

**SANTA ROSA CITY COUNCIL MEETING MINUTES
TUESDAY, AUGUST 3, 2010
COUNCIL CHAMBER, CITY HALL, 100 SANTA ROSA AVENUE
REGULAR MEETING**

**3:00 P.M. (MAYORS CONFERENCE ROOM,
ROOM 10) [4:02:47 PM](#)**

1. CALL TO ORDER AND ROLL CALL

Mayor Gorin called the meeting to order at 3:00 p.m. Councilmembers present: Mayor Gorin, Councilmembers Bender, Sawyer, Jacobi (arrived at 3:10 p.m.), and Olivares. Absent: Councilmember Vas Dupre (arrived at 3:30) and Vice Mayor Wysocky.

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 -- NONE

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 CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Properties: 1360 Burbank Avenue - APN 125-252-002
1027 McMinn Avenue - APN 125-252-004

Agency Negotiator: Marc Richardson, Director, Recreation, Parks and Community Services
Negotiating Parties: Exchange Bank
Under Negotiation: Price and terms of payment

3.3 CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representative: Mayor Susan Gorin.
Unrepresented Employee: Interim City Manager

3.4 PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Attorney

3.5 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

All Councilmembers were present upon roll call except Vice Mayor Wysocky, who was absent.

5. REPORT, IF ANY, ON STUDY AND CLOSED SESSION(S) [4:04:03 PM](#)

City Attorney Caroline Fowler reported that the Council had met in closed session and discussed items 3.2 through 3.3 as listed on the agenda and that there was no action taken and no announcements to be made.

6. PROCLAMATIONS/PRESENTATIONS

7. STAFF BRIEFINGS [4:04:05 PM](#)

7.1 BUILDING AN INCLUSIVE WORKPLACE

Annette Townley, Organizational Development and Training, gave a staff briefing on the goals and of the Building an Inclusive Workplace training and shared the results of the participant survey which reflected a high level of success. Colin Close and Carmelita Howard, staff members of the Inclusion Council, related their experiences with the training and the importance of this training in the workplace.

Over 200 participants had attended including employees from all levels and departments of the City, Board and Commission members, community members and Council members.

8. APPROVAL OF MINUTES – NONE

9. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS [4:24:41 PM](#)

Councilmember Jacobi announced she would abstain from item 10.2 due to the location of her residence.

10. CONSENT ITEMS [4:24:56 PM](#)

City Attorney Fowler recommended the Council vote to add an urgency item to amend the wording of the resolution calling for a special election to consider the Vital City Services Measure. Ms. Fowler noted the word count had exceeded the 75 word limit and the ballot question had not indicated the 8 year limitation. She noted the urgency was due to the deadline to return it to the Registrar's office.

Moved by Bender seconded by Councilmember Sawyer, carried 6-0-1 (Vice Mayor Wysocky absent), to add item 10.7 as an urgency item (amended sales tax resolution).

PUBLIC COMMENT: [4:29:19 PM](#)

Jack Osborne, objected to items 10.1 and 10.2 as the City was spending money it didn't have. He also expressed his belief that the Council is legally prohibited from discussing salaries in Executive Session.

Ms. Fowler stated her disagreement with Mr. Osborne's legal interpretation and clarified that the negotiations had been properly noticed and that due to the Sierra Club settlement agreement advance noticing requirement the contract was placed on the agenda again in order to comply.

Councilmember Olivares stated that although he had voted in opposition to the delay of the implementation of the parking fee, he would support Item 10.6 at this time due to the need for the fee.

Item 10.1 was continued to the August 10, 2010 regular meeting.

10.1 RESOLUTION -- REQUEST FOR AUTHORIZATION FOR SUBMITTAL OF AN URBAN GREENING GRANT APPLICATION FOR THE COLGAN CREEK RESTORATION PROJECT

MOVED by Councilmember Bender, seconded by Councilmember Olivares, carried 5-0-1-1 (Vice Mayor Wysocky absent and Councilmember Jacobi abstaining), to adopt and waive reading of the text of the resolution in item 10.2 as follows:

10.2 RESOLUTION -- REQUEST FOR AUTHORIZATION FOR THE SUBMITTAL

OF A TRANSPORTATION FOR LIVABLE COMMUNITIES CAPITAL PROGRAM GRANT APPLICATION AND THE USE OF LOCAL MATCHING FUNDS FOR THE DOWNTOWN STATION AREA SPECIFIC PLAN UTILITY INFRASTRUCTURE UPGRADE IMPROVEMENTS AND PEDESTRIAN AND BUS SHELTER IMPROVEMENTS

RESOLUTION NO. 27693 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL SURFACE TRANSPORTATION (STP) / CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT (CMAQ) FUNDING FOR THE DOWNTOWN STATION AREA SPECIFIC PLAN UTILITY INFRASTRUCTURE UPGRADE IMPROVEMENTS; PEDESTRIAN AND BUS SHELTER IMPROVEMENTS; AND COMMITTING THE LOCAL MATCH AND STATING THE ASSURANCE OF THE CITY TO COMPLETE THE PROJECTS

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 10.3 and 10.7, introduce and waive reading of the ordinance in item 10.3, and adopt and waive reading of the text of the ordinances in items 10.4 through 10.6 as follows:

10.3 RESOLUTION/ ORDINANCE – APPROVAL OF CITY MANAGER EMPLOYMENT AGREEMENT AND ADOPTION OF ORDINANCE SETTING CITY MANAGER SALARY

RESOLUTION NO. 27694 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPOINTING A CITY MANAGER AND APPROVING AN EMPLOYMENT CONTRACT FOR THE CITY MANAGER POSITION

ORDINANCE ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ESTABLISHING SALARY AND OTHER COMPENSATION AND BENEFITS FOR THE CITY MANAGER

10.4 ORDINANCE ADOPTION – CITY OF SANTA ROSA VITAL CITY SERVICES MEASURE

ORDINANCE NO. 3945 ENTITLED:
ORDINANCE OF THE COUNCIL OF THE CITY

OF SANTA ROSA IMPOSING A GENERAL TRANSACTION AND USE TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION

10.5 ORDINANCE ADOPTION – SANTA ROSA TOURISM BUSINESS IMPROVEMENT AREA (BIA) ASSESSMENT

ORDINANCE NO. 3946 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA, ESTABLISHING THE SANTA ROSA TOURISM BUSINESS IMPROVEMENT AREA

10.6 ORDINANCE ADOPTION -- PARKING ORDINANCE - ADDITION OF CITY PARKS CHAPTER 11-46 TO SANTA ROSA CITY CODE

ORDINANCE NO. 3947 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 11, VEHICLES AND TRAFFIC, OF THE SANTA ROSA CITY CODE, ADDING CHAPTER 11-46, CITY PARKS

10.7 RESOLUTION – CITY OF SANTA ROSA VITAL CITY SERVICES MEASURE

RESOLUTION NO. 27695 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING RESOLUTION 27686 WITH RESPECT TO WORDING OF BALLOT MEASURE LANGUAGE TO BE SUBMITTED TO THE REGISTERED VOTERS OF THE CITY ON THE IMPOSITION OF A GENERAL TAX

MOVED by Councilmember Bender, seconded by Councilmember Sawyer, carried 6-1 (Vice Mayor Wysocky absent) to add item 10.7 as an urgency item.

11. REPORT ITEMS

11.1 REPORT -- CROSSROADS AFFORDABLE HOUSING UTILITY CERTIFICATE [4:35:19 PM](#)

Noah Housh, City Planner – Community Development, made the staff presentation for the request for Crossroads Affordable Housing, 1990 and 2030 Burbank Avenue. The request is for a Utility Certificate for water services to allow the construction of 79 affordable housing units on 4.85 acres targeting low and very low income households earning sixty percent or less of the area median income. Through a unique circumstance, a sewer hookup is to be granted through an existing agreement contingent upon Design Review approval. The proposal includes twenty multi-unit residential structures ranging in

size from 3,700 square feet to 5,000 square feet and includes one, two, and three bedroom units. Also included in the proposal is a 3,000 square foot community center with a small playground. All proposed structures were two stories in height or less. He noted that the street, designated as scenic, does not include a center planter strip in the design.

Mr. Housh displayed the site plan and described the frontage improvements to be made, parking and stormwater mitigation. He stated that, if approved, an annexation covenant would be recoded and the project would be required to meet city development criteria. Since this was already included in an annexation there is no need to pre-zone, and he recommended putting that off and pre-zoning as the Roseland annexation moves forward. He described the Burbank Avenue frontage and compliance with scenic standards, and noted the project had not yet gone through Design Review or revised to address City development criteria, so Burbank is requesting this approval prior to committing to the necessary work that would entail.

Nancy Gornowicz, Housing Program Manager, outlined the project budget, saying the Housing Authority had provided \$1.5 million in project funding for land acquisition and tiger salamander habitat approximately three years ago, and that an additional \$5.6 million was yet needed to fund the project, with a \$1 million funding application pending before Sonoma County.

PUBLIC COMMENT: [4:59:21 PM](#)

Jack Osborne, recommended denial due to the need to waive established restrictions, and saying once this is approved it sets a precedent for approval of any affordable project within the Urban Growth Boundary.

Bill Haluzek, objected to the addition of housing without first improving the poor condition of the road and sidewalk improvements. He stated few in the neighborhood were aware of the project, and objected to new low income housing without benefit of annexation. He also felt that if utility certificates were to be granted to one they should be granted to all.

Under Council discussion, school pedestrian pathways were discussed, and it was noted that the school's utility certificate had been granted contingent upon pedestrian pathways and the pathway's location in relation to this project was discussed, with Mr. Housh describing the location of the pathway, and that prior to the utility meter

being set the pathway must be complete. It was also clarified that this project had been included in the water supply assessment.

John Lowry, Burbank Housing, provided information about Burbank's support of the annexation effort and Burbank's decision to move forward with the project under the County, with the City and the County sharing the housing credit. He outlined the review process that the project would undergo, saying the City's Redevelopment Agency had provided \$400,000 in funding for the project and anticipates funding of another \$1.1 million, and that Burbank had worked in support of the annexation and continues to support it.

Council discussion ensued, with Mayor Gorin suggesting a letter be sent to the Board of Supervisors encouraging them, before the project is completed, to identify funding sources to link this project with Southwest Community Park.

Mayor Gorin suggested a letter to the Design Review Board requesting that their project review look very closely at the front treatment, tree preservation, drainage swales and barren space and also send a letter to the Board of Supervisors strongly urging the County's participation by making the necessary improvements for residents in the area as they bike and walk to school and Southwest Community Park and along Sebastopol Road, as well as improving conditions on Burbank Avenue in order to get the roads up to standard.

MOVED by Councilmember Sawyer, seconded by Councilmember Olivares, carried 5-1-1 (Councilmember Vas Dupre voting NO and Vice Mayor Wysocky absent), to adopt and waive reading of the text of the resolution in item 11.1 as follows:

RESOLUTION NO. 27696 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA WAIVING SECTIONS OF CITY COUNCIL POLICY NO. 300-02, UTILITY CERTIFICATES FOR THE EXTENSION OF CITY WATER OR SEWER SERVICE TO UNINCORPORATED AREAS, TO ALLOW AN APPLICATION FOR A UTILITY CERTIFICATE FOR SEWER AND WATER SERVICE TO AN AFFORDABLE HOUSING PROJECT OUTSIDE SANTA ROSA'S EXISTING CITY LIMITS; GRANTING REVIEW AUTHORITY TO THE CITY COUNCIL; AND APPROVING THE UTILITY CERTIFICATE TO ALLOW SEWER AND WATER SERVICE FOR THE CROSSROADS AFFORDABLE HOUSING PROJECT TO BE LOCATED AT 1990 AND 2030 BURBANK

AVENUE, SANTA ROSA (ASSESSOR'S PARCEL NUMBERS. 125-421-018 AND 125-421-019)

MOVED by Councilmember Sawyer, seconded by Councilmember Olivares, carried 6-0-1 (Vice Mayor Wysocky absent), to authorize the Mayor to send a letter to the Design Review Board and the Board of Supervisors as outlined in Mayor Gorin's previous comments.

12. PUBLIC COMMENTS ON NON-AGENDA MATTERS

The following people spoke regarding items not on the Council agenda:

Jack Osborne, spoke regarding the allowable scope of discussions regarding labor negotiations in closed session and how to list those discussions regarding bargaining units and unrepresented employees on the agenda. He referenced a letter from the City Attorney to the District Attorney requesting clarification on the City's current practice which Mr. Osborne believed violated the law.

City Attorney Fowler indicated that she disagrees with Mr. Osborne's interpretation of letter and law.

Bill Haluzek, spoke of problems with Burbank Avenue which included stormwater runoff that resulted in hazardous road conditions and the ongoing problems with speeding. He also recommended that the walkway be placed on the opposite side of the road because of stormwater runoff on the east side of the road. He requested that the Stony Point Road bicycle lane be placed on the agenda for discussion.

Colleen Fernald advocated the use of solar energy on affordable housing, requested a private conversation regarding the police department, and spoke regarding federal political issues and requested they be agendized.

13. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)

14. MAYOR'S/COUNCILMEMBERS' REPORTS

The Mayor and members of the Council made announcements and reported on items of interest to the Council.

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

The City Manager and City Attorney made announcements 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 [6:13:30 PM](#)**

17. ADJOURNMENT OF MEETING

Hearing no further business, Mayor Gorin adjourned the meeting at 6:13 p.m. The next regularly scheduled meeting will take place on August 10, 2010, at a time to be set by the Mayor.

Approved on: September 21, 2010

Susan Stoneman
City Clerk