

**SANTA ROSA CITY COUNCIL MEETING MINUTES
TUESDAY, FEBRUARY 1, 2011
COUNCIL CHAMBER, CITY HALL, 100 SANTA ROSA AVENUE
REGULAR MEETING**

**3:15 P.M. (MAYORS CONFERENCE ROOM,
ROOM 10)**

1. CALL TO ORDER AND ROLL CALL

Mayor Olivares called the meeting to order at 3:17 p.m. Council Members present: Mayor Olivares, Vice Mayor Ours, Council Members Bartley, Gorin, Sawyer and Wysocky.

Council Member VasDupre arrived at 3:22 p.m.

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 – There were no comments.

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).

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

4. ANNOUNCEMENT OF ROLL CALL [4:01:45 PM](#)

Council Members were present as noted above.

5. REPORT, IF ANY, ON STUDY AND CLOSED SESSION(S)

No action was taken during Closed Session.

6. PROCLAMATIONS/PRESENTATIONS

6.1 PRESENTATION - THANKING FORMER BOARDS & COMMISSIONS MEMBERS FOR SERVICE [4:02:22 PM](#)

Certificates were presented to those Board and Commission Members present who have served out their terms or would be stepping down from their respective Board or Commission February 1, 2011.

The City Council thanked all Board and Commission Members for their service to the community.

7. STAFF BRIEFINGS

7.1 PRESENTATION OF PRELIMINARY WHOLESAL WATER RATE INCREASE FOR 2011/12 [4:07:58 PM](#)

City staff reviewed the calculation formula for the wholesale pass through rate which will go into effect in July 2011 for Santa Rosa water customers based on the Sonoma County Water Agency (SCWA) wholesale water rate increase. SCWA staff reviewed SCWA's 2010 water sales, the preliminary 2011/12 operating expenses and sub-charges and the proposed water rate increase for the fiscal year 2011/12.

PUBLIC COMMENT

Duane DeWitt addressed the City Council regarding water rates and usage.

Peter Tscherneff commented on how water rates are not always applied fairly.

8. APPROVAL OF MINUTES – None

9. A MAYOR'S/COUNCIL MEMBERS' REPORTS [4:34:10 PM](#)

PUBLIC COMMENT

Duane DeWitt addressed the City Council regarding a recent MTC meeting and discussed priority development areas in Santa Rosa as well as funding opportunities.

1. STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS – There were none.

No statements of abstention were made.

2. REPORTS BY COUNCIL MEMBERS REGARDING VARIOUS AGENCY MEETINGS ATTENDED (IF NEEDED)

- Sonoma County Transportation Authority (SCTA)
- Sonoma County Water Agency (SCWA)
- Solid Waste Advisory Group (SWAG)
- Other

9. B CITY MANAGER'S/CITY ATTORNEY'S REPORTS [4:38:26 PM](#)

10. CONSENT ITEMS [4:44:50 PM](#)

MOVED by Vice Mayor Ours, seconded by Council Member Wysocky, carried unanimously, to adopt the motion and adopt and waive reading of the text of the resolutions in items 10.1 and 10.2 and the ordinance in 10.3 as follows:

10.1 RESOLUTION - AMENDMENT TO THE CITY CLASSIFICATION AND SALARY PLAN TO MODIFY THE SALARY RANGES FOR THE CLASSIFICATIONS OF ASSISTANT CITY MANAGER AND CHIEF FINANCIAL OFFICER

This resolution, recommended by the Human Resources Department, amends the City's Classification and Salary Plan and modifies the salary range of the Assistant City Manager to \$11,280 - \$14,110 per month and the Chief Financial Officer salary range to \$10,255 - \$12,830 per month. Funds for these salary changes are included in the FY 2010/11 budget approved by

Council on June 17, 2010. No additional funds are required.

PUBLIC COMMENT

Jack Osborne questioned whether these salaries were negotiated. He also questioned how they were established.

RESOLUTION NO. 27813 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING THE CITY CLASSIFICATION AND SALARY PLAN TO MODIFY THE SALARY RANGES FOR CLASSIFICATIONS OF ASSISTANT CITY MANAGER AND CHIEF FINANCIAL OFFICER AND AUTHORIZING THE CITY MANAGER TO IMPLEMENT THESE CHANGES.

10.2 RESOLUTION - ADOPTING A TICKET AND PASS DISTRIBUTION POLICY

This resolution, recommended by the City Clerk's Office, adopts City Council Policy No. 000-60 entitled: Ticket and Pass Distribution Policy, which complies with required Fair Political Practices Commission regulations and designates the City Manager or his/her designee, the authority to distribute any tickets and passes in accordance with this policy.

PUBLIC COMMENT

Jack Osborne commented on how these gifts should be considered as compensation.

RESOLUTION NO. 27813 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA, CALIFORNIA ADOPTING A TICKET AND PASS DISTRIBUTION POLICY.

10.3 ORDINANCE ADOPTION - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE – SECTION 20-42.160 – FILE NUMBER SRC-X-20

This ordinance, introduced at the January 25, 2011, Regular Meeting, amends Title 20 of the Santa Rosa City Code Section 20-42.160 – File Number SRC-X-20 – Sidewalk Cafes.

ORDINANCE NO. 3962 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE – SECTION 20-42.160 – FILE NUMBER SRC-X-20

11. REPORT ITEMS

11.1 REPORT -- ACCEPTANCE OF MATCHING GRANT, ACQUISITION OF REAL PROPERTY LOCATED AT 1027 MCMINN AND 1360 MCMINN, AND AGREEMENT CONVEYING A CONSERVATION EASEMENT WITH THE SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT FOR ROSELAND CREEK COMMUNITY PARK AND TRAIL – MCMINN/BURBANK PROPERTIES (PHASE 1B) [4:49:24 PM](#)

BACKGROUND: This resolution would authorize the acceptance of a matching grant from the Sonoma County Agricultural Preservation and Open Space District (District), acquisition of property located at 1027 McMinn Avenue and 1360 Burbank Avenue for use as part of the Roseland Creek Community Park and Trail, and conveyance of a conservation easement over 1027 McMinn Avenue and 1360 Burbank Avenue (Roseland Creek Community Park and Trail McMinn/Burbank Properties (Phase 1B)) to the District.

RECOMMENDATION: It is recommended by the Recreation, Parks & Community Services Department that the Council, by resolution, accept a matching grant and enter into the matching grant agreement, approve the acquisition of 1027 McMinn Avenue and 1360 Burbank Avenue for use as a portion of the Roseland Creek Community Park and Trail, and enter into an agreement conveying a conservation easement with the Sonoma County Agricultural Preservation and Open Space District for the property at 1027 McMinn Avenue and 1360 Burbank Avenue, also known as Roseland Creek Community Park McMinn/Burbank (Phase 1B).

Marc Richardson, Director of Recreation, Parks & Community Services made the staff presentation.

PUBLIC COMMENT

Jack Osborne addressed the Council regarding the issue of liquidated damages.

Fred Krueger addressed the Council in support of the proposal, urging the need for a natural park.

Duane Dewitt addressed the Council in support of a natural park.

Bill Haluzak addressed the Council in support of the proposed park and urged them to maintain a natural feel to the park.

Larry Hansen addressed the Council in support of the proposal, advocating for a natural environment. He also stated his support for the Bicycle Master Plan which would enhance the area.

Craig Lawson, Chair, Board of Community Services spoke in favor of the proposal before the Council.

MOVED by Council Member Sawyer **seconded** by Council Member Vas Dupre, **carried unanimously**, to adopt:

RESOLUTION NO. 27814 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ACCEPTING A MATCHING GRANT FROM THE SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT, APPROVING ACQUISITION OF THE REAL PROPERTY LOCATED AT 1027 MCMINN AVENUE AND 1360 BURBANK AVENUE AND APPROVING AN AGREEMENT CONVEYING A CONSERVATION EASEMENT OVER 1027 MCMINN AVENUE AND 12360 BURBANK AVENUE

***11.2 REPORT - RECOMMENDATION OF THE COUNCIL AD HOC COMMITTEE TO CONSIDER THE FEASIBILITY OF LOCATING A STATE OF CALIFORNIA CRIMINAL COURTHOUSE IN DOWNTOWN SANTA ROSA ON CITY OWNED SITES (Council acted on January 25, 2011 to add this item to the Feb. 1, 2011 agenda for discussion.) [5:30:55 PM](#)**

BACKGROUND: The State of California has selected Santa Rosa as the Sonoma County City to locate a Criminal Courthouse Building. An audit of the existing facility conducted by the State found

that the building was overcrowded and posed security risks.

In 2008, a Site Selection Committee was formed by the State Courts to consider sites in Santa Rosa and several Downtown locations were reviewed. In 2009, the State was attracted to the Post Office property but determined that negotiations with the Post Office to consider the disposition of their property and possible relocation of their distribution and retail service did not meet the development timeline for the Courts. The Courts then focused their attention to develop another Courthouse at the County Administrative Complex or alternatively, a business park in Santa Rosa. Neither of those sites were directly controlled by the City of Santa Rosa and no further review or action was taken by City staff or the City Council.

In 2010, the Courts expressed an interest to reconsider downtown locations, such as the possibility of City owned parking lots located at the corner of Ross and B Streets, and E Street between 2nd and 3rd Streets, more commonly referred to as the Whitehouse site. The State asked if the City would consider submitting a proposal and, at the City Manager's request, the Mayor appointed a Council ad-hoc subcommittee comprised of Vice Mayor Ours and Council Members Sawyer and Gorin to consider the feasibility of submitting an offer.

RECOMMENDATION: It is recommended by the Council Ad Hoc Committee, that the Council, by motion, not submit a proposal to the State of California to locate a Criminal Courthouse in Downtown Santa Rosa, and instead, direct staff to contact the County to discuss ways the City and County may collaborate on their efforts to secure a successful State Courthouse location in Santa Rosa at the County Administration Complex.

David Gouin, Director of Economic Development and Housing made the staff presentation and elaborated on parking issues.

City Council discussion ensued regarding what might be required if the courthouse were to be located in the downtown, i.e. building height and parking requirements, with some Council Members being in support of staff's recommendation and others indicating they would like to see a greater effort to try to locate a site in the downtown area.

Mr. Gouin confirmed that the Site Selection Committee wants to consider any and all proposals in June.

PUBLIC COMMENT:

Jack Osborne spoke in support of the proposal to place a court house in downtown.

Peter Tscherneff spoke regarding the merits of having a court house in the downtown.

Willard Richards indicated any office building in the downtown would not be active 24/7. He also commented on parking issues and indicated he supports a courthouse in the downtown.

Joanna Schaefer agreed with staff's recommendation and also noted possible parking issues.

City Council discussion continued regarding the staff recommendation to not submit a proposal. Again, some Council Members supported looking further into locating a site, noting it is incumbent that the Council respond in order to spur development in the downtown.

The majority of Council was in support of staff's recommendation and the following motion was made:

MOVED by Vice Mayor Ours, **seconded** by Council Member Sawyer, **carried on a 4-3 vote** (Council Members Gorin, Wysocky and Vas Dupre voting NO) to support staff's recommendation to not submit a proposal to the State of California to locate a Criminal Courthouse in Downtown Santa Rosa; and to direct staff to contact the County to discuss ways the City and County may collaborate on their efforts to secure a successful State Courthouse location in Santa Rosa at the County Administration Complex.

***11.3 REPORT - GOVERNOR BROWN'S PROPOSAL TO ELIMINATE REDEVELOPMENT AGENCIES [6:09:48 PM](#)**

In order for the City Council to consider this item on the agenda, the following MOTION was made:

MOVED by Council Member Bartley, **seconded** by Council Member Gorin, **carried unanimously**, to add this item to the City Council Agenda for discussion.

BACKGROUND: Governor Brown's Budget Summary, released Monday, January 10, includes a proposal to eliminate all local redevelopment agencies and dismantle local property tax increment financing as part of an effort to close the State's \$25 Billion budget deficit. The proposal would disestablish all redevelopment agencies statewide effective July 1, 2011, and establish yet to be defined successor agencies charged with using the property taxes that redevelopment agencies would otherwise have received to retire debts and all contractual obligations in accordance with existing payment schedules.

In addition, urgency legislation may be introduced that may immediately prohibit redevelopment agencies from incurring any further debt or contractual obligations. According to the proposal, in FY 2011-12, property tax increment remaining after payment of agency obligations would be used primarily to pay State General Fund costs for Medicaid and trial courts. A small portion would be distributed to cities, counties and special districts. Beginning in FY 2012-13, amounts remaining after payment of pre-existing obligations would theoretically be distributed to cities, counties, special districts and schools in amounts proportionate to their share of the base county-wide property tax.

The proposal would also transfer amounts currently held in redevelopment agencies' low and moderate income housing funds to local housing authorities. It is unclear whether this transfer would apply only to current balances or include future allocations of property tax increment.

Finally, to replace property tax increment financing, the proposal would send a constitutional amendment to the voters to authorize cities and counties to pledge amounts raised through a tax override (apparently not including property taxes), to assist development projects similar to those now assisted by redevelopment agencies, if approved by 55% of the voters.

RECOMMENDATION: It is recommended by the Department of Economic Development and Housing that the Council, by motion, direct City Council and/or staff to oppose any proposal from the Governor or Legislature to eliminate

Redevelopment Agencies and actively advocate that policy position.

David Gouin, Director of Economic Development and Housing made staff presentation.

Council Member Vas Dupre left the Council Chambers at 6:15 p.m. and returned at 6:25 p.m.

PUBLIC COMMENT: [6:25:37 PM](#)

Jack Osborne stated if the City is opposed to the Governor's proposal, he would suggest the Council make a suggestion as to where the money should be taken from.

Duane DeWitt supports maintaining RDA funds indicating there needs to be more community input

Richard Canini spoke in favor of the Governor's proposal.

James Bennett supported the Governor's proposal.

Kay Tokerud supported Governor Brown's proposal.

Anne Seeley commented on the lack of public knowledge about RDA benefits to the City and indicated that sometimes RDA funds provide matching dollars for state and federal grants.

Joanna Schaefer supported the Governor's proposal with giving some back but not all. She noted Cities need to get behind the Gov. and find a solution.

Michael Hilber supported the Governor's proposal.

John Lowry supported staff's recommendation.

Rachel Bell supported the Governor's proposal.

John Jenkel addressed the Council in support of the Governor's proposal.

City Council discussion ensued regarding how complicated Redevelopment Agency Funding/issues are. Most Council Members supported staff's recommendation as a first step in the process. All noted that there is a lack of public knowledge regarding how Redevelopment Agency Funds are spent.

City Council Members commented on the need for more public information and the benefit Redevelopment Agency Funds provides to the City.

Discussion ensued regarding the possible modification of the MOTION to include some kind of compromise as well as the need for a joint meeting with the Redevelopment Agency to inform the public about Redevelopment Agency funding issues.

MOVED by Council Member Bartley, **seconded** by Council Member Sawyer, **carried on a 6-1 vote** (Council Member Wysocky voting NO), to direct City Council Members and/or staff to oppose any proposal from the Governor or Legislature to eliminate Redevelopment Agencies and to actively advocate that policy position.

Recess [7:13:22 PM](#)

5:00 P.M.

11.4 PUBLIC HEARING – MITIGATED NEGATIVE DECLARATION AND ASSOCIATED GENERAL PLAN AMENDMENTS AND ADOPTION OF DRAFT 2010 BICYCLE AND PEDESTRIAN MASTER PLAN UPDATE [7:27:47 PM](#)

BACKGROUND: The Bicycle and Pedestrian Master Plan (BPMP) serves as a road map for a systematic plan of implementation of pedestrian and bicycle infrastructure citywide. Pursuant to State law and regional regulations, the City is required to update its Bicycle and Pedestrian Master Plan (BPMP) every five years in order to be eligible to receive State Article III, Transportation Development Act funds and other regional and federal funding. The purpose of this hearing is to provide an overview of the 2010 BPMP, the Initial Study/Mitigated Negative Declaration, associated General Plan amendments, and Downtown Station Area Specific Plan Amendments, and to receive public comment on the 2010 BPMP prior to the Council taking action.

General Plan Amendments are considered three times per year in accordance with General Plan policy. This agenda item proposes General Plan amendments to Figure 5-2, and text in Section 5-6, and a Downtown Station Area Plan amendment to Figure 6-4.

RECOMMENDATION: It is recommended by the Transit Department that the Council, following close of the public hearing, by three resolutions; 1)

adopt the Initial Study/Mitigated Negative Declaration for the 2010 Bicycle and Pedestrian Master Plan, 2) amend the 2035 General Plan, Downtown Station Area Plan, and 3) adopt the 2010 Bicycle and Pedestrian Master Plan.

Fabian Favila, Transit Planner, made the staff presentation.

City Council discussion ensued regarding various aspects of the plan.

PUBLIC HEARING

Mayor Olivares **opened the public hearing.**

Mike Montague voiced concerns about the plan and urged a vote NO on Class II Bike Lanes.

Duane DeWitt commented on the Roseland Creek unpaved bike path.

Wally Schilpp supported staff's recommendation and read a letter into the record from Bob Chapman, Pres., Oakmont Village Association.

Dan Galvin, Attorney, asked that the Council consider removing Route 231 from the plan.

Joseph LaViegna asked that the Council exclude Route 231...

Sam Guerrero asked that the Council exclude Route 231.

William McClintock asked that the Council exclude Route 231.

Larry Lakes asked that the Council remove Route 231 and supported alternate Route 12.

Terrence Wadsworth asked that the Council exclude Route 231.

Janet Condron indicated her support for the Class III shared road concept and indicated West Sixth should be left at Class III.

Allen Thomas indicated his support for the West End neighborhood and traffic calming. He urged Council to remove the Class II designation on W. Sixth.

Charlotte Thomas commented on parking issues on Pierson and West Sixth Streets.

Lea Barron-Thomas stated concerns with Class II on Sixth and West Sixth Street. He stated Council

should leave W. Sixth & Sixth Street alone and urged a NO to Class II.

Michael Fontaine spoke in opposition to the Plan, supported a Class III designation and not a Class II. He urged the Council to send the matter back to the Pedestrian & Bicycle Advisory Board.

Ky Boyd spoke in opposition to the plan indicated support for a Class III designation.

Betsy Hall spoke in opposition to Class II on Sixth Street.

Jennifer Watson spoke in opposition to Class II and in favor of Class III.

Barbara Moulton, speaking as an individual, urged adoption of the Plan.

Bob Gaiser indicated he generally supports the plan.

Jenny Bard urged the Council to set targets for how many people will be walking and cycling; to include language for climate change, and to increase access to transit. She concluded by indicating Chapter 6 that was omitted is important, and encouraged its completion.

Christine Culver supported the proposed plan.

John Jenkle supported bicycle and pedestrian travel and urged a crossing over the Laguna de Santa Rosa.

Vicky Duggan indicated the leaving in or taking out of the Wild Oak route has not been discussed.

Hearing no further requests to speak the **Mayor Olivares closed the public hearing.**

The City Attorney strongly disagreed with how the Oakmont issue was represented and indicated it was appropriate to keep it in the Master Plan.

City Council discussion ensued regarding parking and right-of-way acquisition issues.

This Item will be brought back to the City Council on February 15, 2011 after Council has reviewed the Negative Declaration for discussion and/or action.

12. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION) [9:32:29 PM](#)

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

14. PUBLIC COMMENTS ON NON-AGENDA MATTERS

Rachel Bell spoke regarding martial law and the lawsuit against John Jenkel.

John Jenkel spoke regarding the death of his horse and unconstitutional wars.

15. ADJOURNMENT OF MEETING [9:39:40 PM](#)

Hearing no further business, Mayor Olivares adjourned the meeting at 9:40 p.m. The next regularly scheduled meeting will take place February 15, 2011, at a time to be set by the Mayor.

Approved on:

Gayle Petersen
Acting City Clerk