

**SANTA ROSA CITY COUNCIL MEETING MINUTES
TUESDAY, AUGUST 10, 2010
COUNCIL CHAMBER, CITY HALL, 100 SANTA ROSA AVENUE
REGULAR MEETING**

**3:00 P.M. (MAYORS CONFERENCE ROOM,
ROOM 10)**

1. CALL TO ORDER AND ROLL CALL

Mayor Gorin called the meeting to order at 3:00 p.m. 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

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: City Attorney

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

4. ANNOUNCEMENT OF ROLL CALL [4:08:00 PM](#)

Councilmembers were present as noted above. Mayor Gorin introduced Kathleen Millison, the newly appointed City Manager who will begin working on October 4, 2010.

5. REPORT, IF ANY, ON STUDY AND CLOSED SESSION(S) [4:09:28 PM](#)

City Attorney Caroline Fowler reported that the Council had met in closed session and discussed items 3.1 and 3.2 as listed on the agenda and that there was no action taken and no announcements to be made.

6. PROCLAMATIONS/PRESENTATIONS [4:10:01 PM](#)

6.1 PROCLAMATION – SECOND ANNUAL MAYOR'S GANG PREVENTION TASK FORCE (MGPTF) GANG AWARENESS WEEK [4:11:01 PM](#)

Councilmember Olivares presented the Second Annual Mayor's Gang Prevention Task Force Gang Awareness Week proclamation. Police Chief Tom Schwedhelm spoke regarding the Gang Prevention Task Force's group efforts at reducing gang activity, noting statistics which reflect a reduction in juvenile violent crime. Tom Bieri, Social Advocates for Youth, spoke regarding various programs including youth employment and tattoo removal programs and collaborative partnerships which have resulted in employing 100 at-risk youth. Chester Mota and Angel Martinez were crew members who spoke briefly about their positive experiences which had led to employment offers with the City. Walter Collins of United Way, Richard Lopez and Enrique Gutierrez of Double Punches Boxing Club, and Supervisor Efren Carrillo also spoke of the community benefits these programs had achieved.

6.2 PRESENTATION -- CERTIFICATE OF RECOGNITION TO ROBIN GUASCO (RECIPIENT OF THE JEFFERSON AWARD) [4:31:40 PM](#)

Councilmember Bender presented a Certificate of Recognition to Robin Guasco in honor of her work with the Martial Arts Youth Institute, also a Measure O grant fund recipient for their gang prevention work, who introduced students LG Guzman, Taina Guzman and Stephany Guzman who spoke about the positive impacts the program had on their lives. Ms Guasco had also received the Jefferson Award for her gang prevention efforts through this program. Ms. Guasco said that the program was to be the subject of an upcoming documentary.

Mayor Gorin announced that Item 11.1 had been continued to August 17, 2010 and that Item 11.3 had been continued to September 21, 2010.

7. STAFF BRIEFINGS – NONE

8. APPROVAL OF MINUTES – JUNE 29, 2010 REGULAR MEETING MINUTES [4:39:56 PM](#)

The minutes of the June 29, 2010 regular meeting were approved with a spelling correction.

9. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS [4:40:19 PM](#)

There were no statements of abstention made.

10. CONSENT ITEMS [4:40:29 PM](#)

PUBLIC COMMENT

Jack Osborne, said that with regard to Items 10.1, 10.2, 10.3, 10.5, and 10.6 according to the City Charter the City Manager should be making the recommendation, not the departments.

City Attorney Fowler stated that the authority has been delegated by the City Manager.

MOVED by Vice Mayor Wysocky, seconded by Councilmember Olivares, carried unanimously, to adopt the resolutions in items 10.1 through 10.7 and adopt and waive reading of the text of the ordinance in item 10.8 as follows:

10.1 RESOLUTION -- AMENDING THE CITY CLASSIFICATION AND SALARY PLAN TO INCREASE THE FTE OF THE ORGANIZATIONAL DEVELOPMENT TRAINING SPECIALIST IN HUMAN RESOURCES FROM .60 TO UP TO .75 FOR DURATION OF AVAILABLE FUNDING

RESOLUTION NO. 27697 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING THE CITY CLASSIFICATION AND SALARY PLAN BY

INCREASING THE FTE OF THE HUMAN RESOURCES ORGANIZATIONAL DEVELOPMENT AND TRAINING SPECIALIST FROM .60 FTE TO UP TO .75 FTE FOR THE DURATION OF EXTRA AVAILABLE FUNDING

10.2 RESOLUTION -- APPROPRIATION OF \$8,700 ENVIRONMENTAL COMPLIANCE FINE FROM COUNTY OF SONOMA MAIN ADULT DETENTION FACILITY TO ACCOUNT 4841, ENVIRONMENTAL COMPLIANCE TRAINING

RESOLUTION NO. 27698 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA FOR THE APPROPRIATION OF \$8,700 ENVIRONMENTAL COMPLIANCE FINE FROM COUNTY OF SONOMA MAIN ADULT DETENTION FACILITY (MADF) TO ACCOUNT 4841 -ENVIRONMENTAL COMPLIANCE TRAINING

10.3 RESOLUTION -- GENERAL PERMIT FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES

RESOLUTION NO. 27699 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE DIRECTOR OF PUBLIC WORKS AS A LEGALLY RESPONSIBLE PERSON (LRP) FOR THE STATE WATER RESOURCES CONTROL BOARD'S STORM WATER MULTI-APPLICATION REPORTING AND TRACKING SYSTEM (SMARTS) DATABASE AND GRANTING THE DIRECTOR OF PUBLIC WORKS DELEGATION AUTHORITY

10.4 RESOLUTION -- CENTRAL PARKING ANNUAL BENEFIT ASSESSMENT DISTRICT BUDGET

RESOLUTION NO. 27700 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE BUDGET OF THE CENTRAL PARKING ANNUAL BENEFIT ASSESSMENT FOR FISCAL YEAR 2010/11 – SANTA ROSA CENTRAL PARKING SERVICE FACILITIES DISTRICT – SERIES 1998

10.5 RESOLUTION -- STEWARDSHIP COUNCIL GRANT APPLICATION FOR BAYER NEIGHBORHOOD PARK AND GARDENS

RESOLUTION NO. 27701 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DIRECTING STAFF TO SUBMIT AN APPLICATION TO THE

STEWARDSHIP COUNCIL 2010
INFRASTRUCTURE FUND

10.6 RESOLUTION -- AMENDMENT TO THE CITY SALARY AND CLASSIFICATION PLAN TO ADD A .75 FTE FIRE INSPECTOR-I

RESOLUTION NO. 27702 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING THE CITY SALARY AND CLASSIFICATION PLAN TO ADD A .75 FTE FIRE INSPECTOR-I POSITION AND AUTHORIZING THE CITY MANAGER TO IMPLEMENT THESE CHANGES

10.7 RESOLUTION -- REQUEST FOR AUTHORIZATION FOR SUBMITTAL OF AN URBAN GREENING GRANT APPLICATION FOR THE COLGAN CREEK RESTORATION PROJECT (Continued from the August 3, 2010 regular meeting)

RESOLUTION NO. 27703 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE URBAN GREENING FOR SUSTAINABLE COMMUNITIES PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006 (PROPOSITION 84) FOR THE COLGAN CREEK RESTORATION PROJECT

10.8 ORDINANCE ADOPTION – ORDINANCE SETTING CITY MANAGER SALARY

ORDINANCE NO. 3948 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ESTABLISHING SALARY AND OTHER COMPENSATION AND BENEFITS FOR THE CITY MANAGER

Mayor Gorin introduced incoming City Manager Kathleen Millison, who thanked the Council and the community for the warm welcome during the informal reception held prior to the meeting.

11. REPORT ITEMS [4:49:50 PM](#)

11.1 RESOLUTION – APPROVAL OF AMENDED PUBLIC/PRIVATE PARTNERSHIP AGREEMENT WITH AMERICAN MEDICAL RESPONSE (AMR) TO CONTINUE FIRST RESPONSE PARAMEDIC SERVICES

This item was continued to the August 17, 2010 Regular Meeting.

11.2 REPORT -- SANTA ROSA GREEN BUILDING STANDARDS [4:49:53 PM](#)

Chuck Regalia, Community Development Director, and Chief Building Official Michael Whitaker made the presentation on the proposed Santa Rosa Green Building Standards.

Mr. Regalia said they would present options for the Council to consider whether the mandatory green points should be increased for residential and non-residential construction; at what level should the new CALGreen state building code be adopted in Santa Rosa; and whether the city should continue to use a private point based system or the CALGreen code; and should the City promote the use of the CALGreen code uniformly throughout the region.

Mr. Whitaker outlined the building code adoption process, which is updated by the state every three years and implemented by cities, though cities may locally amend certain aspects of the code. Mr. Whitaker outlined the changes made to the state codes this year, including residential codes and California Green Building Standards Code (CALGreen) which are modeled after LEED and Build It Green standards. He reviewed each of the tiers and the mandatory and voluntary measures which would be implemented over time.

Mr. Whitaker presented four options: 1) adopt CALGreen with no amendments; 2) Adopt CALGreen with Tier 1 for both Residential and Non-residential; 3) Adopt CALGreen with BIG for Residential and LEED for Non-residential; or 4) Adopt CALGreen with Tier 1 for Residential and LEED for Non-residential. He outlined the impacts of each as follows: Options 2, 3, & 4 meet Council Goal of ramping up Green Building Program; Options 3 & 4 were the most expensive for costs to design, construct, and verify compliance; and Options 3 & 4 were the most difficult for local building departments to enforce.

Mr. Regalia described the code adoption process which included a review of the state codes and identification of local amendments with a draft ordinance to be publicly heard on October 19, 2010 with an effective date for the codes of January 1, 2011.

Mr. Regalia also outlined the stakeholder comments to date, and summarized those as follows: Most groups support a uniform code like

CALGreen which could be adopted in Santa Rosa and other jurisdictions in the County; Most support adoption of CALGreen Tier 1 for Residential; Commercial builders had requested additional time to review Tier 1, Tier 2, a combination of those tiers, or the use of LEED; local building officials recommend CALGreen Tier 1 for both Residential and Non-residential. He noted that non-residential is where most of the unanswered questions are so far.

Mr. Regalia recommended that staff be directed to prepare ordinances to adopt CALGreen Tier 1 as the residential standard; to continue to evaluate Non-residential standards, including Tier 1 and 2, a combination thereof, or the continued use of LEED 2009; and to establish a public hearing for October 19, 2010 to consider adoption. He said at that time the staff report would include a cost analysis of the code options.

PUBLIC COMMENT [5:40:06 PM](#)

Jack Osborne, 5636 Del Monte Court, questioned the reach of the government when codes begin to address how much energy or water an individual consumes in their private home. He asked that the costs and unintended consequences be considered, especially lost revenues to the City's utilities of reduced consumption. He requested a cost benefit analysis, and objected to the additional cost of a private green building inspector.

Dennis Rosatti, Sonoma County Conservation Action, said he served on the Santa Rosa Green Building Advisory Committee. He said they agree one system throughout the region is more desirable, but that the CALGreen system was being imposed on the City, but it doesn't necessarily match up to Build It Green (BIG) or LEED. They would support as a minimum going to Tier I but have a concern that the relative point levels won't equal what the city was already doing under BIG for residential and particularly commercial. He suggested as a better option requiring Tier II but granting an exemption from the 30% energy efficiency requirement. With regard to Commercial, he suggested 40 LEED points.

Doug Hilberman said they are looking from the professional building and design point of view, but said he would advocate similarly to Denny Rosatti. He said the final version of the code were just released, so he recommended taking time to study non-residential requirements and giving more time to come back with a recommendation. He believes the code should reside at the state level with

interpretation in the public domain. He does not believe LEED is going in the right direction for non-residential programs. He recommended that they find an equivalent level of green building and come back to the Council.

DeWayne Starnes, Chief Building Official for Sonoma County, supported one base code for all jurisdictions in Sonoma County and would propose that to his Board of Supervisors with their code adoption. He noted that everyone in the County now uses BIG, but each jurisdiction requires different point levels which leads to confusion. He also supported implementation of CALGreen Tier I at this point.

In response to a question from Mayor Gorin, Mr. Starnes said the County is on the same time frame as the City, and will recommend Tier I as anything less would represent a reduction of their current levels.

Greg Hurd, BKF Engineers, supported staff's recommendation to postpone commercial green building requirements until the implications of CALGreen as compared to BIG and LEED can be evaluated. He also supported consistent, predictable requirements throughout the County.

Beth Tuxhorn, 4000 Montgomery Drive, member of the Construction Coalition, said the coalition is supportive of staff's recommendation. She said there was a group of commercial construction experts that is working on evaluating CALGreen vs. LEED certified.

Glen Schainblatt, Redwood Empire Code Officials and Building Official for the City of Sebastopol, said their group has been working on this since March and recommends the use of the Tier 1 options, in part because Tier 2 levels are not feasible in this climate. He said the initial mandatory CALGreen has become standard for schools throughout the state, and it offers sufficient flexibility to get on par with what most jurisdictions already have for residential construction but non-residential is still open. He said trainings on the codes would be offered.

Robert Chase, representing Build It Green and also a professional architect, said that BIG is supportive of CALGreen, but there are some questions on the tiers, even on residential side. He supported BIG's point system as it provides the consumer information about the green rating of the building. He said they would meet with the Building Standards Commission and HCD, and

recommended that they modify recommendation 1 to match recommendation 2 on non-residential.

Colleen Fernald recommended creation of a new hybrid system using the best of each program as it will advance the Council's goals for climate protection. She suggested creating an incentive-based program after taking everything they've heard into consideration. She also recommended creating a higher tier with the use of incentives.

John Jenkel, Graton, said there was a lack of money for building except from stimulus money.

Mr. Regalia summarized his understanding of the issues as general agreement to use Tier 1 for residential, further evaluate what works for non-residential, mandate some items such as solar plumbing to provide a starting level for Tier 1 of 65 to 70 points BIG equivalency.

MOVED by Councilmember Jacobi, seconded by Vice Mayor Wysocky, carried unanimously, to adopt the staff recommendations and directing staff to provide the Council with the options, cost benefits and analysis of some of the Tier 2 options specifically focusing on the construction and demolition recycling, pre-plumbing for solar energy and water conservation.

11.3 PUBLIC HEARING -- COLGAN CREEK RESTORATION PROJECT

MOVED by Councilmember Olivares, seconded by Councilmember Vas Dupre, carried 6-0-1 (Vice Mayor Wysocky absent), to continue this item to the September 21, 2010 meeting.

12. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)

13. MAYOR'S/COUNCILMEMBERS' REPORTS

Councilmember Bender said that TeeJay Lowe had resigned from the Board of Public Utilities and announced her appointment of Carol Dean to the Board of Public Utilities in his place. She thanked Mr. Lowe for his many years of service on the BPU.

14. CITY MANAGER'S/CITY ATTORNEY'S REPORTS [6:53:18 PM](#)

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

16. PUBLIC COMMENTS ON NON-AGENDA MATTERS [6:56:39 PM](#)

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

Colleen Fernald spoke out against war and said that law enforcement officials had not adequately responded to a complaint she had filed.

John Jenkel spoke out against war and a civil action against him.

Wylie Emmert spoke about mayhem and chaos, a laserbeam, and the universe.

17. ADJOURNMENT OF MEETING [7:06:57 PM](#)

Hearing no further business, Mayor Gorin adjourned the meeting at 7:06 p.m. The next regularly scheduled meeting will take place on August 17, 2010, at a time to be set by the Mayor.

Approved on: September 28, 2010

Susan Stoneman
City Clerk