms. Wang spoke of the value of her experience on Teen Council throughout her high school years and of her lifelong commitment to the community.

11. REPORT ITEMS

**11.1 REPORT – AMENDMENT TO
MEMORANDUM OF UNDERSTANDING
FOR UNIT #5 – POLICE OFFICERS [5:05:43
PM](#)**

Chris Sliz, Employee Relations Manager, described the four elements of the proposal. On May 5, 2009, the Council adopted a Memorandum of Understanding for the City's Unit 5 – Police Officers with a two- year term effective July 1, 2009 through June 30, 2011. Because of the City's continuing financial difficulties, the City's representatives and representatives from Unit #5 – Police Officers, represented by the Santa Rosa Police Officers Association (POA), had met and conferred concerning concessions and had agreed to extend the Term of Agreement for one additional year. The agreement previously provided for no salary increases for two years. The Unit had also agreed to provide the Chief with the discretion to eliminate vacant positions immediately and filled positions effective July 2011. Ms. Sliz recommended that the Council approve the amendment to the Memorandum of Understanding for and on behalf of the City's Unit #5 – Police Officers, extending the term of agreement for an additional year. She further recommended that the Council authorize the City Manager to sign the amendment and implement these changes. The extension of the three-year agreement was effective July 1, 2009 ending on June 30, 2012.

Council discussion ensued. In response to a question, Ms. Sliz responded that benefits were projected to increase by approximately 10% per year, and Chief Financial Officer David Heath said that the latest guidance from CalPERS says that in

FY 2011-12 the contribution rate for police officers would go up about \$250,000. There was discussion regarding the financial implications of the immediate elimination of vacant positions and the discretion to eliminate filled positions in the next fiscal year. Measure O funds are \$400,000 short of covering the existing 12 Measure O positions due to sales tax declines although the funds would be available in the next fiscal year, so in 2011-12 those funds may have to be replaced with general fund monies. In July 2011, after those Measure O positions are moved to the general fund budget, it will create a \$2.5 million general fund shortfall for the cost of funding police positions.

PUBLIC COMMENT [5:25:43 PM](#)

Brad Connors spoke favorably of the negotiation process which had strengthened the relationship between the City and the Police Officers Association and spoke of the department's cost savings efforts which had resulted in the department becoming more efficient than ever. He stated they had collaborated to reach this solution and had made concessions including keeping vacant positions unfilled, maintained a flat contract for another year, and eliminating the contract language obligating the City to maintain certain staffing levels.

Peter Tcherneff suggested across-the-board cuts and said there is no legal requirement to pay federal income taxes, and suggested eliminating other personal spending.

Colleen Fernald, Sebastopol, said they are facing a choice between pools and cops and suggested cutting war spending so that funding for communities could be restored.

Councilmember Vas Dupre stated she would approve it based on what had been presented. Councilmember Bender stated support, and thanked the negotiating team and the unions for their concessions and the good relationship. Vice Mayor Wysocky felt that based on current budget projections this level of spending was not sustainable and said he would not support it based on the City's financial circumstances. Councilmember Sawyer concurred with Councilmember Bender and said that good bargaining relationships will be vital to the City's financial future. Councilmember Jacobi thanked those involved and commented on the financial challenges and the programs and services being

cut but due to fiscal uncertainties remaining this close to the budget deadline she would not vote to support. Councilmember Olivares also thanked those involved for their hard work and noted that cuts will also be necessary in the future, but they need to continue to work together on the solution. Mayor Gorin also thanked the POA and PMA for stepping forward with concessions and would support it in recognition of their good faith solutions while recognizing that future cuts were inevitable.

MOVED by Councilmember Olivares, seconded by Councilmember Bender, carried 5-2 (Vice Mayor Wysocky and Councilmember Jacobi voting NO) to adopt and waive reading of the text of the resolution in item 11.1 as follows:

RESOLUTION NO. 27631 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA TO APPROVE AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING FOR AND ON BEHALF OF THE EMPLOYEES IN THE CITY'S UNIT #5 – POLICE OFFICERS

11.2 REPORT -- REPEAL OF MOBILEHOME PARK CONVERSION ORDINANCE [5:48:52 PM](#)

Marie Meredith, Deputy Director of Planning and Community Development, made the staff presentation. On appeal it was determined that the City's Mobilehome Park conversion ordinance was pre-empted by state law, so staff proposed repealing the ordinance in order to avoid further legal challenges to it. She said that state law does provide regulation for these conversions.

The City had adopted an ordinance in 2007 that established local requirements for applications to convert existing mobilehome parks to resident ownership. In December 2009, a Court of Appeals decision held that State Law preempted local authority with regard to mobile home park conversions, thereby effectively invalidating the City's mobilehome park conversion ordinance.

City Attorney Fowler said there had been some recent decisions giving some extent of local authority under the state law, so despite not being allowed to have a local statutory scheme the City still had some discretion. She said the League of California Cities is working on providing greater authority for cities to enact their own requirements.

PUBLIC COMMENT

Roger McConnell 156 Shoreham Way, spoke of efforts made to adopt the original ordinance and thanked the Council for the City's efforts on behalf of park residents.

MOVED by Councilmember Jacobi, seconded by Councilmember Bender, carried unanimously, to introduce and waive reading of the text of the ordinance in item 11.2 as follows:

ORDINANCE ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA REPEALING EXISTING SANTA ROSA CITY CODE CHAPTER 19-76, CONVERSION OF MOBILEHOME PARKS

5:00 P.M.

11.3 PUBLIC HEARING – KAWANA SPRINGS FAMILY APARTMENTS DENSITY BONUS AND CONCESSIONS [5:58:21 PM](#)

Erin Morris, Senior Planner, made the staff presentation, showed aerial photos of the site and the transitioning area along Petaluma Hill Road and Kawana Springs Road. On April 8, 2010, the Planning Commission adopted resolutions (5-0-1) recommending adoption of a Mitigated Negative Declaration and approval of a Density Bonus and concessions for Kawana Springs Family Apartments project located at 766/786 Kawana Springs Road and 2607 Petaluma Hill Road. The Density Bonus would allow a density increase from 18 to 20.58 units per acre in order to develop 42 multifamily apartments for low and very low income households; the concessions would allow a parking reduction and a reduced side setback. She recommended adoption of the Mitigated Negative Declaration and approval of the Density Bonus and concessions for Kawana Springs Family Apartments project located at 766/786 Kawana Springs Road and 2607 Petaluma Hill Road.

PUBLIC HEARING [6:03:33 PM](#)

Grace Sanders, USA Properties, displayed an architectural rendering of the proposed project, calling it an urban farmhouse design. She provided some information about their company, a privately owned development company out of Roseville focused on affordable housing that had already developed four communities in Santa Rosa. She went over the site plan map and a mass model of the development and described each building. She also reviewed the street improvements to be made including widening Kawana Springs and Petaluma Hill Road with bus

turnout, sidewalk improvements, crossing improvements and landscaping.

Art May, USA Properties, said they are a certified green building builder and are introducing several functions of green building into the project which will result in exceeding state standards by over 15% through the use of additional insulation and window values. He said their preliminary scoring shows a project value of 115 points, when 50 is the Build It Green (BIG) minimum standard.

Hearing no further testimony, Mayor Gorin closed the public hearing at [6:08:28 PM](#)

MOVED by Councilmember Bender, seconded by Vice Mayor Wysocky, carried unanimously, to adopt and waive reading of the text of the resolutions in item 11.3 as follows:

RESOLUTION NO. 27632 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE KAWANA SPRINGS FAMILY APARTMENT PROJECT LOCATED AT 766/786 KAWANA SPRINGS ROAD AND 2607 PETALUMA HILL ROAD – ASSESSOR’S PARCEL NUMBER 044-041-087; FILE NO. MNP10-001

MOVED by Councilmember Bender, seconded by Vice Mayor Wysocky, carried unanimously, to adopt and waive reading of the text of the resolutions in item 11.3 as follows:

RESOLUTION NO. 27633 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A DENSITY BONUS AND CONCESSIONS FOR KAWANA SPRINGS FAMILY APARTMENTS LOCATED AT 766 KAWANA SPRINGS, 786 KAWANA SPRINGS ROAD, AND 2607 PETALUMA HILL ROAD - FILE NUMBER MNP10-001

11.4 REPORT -- COMMUNITY INPUT FOR QUALIFICATIONS FOR NEW CITY MANAGER [6:16:20 PM](#)

Lynne Margolies, Employment Services/Risk Manager made staff presentation. At the January 26, 2010 meeting, Bob Murray & Associates was selected as the executive search firm to conduct the recruitment for City Manager. The filing period ended on April 19, 2010 and an initial resume review was scheduled for May 12, 2010. She said this item was placed on the agenda in order to obtain community input on the desired

qualifications of the new City Manager, the expectations of the new City Manager, what approaches should they take to best connect with the needs and issues of the community, what qualifications and personal characteristics are sought, and main interests in city services or community issues.

PUBLIC COMMENT

Judy Kennedy, interim chair of the Neighborhood Alliance, read the letter approved at the Alliance meeting the previous evening outlining their goals of citizen engagement and neighborhood participation in local government; environmental sustainability; good urban design/livable neighborhoods; and good governance.

Anne Seeley, Concerned Citizens of Santa Rosa, noted the influence and importance of a City Manager, saying they can either follow a decades-old pattern or ready the city for the future, working inclusively to promote trust or pulling the levers of government behind the scenes. She requested the Alliances questions be in the interviews. She volunteered to serve on any committee created.

Duane DeWitt, Roseland Action, said that organization would like a voice in the process, however, since he does not live in the City he did not volunteer. He advocated strong citizen involvement in accordance with the Planners Code of Ethics. He said this is an opportunity to get a new City Manager that goes in the direction they would like to go. He also suggested wage cuts.

Peter Tcherneff requested they not overpay an over-educated politician and suggested working with some SSU or SRJC students as part of their education and pay only their costs.

There was no Council action taken on this item.

12. PUBLIC COMMENTS ON NON-AGENDA MATTERS [6:32:48 PM](#)

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

Duane DeWitt thanked the transit staff who had helped him and he later recover his stolen bike. He reported open space funds had been awarded for the Burbank oak woodland. He also stated that the pathway to the school on Sebastopol Road was not compliant with the scenic road standards, and asked for a follow up report on the utility certificate issued for the school.

Colleen Fernald spoke about the City's budget shortfall and related cuts in services and also spoke in favor of peace talks.

Peter Tcherneff spoke regarding the District Attorney race.

13. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)

13.1 NORTH BAY WATER REUSE AUTHORITY – REQUEST FOR LETTER OF SUPPORT

PUBLIC COMMENT

Colleen Fernald spoke in favor of preserving fish populations and pilot projects for wastewater treatment.

MOVED by Councilmember Bender, seconded by Councilmember Olivares, carried 5-2 (Vice Mayor Wysocky and Councilmember Jacobi voting NO) to authorize the Mayor to send a letter of in support of this project.

14. MAYOR'S/COUNCILMEMBERS' REPORTS
[7:03:13 PM](#)

Councilmember Jacobi announced her appointment of Juan Hernandez to the Community Action Board – Downtown sector.

At the request of Councilmember Olivares, there was consensus to bring forward a resolution urging the President to begin discussions on comprehensive immigration reform immediately.

14.1 REVENUE MEASURE POLLING [6:59:05 PM](#)

The consensus was to bring this forward on a date to be determined.

15. CITY MANAGER'S/CITY ATTORNEY'S REPORTS [7:18:40 PM](#)

14. MAYOR'S/COUNCILMEMBERS' REPORTS

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 7:27 p.m. The next regularly scheduled meeting will take place on May 25, 2010, at a time to be set by the Mayor.

Approved on: June 15, 2010

Susan Stoneman
City Clerk