

**SANTA ROSA CITY COUNCIL MEETING MINUTES
TUESDAY, DECEMBER 7, 2010
COUNCIL CHAMBER, CITY HALL, 100 SANTA ROSA AVENUE
REGULAR MEETING**

**3:30 P.M. (MAYORS CONFERENCE ROOM,
ROOM 10)**

1. CALL TO ORDER AND ROLL CALL

Vice Mayor Wysocky called the meeting to order at 3:38 PM p.m. Councilmembers present: Vice Mayor Wysocky, Councilmembers Bender, Sawyer, Jacobi, and Olivares. Councilmember absent: Vas Dupre Mayor Gorin arrived at 3:45 PM

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

PRIOR TO ADJOURNMENT INTO CLOSED SESSION, THE PUBLIC MAY SPEAK UP TO THREE MINUTES ON ITEMS TO BE ADDRESSED IN CLOSED SESSION.

3.1 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).

PUBLIC COMMENT

Miriyam Gevirtz addressed the Council regarding the lack of police enforcement in her neighborhood.

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

4. ANNOUNCEMENT OF ROLL CALL

All Councilmembers were present except Councilmember Vas Dupre who was absent.

[4:14:17 PM](#)

5. REPORT, IF ANY, ON STUDY AND CLOSED SESSION(S) [4:15:46 PM](#)

6. PROCLAMATIONS/PRESENTATIONS [4:15:51 PM](#)

6.1 THANKING CARLOS PEREZ AND BIKE MONKEY FOR THE GRAN FONDO

Vice Mayor Wysocky read the proclamation and presented it to Carlos Perez.

PUBLIC COMMENT:

[4:31:07 PM](#) PAUL JOLLY spoke regarding the City of Santa Rosa and how it is a cycle friendly community.

[4:31:51 PM](#) PETER TSCHERNEFF spoke regarding various bicycling issues.

7. STAFF BRIEFINGS

8. [4:24:11 PM](#) APPROVAL OF MINUTES – (Pursuant to Council action on November 4, 2004, the following action only minutes are presented for approval. Full recordings of the City Council meetings are available on the City's website at www.srcity.org.)

MOVED by Mayor Gorin, seconded by Vice Mayor Wysocky, carried on a 6-0-1 vote (Councilmember Vas Dupre being absent) to adopt the Minutes as

proposed, with a review to be made of the vote taken on Item 10.3 of the November 9, 2010 Minutes as requested by Vice Mayor Wysocky.

- **October 5, 2010**
- **October 12, 2010**
- **October 19, 2010**
- **November 2, 2010 -**
- **November 9, 2010 –Vice Mayor Wysocky asked that the City Clerk review the vote on Item 10.3 and to make an amendment if warranted.**
- **November 16, 2010**
- **November 30, 2010**

9. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS

No statements of abstention were made.

10. CONSENT ITEMS[4:25:52 PM](#)

PUBLIC COMMENT

[4:27:01 PM](#) MICHAEL HILBER addressed the City Council commenting that he feels the Council committed election fraud. by having the wording in the ballot measure regarding vital city services which stated “one quarter cent”

MOVED by Vice Mayor Wysocky, seconded by Councilmember Jacobi, carried 6-0-1 (Councilmember Vas Dupre being absent) to waive reading of the text of the resolutions in items 10.1 through 10.4 and to introduce and waive reading of the text in item 10.5 as follows:

10.1 RESOLUTION

RESOLUTION NO. 27777 ENTITLED:
RESOLUTION OF THE COUNCIL AUTHORIZING FOR SUBMITTAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM, MS4 ANNUAL REPORT TO THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD FOR JULY 1, 2009-JUNE 30, 2010

10.2 RESOLUTION

RESOLUTION NO. 27778 ENTITLED:
RESOLUTION OF THE COUNCIL AMENDMENT OF BUDGET DEFICIT REDUCTION MEASURE DATED 5-4-10 – PROGRAMMER ANALYST

10.3 RESOLUTION

RESOLUTION NO. 27779 ENTITLED:
RESOLUTION OF THE COUNCIL ADOPTING RESULTS OF THE GENERAL MUNICIPAL ELECTION OF NOVEMBER 2, 2010, MEASURE O URBAN GROWTH BOUNDARY AND MEASURE P VITAL CITY SERVICES MEASURE

10.4 RESOLUTION

RESOLUTION NO. 27780 ENTITLED:
RESOLUTION OF THE COUNCIL DEADLINE EXTENSION OF SONOMA COUNTY MUSEUM EXPANSION (Continued from meeting of November 30, 2010)

10.5 ORDINANCE INTRODUCTION

URBAN GROWTH BOUNDARY AMENDMENT PURSUANT TO NOVEMBER 10, 2010, GENERAL MUNICIPAL ELECTION

11. REPORT ITEMS

MOVED by Councilmember Bender, seconded by Councilmember Olivares, carried 6-0-1 (Councilmember Vas Dupre being absent), to adopt and waive reading of the text of the resolution in item 11.1 as follows:

11.1 [4:34:44 PM](#) **REPORT --AUTHORIZING EXECUTION OF TWO AGREEMENTS WITH STATE BOARD OF EQUALIZATION FOR COLLECTION OF SALES TAX PURSUANT PASSAGE OF MEASURE P AT THE NOVEMBER 2, 2010, GENERAL MUNICIPAL ELECTION**

Bruce McConnell made the staff presentation
PUBLIC COMMENT

[4:39:01 PM](#) MICHAEL HILBER again addressed the City Council regarding the city vital services measure which stated a “one quarter cent” indicating he does not feel this was legitimate.

The City Attorney stated there has been no fraud regarding this issue.

[4:41:12 PM](#) PETER TSCHERNEFF addressed the Council regarding merge interests with associates for the common benefit of all and concluded by indicated we need no more new taxes.

MOVED by Councilmember Bender, seconded by Councilmember Olivares, carried 6-0-1 (Councilmember Vas Dupre being absent), to adopt

and waive reading of the text of the resolution in item 11.1 as follows:

RESOLUTION NO. 27781 ENTITLED:
RESOLUTION OF THE COUNCIL AUTHORIZING THE INTERIM CHIEF FINANCIAL OFFICER TO EXECUTE AGREEMENTS WITH THE STATE BOARD OF EQUALIZATION FOR IMPLEMENTATION OF A LOCAL TRANSACTIONS AND USE TAX

12. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)

12.1 CORRESPONDENCE FROM HUGH FUTRELL CORPORATION REGARDING MUSEUM ON THE SQUARE RESIDENTIAL ACCESS TO THE TRANSIT MALL

[4:48:55 PM](#) **13. MAYOR'S/COUNCILMEMBERS' REPORTS**

Motion by Councilmember Jacobi, seconded by Vice Mayor Wysocky, **Motion Dies** on a 3-3 1 vote (Mayor Gorin, Vice Mayor Wysocky and Councilmember Jacobi voting no and Councilmember Vas Dupre being absent) to reconsider the Density Bonus Ordinance as acted upon at the last Council Meeting

Motion by Councilmember Jacobi, seconded by Vice Mayor Wysocky,) to reconsider the Hwy. 101 Bicycle and Pedestrian Bridge Feasibility Study, Funding Agreement and Benefit Findings acted upon at the last City Council Meeting.

City Manager Millison reviewed Council's previous action taken on this matter.

PUBLIC COMMENT

The following persons spoke in favor of not reconsidering the vote:

[4:55:18 PM](#) DEBORAH FUDGE – Commented on the progress SMART is making regarding a rail station at Guerneville Rd. and encouraged the Council to let the current vote stand.

[4:58:41 PM](#) NICA POZNANOVICH

[5:01:13 PM](#) DAVE BERTO

[5:04:29 PM](#) WILLARD RICHARDS

[5:07:17 PM](#) MICHAEL ERNISE

[5:08:13 PM](#) THOMAS BALMER

[5:10:08 PM](#) ANNE SEELEY

[5:11:15 PM](#) CHRISTINE CULVER. She also thanked leaving Councilmembers for their service to the City..

[5:13:39 PM](#) ERIC CONVERSE

[5:15:33 PM](#) CYNTHIA SPIGARELLI

[5:16:58 PM](#) SILLEE FLEISCHER

[5:18:29 PM](#) TOM HELM

[5:19:10 PM](#) BARBARA MOULTON

[5:20:53 PM](#) LARRY HAENEL

[5:23:29 PM](#) KATHY POZNANOVICH.

[5:24:52 PM](#) TOM BAHNING

[5:26:24 PM](#) TOM KUHN

[5:28:54 PM](#) JULIE COMBS

[5:30:27 PM](#) DAVID EBRIGHT

[5:32:41 PM](#) WILLIAM KRUSE

[5:34:07 PM](#) MATT CALLANAN

[5:35:14 PM](#) BRETT GAVE

[5:36:54 PM](#) KEVIN GILLERAN

[5:39:07 PM](#) GENEVIEVE NAVAR

[5:41:08 PM](#) KAREN MACKEN

[5:43:20 PM](#) JULIE CHASEN

[5:47:41 PM](#) JESSICA JONES

[5:50:00 PM](#) RICHARD CANINI

[5:52:13 PM](#) DOUGLAS MESSENGER

The following person spoke in support of reconsideration:

[5:45:18 PM](#) BARBARA BEHNKE – in support of reconsideration.

[5:57:12 PM](#) Council discussion ensued regarding the proposed motion..

Council considered the **MOTION MADE** which was:

Motion by Councilmember Jacobi, seconded by Vice Mayor Wysocky,) **Motion Dies** on a 3-3-1 vote (Mayor Gorin, Vice Mayor Wysocky and Councilmember Jacobi voting no and Councilmember Vas Dupre being absent) to reconsider the Council Action taken at the November 30, 2010 City Council Meeting regarding the Hwy.101 Bicycle and Pedestrian Bridge Feasibility Study, Funding Agreement and Benefit Findings

[6:26:14 PM](#) Council took a 5 minute recess.

[6:38:58 PM](#) **Continued Councilmember Reports.**

City Councilmembers commented on various meetings and events they had attended.

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

15. COUNCIL REORGANIZATION

15.1 [6:46:57 PM](#) **RESOLUTION – ADOPTING RESULTS OF THE GENERAL MUNICIPAL ELECTION OF NOVEMBER 2, 2010, REGARDING THE ELECTION OF CITY COUNCIL MEMBERS**

PUBLIC COMMENT

[6:48:18 PM](#) – NICHOLAS BAKER made complimentary remarks to those Councilmembers leaving office.

MOVED by Councilmember Sawyer, seconded by Councilmember Oliveras, carried 6-0-1 (Councilmember Vas Dupre being absent), to adopt and waive reading of the text of the resolution in item 15.1 as follows:

RESOLUTION NO. 27782 ENTITLED:

RESOLUTION OF THE COUNCIL ADOPTING RESULTS OF THE GENERAL MUNICIPAL

ELECTION OF NOVEMBER 2, 2010,
REGARDING THE ELECTION OF CITY COUNCIL MEMBERS

15.2 [6:51:14 PM](#) **COMMENTS BY OUTGOING COUNCILMEMBERS**

Councilmember Bender made parting comments.

Councilmember Jacobi thanked her family for their support and patience.

Councilmember Olivares thanked the outgoing Councilmembers for their service.

Councilmember Sawyer thanked the outgoing Councilmembers for their service.

City Manager Millison commented on how it has been a pleasure to work with those councilmembers that are leaving office.

PUBLIC COMMENT

[7:02:47 PM](#) JANET CONDRON thanked Councilmember Bender for her service on the City Council.

[7:06:42 PM](#) OSCAR CHAVEZ thanked Councilmembers Jacobi and Bender for their service on the City Council.

[7:08:26 PM](#) BOB FLORES thanked Councilmember Bender for her service on the City Council.

[7:09:16 PM](#) JACK THOMAS thanked the outgoing Councilmembers for their service on the Council, congratulated Susan Gorin for being re-elected and thanked Councilmember Jacobi for her advocacy over the years. He concluded by thanking Councilmember Bender for her support and noted her accomplishments.

[7:15:46 PM](#) STEVE VELASQUEZ thanked outgoing Councilmembers for their service.

[7:17:51 PM](#) ELLEN BAILEY thanked the current and outgoing Councilmembers for their service on the Council.

[7:21:38 PM](#) GAIL AHLAS thanked Council for their service to Santa Rosa and stated her appreciation of Jane Bender.

[7:23:41 PM](#) TONI ABRAHAM thanked the outgoing Council for their service.

[7:24:08 PM](#) DONNA ZAPATA thanked the outgoing City Councilmembers for their service.

[7:25:41 PM](#) ANNE SEELEY thanked the outgoing City Councilmembers for their service to the City.

[7:27:50 PM](#) ERIN CARLSTROM thanked the outgoing Councilmembers for their service to the City.

15.3 [7:33:53 PM](#) ADMINISTRATION OF OATH OF OFFICE TO NEWLY ELECTED COUNCILMEMBERS AND PRESENTATION OF CERTIFICATES OF ELECTION AND SEATING OF THE NEWLY ELECTED COUNCILMEMBERS

Interim City Clerk Gayle Petersen swore in the newly elected Councilmembers.

15.4 [7:39:02 PM](#) SELECTION OF MAYOR AND VICE MAYOR

Motion by Councilmember Sawyer, seconded by Councilmember Wysocky, **carried on a 6-0-1 vote** (Councilmember Vas Dupre absent) to select **Councilmember Olivares as Mayor**.

Motion by Councilmember Bartley, seconded by Councilmember Sawyer, **carried on a 6-0-1 vote** (Councilmember Vas Dupre absent) to select **Councilmember Ours as Vice Mayor**.

[7:42:39 PM](#) Remarks by incoming new Councilmembers.

Mayor Olivares made incoming remarks regarding his plan for the future of Santa Rosa.

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

17. PUBLIC COMMENTS ON NON-AGENDA MATTERS

[7:52:20 PM](#) AI CHU WU addressed the City Council regarding Tzu Chi and the benefits it can bring the City.

[7:56:54 PM](#) PEGGY HSIEH addressed the City Council regarding Tzu Chi and the benefits it can bring to the City.

[7:59:26 PM](#) MIRIAM GERVIRTZ addressed the Council thanking the outgoing members of the City Council and noted problems in Southeast Montgomery Village including criminal activities. She also spoke regarding the quality of life in her neighborhood.

[8:03:33 PM](#) DONNA ZAPATA thanked the Mayor for his service to our community and congratulated him on being selected Mayor.

[8:04:15 PM](#) MARCOS SUAREZ, incoming President of the Hispanic Chamber of Commerce, spoke regarding the ongoing support of the Council.

[8:05:21 PM](#) STEVE VELASQUEZ congratulated Ernesto Olivares on being selected Mayor.

[8:06:33 PM](#) BOB FLOREZ congratulated the new Councilmembers, the entire Council and Ernesto Olivares for being selected Mayor.

18. [8:07:14 PM](#) ADJOURNMENT OF MEETING

Hearing no further business, Mayor Olivares adjourned the meeting at 8:07 p.m. The next regularly scheduled meeting will take place on December 14, 2010, at a time to be set by the Mayor.

Approved on: December 14, 2010

Gayle Petersen
Interim City Clerk