

**SANTA ROSA CITY COUNCIL MEETING MINUTES  
TUESDAY, SEPTEMBER 14, 2010  
COUNCIL CHAMBER, CITY HALL, 100 SANTA ROSA AVENUE  
REGULAR MEETING**

**1:30 P.M. (MAYORS CONFERENCE ROOM,  
ROOM 10)**

**1. CALL TO ORDER AND ROLL CALL**

Mayor Gorin called the meeting to order at 1:35 p.m. Councilmembers present: Mayor Gorin, Vice Mayor Wysocky, Councilmembers Bender, Sawyer, and Olivares. Councilmember Vas Dupre arrived at 1:47 p.m. and Councilmember Jacobi arrived at 2:13 p.m.

**2. 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**

Prior to adjournment into Closed Session, the public may speak up to three minutes on items to be addressed in Closed Session.

**2.1 CONFERENCE WITH LABOR NEGOTIATORS**

Agency Designated Representatives: 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)

Name of case: Country Mobile Home Investments v. City of Santa Rosa, et al., Sonoma County Superior Court Case No. SVC 247980

**2.3 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b)(1) of Government Code section 54956.9. One potential case.

**2.4 PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Title: City Attorney

**2.5 CONFERENCE WITH LABOR NEGOTIATORS**

Agency Designated Representative: Mayor Susan Gorin

Unrepresented Employee: City Attorney

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

**3:00 P.M. (CITY COUNCIL CHAMBER) [3:07:28 PM](#)**

Mayor Gorin reconvened the meeting in study session at 3:07 p.m. in the Council Chamber. Councilmembers were present as noted above.

**3. STUDY SESSION [3:08:16 PM](#)**

**3.1 YEAR-END GENERAL FUND FINANCIAL UPDATE AND FUTURE BUDGET IMPACT REVIEW**

Interim Finance Director Bruce McConnell briefed the Council on the City's General Fund current financial status and provided a review of the budget deficit reduction measures implemented over the past few years and outlined the impacts of potential future budget balancing actions.

Brian Cochran, Principal Financial Analyst, outlined the latest financial data used to adjust the City's projected revenue and expenditures and outlined the adjusted projections and the five-year forecast.

Mr. McConnell reviewed the composition and sources of the City's declining budget revenues and expenditures; prior and current year budget reductions; and potential future reductions. The

overall decline in annual revenues amounted to approximately \$16 million, and \$21.9 million. He summarized the need to keep reducing expenditures in light of the current projections and for transitional revenue sources, saying that the Council will be kept updated as staff continues to monitor the data and update the forecasts.

PUBLIC COMMENT [4:24:18 PM](#)

Richard Canini objected to redevelopment as it creates a loss to the general fund because properties purchased by redevelopment are removed from the tax rolls, citing the AT&T building and the Hyatt as examples. He also objected to the wealth created for a private property owner by annexation of a County island.

Rex Reader, Bennett Valley Senior Center Association, spoke about what their group has been doing proactively to bridge the City's funding gap in order to maintain the senior center.

Interim City Manager Wayne Goldberg clarified that the Hyatt does pay property tax because it is in private ownership, but while the AT&T building is owned by the Redevelopment Agency it does not.

**4. ANNOUNCEMENT OF ROLL CALL [4:49:56 PM](#)**

All 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 prior to the regular session to receive an update on the City's budget projections and multi-year plan.

City Attorney Fowler reported the Council had met in closed session regarding items 2.1 through 2.5 as listed on the agenda and that there had been no action taken and there were no announcements to be made.

**6. PROCLAMATIONS/PRESENTATIONS – NONE [4:51:22 PM](#)**

Councilmember Vas Dupre announced that a proclamation for the Steele Lane Elementary School Creative Arts Program would be delivered the next day.

**7. STAFF BRIEFINGS – NONE**

**8. APPROVAL OF MINUTES – JULY 27, 2010**

**REGULAR MEETING MINUTES**

The minutes of the July 27, 2010 regular meeting were approved with the correction to the spelling of the names of Brenda Adelman and Sy Berkowitz.

**9. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS [4:52:03 PM](#)**

No statements of abstention were made.

**10. CONSENT ITEMS [4:52:23 PM](#)**

PUBLIC COMMENT [4:52:59 PM](#)

Allen Thomas, spoke in support of the grant request in Item 10.2 and requested that a city representative attend their neighborhood association's November meeting to discuss the project and receive neighborhood input.

David Grabill, Housing Advocacy Group, requested that no action be taken on Item 10.3 as he had met with Catholic Charities as it will result in a reduction in services by the Morgan Street homeless center.

Jack Osborne, requested that the City not take a position on Proposition 23 or any citizens' initiative in deference to leaving the decision to the voters.

Nica Poznanovich (former teen council member), representing the Santa Rosa Community Market, spoke in support of the resolution in item 10.2 and offered the Community Market as a test site for the commercial composting program, and provided details about the harmful effects of methane in the waste stream.

Megan Basinger responded to concerns about the homeless centers, saying that the contract is strictly for the 120 beds at Samuel Jones Hall and there were no plans to move the Morgan Street center to Samuel Jones Hall.

Vice Mayor Wysocky responded that composting is a priority but cautioned about rodent problems associated with composting and noted that the restaurant slurry will be diverted from the waste stream by going to the wastewater digesters to create energy as well as for a worm farm south of Petaluma.

MOVED by Vice Mayor Wysocky, seconded by Councilmember Vas Dupre, 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 through 10.4 as follows:

**10.1 MOTION -- PARKING GARAGE 3 (735 FIFTH STREET) CONSTRUCTION CONTRACT AMENDMENT**

**MOTION:** APPROVING AMENDMENT NO. 1 TO THE CONSTRUCTION CONTRACT WITH ASHRON CONSTRUCTION & RESTORATION, INC., TO INCLUDE REPLACEMENT OF THE INTERIOR BARRIER SYSTEM IN GARAGE 3 AND INCREASING THE TOTAL CONTRACT AMOUNT BY \$95,000, FOR A NEW TOTAL CONTRACT OF \$748,421.95 PLUS A 13% CONTINGENCY ON THE AMENDMENT. NO GENERAL FUNDS ARE UTILIZED IN THE GARAGE REPAIR PROGRAM.

**10.2 RESOLUTIONS - REQUEST FOR AUTHORIZATION FOR SUBMITTAL OF GRANT APPLICATIONS FOR THE DOWNTOWN STREET FURNITURE, SONOMA MARIN AREA RAIL TRANSIT BICYCLE AND PEDESTRIAN PATH AND CITYWIDE OVERLAY PROJECT (INCLUDING CLASS II BIKE LANES) AND APPROPRIATION OF FEDERAL FUNDS INTO THE PROJECTS**

**RESOLUTION NO. 27728 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL SURFACE TRANSPORTATION/ CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT FUNDING FOR THE CITYWIDE OVERLAY PROJECT (INCLUDING CLASS II BIKE LANES) AND COMMITTING THE LOCAL MATCH AND STATING THE ASSURANCE OF THE CITY TO COMPLETE THE PROJECT

**RESOLUTION NO. 27729 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL SURFACE TRANSPORTATION/ CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT FUNDING FOR THE DOWNTOWN STREET FURNITURE PROJECT AND COMMITTING THE LOCAL MATCH AND STATING THE ASSURANCE OF THE CITY TO COMPLETE THE PROJECT

**RESOLUTION NO. 27730 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL SURFACE TRANSPORTATION/ CONGESTION MITIGATION

AND AIR QUALITY IMPROVEMENT FUNDING FOR THE SONOMA MARIN AREA RAIL TRANSIT (SMART) BICYCLE AND PEDESTRIAN PATH PROJECT AND COMMITTING THE LOCAL MATCH AND STATING THE ASSURANCE OF THE CITY TO COMPLETE THE PROJECT

**10.3 RESOLUTION -- AGREEMENT FOR THE OPERATION AND USE OF THE SAMUEL L. JONES HALL HOMELESS SHELTER**

**RESOLUTION NO. 27731 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF SANTA ROSA AND CATHOLIC CHARITIES OF THE DIOCESE OF SANTA ROSA FOR THE OPERATION OF THE SAMUEL L. JONES HOMELESS SHELTER LOCATED AT 4020 FINLEY AVENUE

**10.4 RESOLUTIONS -- IN SUPPORT OF STATEWIDE EFFORTS TO REDUCE AND REGULATE GREENHOUSE GAS EMISSIONS AND OPPOSITION TO PROPOSITION 23**

**RESOLUTION NO. 27732 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA SUPPORTING THE CALIFORNIA AIR RESOURCES BOARD'S LEADERSHIP IN DEVELOPING AND IMPLEMENTING STRATEGIES FOR MEETING CALIFORNIA'S GREENHOUSE GAS REDUCTION TARGETS, AND IN PROMOTING EMISSION REDUCTIONS FROM MOTOR VEHICLES

**RESOLUTION NO. 27733 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA OPPOSING CALIFORNIA PROPOSITION 23, AN INITIATIVE TO SUSPEND AB32, THE GLOBAL WARMING SOLUTIONS ACT OF 2006

**11. REPORT ITEMS**

**11.1 REPORT - ADDITIONAL SALARY CONCESSIONS FOR EMPLOYEES IN THE CITY'S UNITS 10 -- EXECUTIVE MANAGEMENT, 11 -- MIDDLE-MANAGEMENT [5:09:28 PM](#)**

Fran Elm, Director of Human Resources, made staff presentation for additional salary concessions consisting of a 4.6% salary reduction to be

implemented through 96 hours of mandatory time off (furlough) for employees in the City's Units 10 – Executive Management and 11 – Middle Management, for the current fiscal year.

Acceptance of these concessions was projected to result in salary savings of approximately \$163,000 with \$130,000 in savings to the General Fund.

PUBLIC COMMENT [5:14:49 PM](#)

Jack Osborne stated that these are unrepresented employees who must agree to these concessions individually. He also contended this bargaining practice was inconsistent with Sections 36 and 40 of the City Charter.

Interim City Manager Goldberg responded that he had made contact with the individuals covered in these units and had discussions about their willingness to participate. City Attorney Fowler responded that the City disagrees with Mr. Osborne's interpretation of the City Charter.

MOVED by Councilmember Sawyer, seconded by Councilmember Olivares, carried unanimously, to adopt and waive reading of the text of the resolution in item 11.1 as follows:

**RESOLUTION NO. 27734 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA TO ACCEPT ADDITIONAL SALARY CONCESSIONS PRESENTED ON BEHALF OF EMPLOYEES IN THE CITY'S UNIT 10 – EXECUTIVE MANAGEMENT AND UNIT 11 – MIDDLE-MANAGEMENT

**11.2 REPORT – SKYFARM 3 APPEAL - CLARIFICATION OF COUNCIL DECISION**  
[5:19:38 PM](#)

Erin Morris, Senior Planner, made the staff presentation for the proposed resolution memorializing the Council's previous action on this appeal. On July 8, 2010, the Planning Commission voted 5-1-1 to adopt a Mitigated Negative Declaration and to approve a Tentative Map, Conditional Use Permit, and Hillside Development Permit to allow subdivision of 10.42 acres into 31 lots for single family residential uses and three common parcels, and construct initial subdivision improvements for future hillside homes which would result in a residential density of 2.98 units per acre. On July 15, 2010, Jeanette Gulbronsen, a neighbor of the project site, filed an appeal of this approval requesting that the Council hold a public hearing so that neighbors of the project could

comment about the project. On August 31, 2010, the Council conducted a hearing of the appeal and directed staff to return with a resolution reflecting their decision to uphold the appeal.

Ms. Morris detailed the proposed resolution which had the effect of continuing the appeal and referring the matter back to the Planning Commission for further consideration. She clarified that Item 9 of the staff report has been revised to state that the Council would be retaining jurisdiction over the appeal, meaning that if the Planning Commission reconsideration did not resolve the appeal it would come back before the Council.

PUBLIC COMMENT [5:22:43 PM](#)

Jean Kapolchok, representing appellants, stated support for the clarification to send item back to the Planning Commission and not deny the project at this stage. She asked that they be included in reviews of the project grading, tree removal, tree preservation, and any other subdivision design modifications.

Tom Jones, Brelje and Race Engineers, representing the developer, asked that they affirm the direction to refer this back to the Planning Commission. He said they are reaching out to the neighbors and are working with the neighbors on ideas to modify building and other features further.

Vice Mayor Wysocky stated his opposition to the project based upon concerns about tree loss and cited inconsistencies with design guidelines; Councilmember Bender stated support for the project and urged members of the Council to send it back to the Planning Commission only if there is willingness to reconsider a position against the project; Councilmember Vas Dupre supported the resolution before them; Councilmember Sawyer hoped the applicant would not incur any more fees due to a lack of clarity in the city's development policies which should enable an applicant to craft a successful proposal if the rules are followed; Councilmember Jacobi looked forward to the opportunity to review the new proposal to save more trees and noted that the parcel was designated as cluster development so the alteration required some extra effort; Councilmember Olivares agreed with Councilmember Sawyer that if the rules were followed it was reasonable to expect approval and would vote to deny the appeal; Mayor Gorin

believed it was appropriate for the Planning Commission to make this determination and balance the interests of the neighbors and developers in saving trees and come up with a solution that works for as many people as possible.

MOVED by Councilmember Bender, seconded by Councilmember Jacobi, carried 5-2 (Councilmembers Olivares and Sawyer voting NO), to adopt and waive reading of the text of the resolution in item 11.2 and referring the Skyfarm 3 project to the Planning Commission for further consideration of tree removal, tree preservation and grading and community input as follows:

**RESOLUTION NO. 27735 ENTITLED:**

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA CONTINUING THE SKYFARM 3 APPEAL AND REFERRING THE SKYFARM 3 PROJECT TO THE PLANNING COMMISSION FOR FURTHER CONSIDERATION; 3925 SAINT ANDREWS DRIVE - FILE NUMBER MJP05-035

**11.3 PUBLIC HEARING –REZONING - STONY POINT PLAZA AT STONY POINT ROAD AND SEBASTOPOL ROAD [5:44:08 PM](#)**

Bill Rose, Senior Planner, made staff presentation for the application for rezoning to change the commercial regulations of the policy statement for the Stony Point Plaza Planned Development 80-001 Zoning District. File No. REZ10-004. He described the subject property and the requested amendments to the existing policy which were related specifically to the commercial component of this planned development. The proposal rezones the 14-acre commercial center site from the PD to General Commercial zone.

Mr. Rose outlined the review process to date, including neighborhood meetings with the adjacent Casa del Sol Homeowners Association and the hearing before the Planning Commission. He detailed the resulting proposed amendment to the Policy Statement to make it consistent with the Retail and Business Services general plan land use designation and how those changes would impact site development. This will result in no changes to the development standards, but will

Impose some agreed-upon restrictions specific to the commercial uses on the site.

Lance Sherwood of Weingarten Realty, the owner of Stony Point Plaza, introduced the development

team of Steve Sharp, Planning Consultant; Steve Butler, land use attorney; and Tony Battaglia, architect. He provided a detailed description of the proposed project, which would connect to the Joe Rodota Trail and include on-site pedestrian improvements at the plaza area. He said that the changes would result in permit application efficiencies which would help attract tenants. He discussed the main points of the memorandum of understanding that had been negotiated with the neighboring residents of Casa del Sol. He also discussed the economic benefits to the community generated by the proposed changes.

**PUBLIC HEARING [6:03:00 PM](#)**

Mark Anderson, member of the Board of Directors of the Casa Del Sol Homeowners Association, said the association includes 268 homes and owners. He reviewed the process to date in negotiating the MOU which eventually received the unanimous support of the HOA Executive Board. He supported the proposal.

Juan M. Hernandez, President Hispanic Chamber of Commerce. Also spoke in support.

G.W. Lawson, spoke of the positive working relationship between the neighbors and Weingarten Realty and supported the proposal.

Robert Cantu, President of North Coast Builder Exchange, said that although they do not endorse specific projects, they support the request because it aligns with NCBE views and supports economic stimulus and will provide jobs and enhance the center and the neighborhood.

Carolyn Mayes, Treasurer of the Casa Del Sol Board of Directors, discussed how homeowners' concerns were addressed, particularly those living adjacent to the service road, saying the new 12 foot soundwall and other mitigation measures Weingarten had agreed to would benefit all the homeowners.

Lisa Wittke Schaffner, Sonoma County Alliance, also spoke in support, saying that although they do not support individual projects they do support the jobs and economic stability this would help to create.

Hearing no further testimony, Mayor Gorin closed the public hearing at [6:14:40 PM](#).

Mr. Rose suggested including in the Council action the restricted hours consistent with the August 26,

2010 Weingarten Realty letter outlining hours of operation.

MOVED by Councilmember Bender, seconded by Vice Mayor Wysocky, carried unanimously, to introduce and waive reading of the text of the ordinance in item 11.3 as follows with the addition of conditions related to restricted hours as stated in the August 26, 2010 Weingarten letter:

**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 711, 741, 771 STONY POINT ROAD AND 2001, 2025, 2055 SEBASTOPOL ROAD - FILE NUMBER REZ10-004

**12. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)**

**13. MAYOR'S/COUNCILMEMBERS' REPORTS**

**13.1 APPOINTMENT TO THE HOUSING AUTHORITY/REDEVELOPMENT AGENCY**

City Attorney Fowler noted that one position was to fulfill the remainder of Jake Ours' term, and clarification was requested on whether or not to make the appointment for the remainder of the term plus four years through 2014.

MOVED by Vice Mayor Wysocky, seconded by Councilmember Jacobi, carried unanimously, to appoint the selected Housing Authority board member to serve until January 2014.

The Council cast votes in accordance with Council Policy 000-06, resulting in the selection of David Harris to the Housing Authority/Redevelopment Agency Board of Directors.

MOVED by Councilmember Bender, seconded by Councilmember Sawyer, carried unanimously, to appoint David J. Harris to the Housing Authority/Redevelopment Agency Board of Directors.

The Council cast votes in accordance with Council Policy 000-06, resulting in the selection of Emilio Gonzales as tenant commissioner to the Housing Authority Board of Directors.

MOVED by Councilmember Bender, seconded by Councilmember Vas Dupre, carried unanimously, to appoint Emilio Gonzales as tenant commissioner to the Housing Authority Board of Directors.

**13.2 WATERWAYS ADVISORY COMMITTEE APPOINTMENT FOR ONE EXPIRED TERM**

The Council cast votes in accordance with Council Policy 000-06, resulting in the selection of David Bannister to the Waterways Advisory Committee.

MOVED by Councilmember Bender, seconded by Councilmember Vas Dupre, carried unanimously, to appoint David Bannister to the Waterways Advisory Committee.

**COUNCILMEMBER REPORTS**

Members of the Council made further announcements and reports of interest to the Council.

**14. CITY MANAGER'S/CITY ATTORNEY'S REPORTS**

The City Manager and City Attorney made further announcements and reports of interest to the Council.

**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 [6:52:11 PM](#)**

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

Steve Spiegelman, criminal defense attorney, spoke of the benefits of medical marijuana dispensaries and requested loosening local restrictions on dispensaries in Santa Rosa.

Staff was directed to follow up on the request for possible inclusion with emerging issues for the Community Development Department.

John Palmerlee spoke regarding the retaining wall at their property which has been up for repair for three or more years, and requested a waiver of the penalties associated with code enforcement expenses based on financial hardship and other factors. He noted the work is now being done with the necessary permits, but that the work is very costly and now that work is being done they are finding the structure may not have been unsound. He said he also was not provided adequate representation at the hearing.

Mr. Goldberg indicated a meeting had been set with Mr. Palmerlee and key staff to address the issue related to what the City considered an unsafe situation.

Robin Setchko also requested a waiver of the code enforcement costs and penalties as they do not have the means to obtain legal representation to go through the appeal process. She explained that their circumstances were inadvertently created when a neighbor removed an adjacent retaining wall and reiterated Mr. Palmerlee's request.

Colleen Fernald, Sebastopol, requested Council action on a recommendation for a cease fire and also announced the September 21 International Day of Peace.

Wiley Emmert spoke regarding spiritual, personal and political matters.

**17. ADJOURNMENT OF MEETING [7:24:55 PM](#)**

Hearing no further business, Mayor Gorin adjourned the meeting at 7:24 p.m. The next regularly scheduled meeting will take place on September 21, 2010, at a time to be set by the Mayor.

Approved on: November 2, 1010

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Susan Stoneman  
City Clerk