

**SANTA ROSA CITY COUNCIL REGULAR MEETING  
AND JOINT MEETING OF THE CITY COUNCIL/PLANNING  
COMMISSION MINUTES  
TUESDAY, MARCH 29, 2011  
COUNCIL CHAMBER, CITY HALL, 100 SANTA ROSA AVENUE  
REGULAR MEETING**

**2:15 P.M. (MAYORS CONFERENCE ROOM,  
ROOM 10)**

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

Mayor Olivares called the meeting to order at 2:15 p.m. Council Members present: Mayor Olivares, Vice Mayor Ours, Council Members Bartley, Gorin, Sawyer, Vas Dupre and Wysocky. (Council Member Vas Dupre arrived at 2:25 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 – There was none.

**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 – ANTICIPATED LITIGATION.** Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54946.9.

One potential case re: removal of abandoned underground storage tank – 545 Fourth Street.

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

**2:45 PM (CITY COUNCIL CHAMBER)**

**JOINT MEETING OF THE CITY COUNCIL AND PLANNING COMMISSION**

[2:53:30 PM](#)

**3. ANNOUNCEMENT OF ROLL CALL**

Council Members were present as noted above.

All Planning Commissioners were present with the exception of Commissioner Poulsen.

**3.1 ANNUAL REVIEW OF THE GENERAL PLAN AND GROWTH MANAGEMENT AND HOUSING ALLOCATION PLAN ORDINANCES** [2:54:27 PM](#)

Lisa Kranz, Supervising Planner, made the presentation to the City Council and Planning Commission indicating each year, the Planning Commission and City Council review the General Plan, consistent with state planning and zoning law. The study session will allow time to cover General Plan actions in 2010, housing needs information, as well as to review the operation of the Growth Management program and the Housing Allocation Plan over the last year.

**PUBLIC COMMENT:** None.

ADJOURN CITY COUNCIL/PLANNING COMMISSION JOINT STUDY SESSION [3:25:06 PM](#)

RECONVENE CITY COUNCIL STUDY SESSION [3:34:01 PM](#)

**3.2 PROPOSED TAXICAB ORDINANCE**

Study session regarding an ordinance to govern and regulate the operations of taxicab businesses and vehicles working in the City of Santa Rosa.

Lt. Jerry Soares, Police Dept., gave the staff presentation. Cheryl Woodward, Transit Department, spoke to the location of the Taxi Cab Stands. Manny Silverio, Finance, addressed the financial aspects of the proposed franchise fee.

City Council expressed concerns with the costs associated with the proposed franchise fee, commenting they may be high. Council was generally supportive of a proposed Taxi Cab Ordinance to be brought back to the Council for full discussion and possible action. [4:09:24 PM](#)

**4:00 P.M. (CITY COUNCIL CHAMBER) [4:19:16 PM](#)**

4. ANNOUNCEMENT OF ROLL CALL
5. REPORT, IF ANY, ON STUDY AND CLOSED SESSION(S)

The City Attorney stated there was no reportable action on Closed Session Item 2.1, but the Council voted 6-1 (Council Member Wysocky voting NO) to approve a settlement agreement with Exchange Bank to accept the sum of \$13,692.05 as additional payment for remediation costs incurred for removal of an underground storage tank and agreement that Exchange Bank will undertake any additional remediation required by any regulatory agency. No further action was taken on Item 2.2.

6. **PROCLAMATIONS/PRESENTATIONS --** None
7. **STAFF BRIEFINGS -** None
8. **APPROVAL OF MINUTES –** March, 15, 2011 Regular City Council Meeting – The Minutes were approved as submitted.

**9.A MAYOR'S/COUNCILMEMBERS' REPORTS**

**1. STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS**

Council Member Bartley noted he will be abstaining from action on Item 11.2, Elnoka Appeal Hearing, based on advice from the City Attorney since he was a Planning Commissioner at the time this issue was heard at that level.

2. **MAYOR/COUNCILMEMBERS' REPORTS** [4:27:35 PM](#)
3. **REPORTS BY MAYOR/ COUNCILMEMBERS REGARDING VARIOUS AGENCY MEETINGS ATTENDED (IF NEEDED) [4:27:43 PM](#)**

- 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 [4:41:22 PM](#)**

**PUBLIC COMMENT**

**Jack Osborne** spoke indicating the video recording of the last Council meeting cut off public comments in the middle of the meeting. He noted the City Council Minutes are not up to date on the City's website; and concluded by stating he does not feel there is enough explanation of items in the staff reports.

**Elizabeth Gatley** spoke in opposition to spending additional monies on traffic lights.

**Peter Tscherneff** addressed Council regarding censorship, Smart Meters, cobrahead street lights, and Santa Rosa's bidding process.

**MOVED** by Vice Mayor Ours, **seconded** by Council Member Sawyer, **carried unanimously**, to adopt the motion and adopt and waive reading of the text of the resolutions in items 10.1 through 10.6 as follows:

**10.1 MOTION- CONTRACT AWARD – COBRAHEAD INDUCTION STREETLIGHTS**

This motion, recommended by the Finance and Public Works Departments, authorizes the contract award and issuance of a purchase order for six hundred (600) Cobrahead Induction Streetlights to the lowest responsive and responsible bidder, JAM Services, Livermore, California, in the total amount of \$158,794.88. Funding for this purchase is allocated in the Public Works Department JL Key Number: 001410-5341/17425-00, Street Light Efficiency Project 09ARRA Purchase.

**10.2 RESOLUTION - TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE III GRANT APPLICATION FOR FISCAL YEAR 2011/2012**

This resolution, recommended by the Transit Department, approves the request to the Metropolitan Transportation Commission (MTC) for Transportation Development Act Article III funds for

the Humboldt Street Bike Boulevard Traffic Calming project, Pedestrian Flasher on Hearn Avenue and Old Stony Point Road, and the rehabilitation of the Brush Creek Class I path, and authorizes the Director of the Transit Department to file the application and other required documents for requesting and executing the allocation of funds.

**RESOLUTION NO. 27853 ENTITLED:**  
RESOLUTION OF THE CITY OF SANTA ROSA REQUESTING THE ALLOCATION OF FISCAL YEAR 2010-11 TRANSPORTATION DEVELOPMENT ACT, ARTICLE III PEDESTRIAN/BICYCLE PROJECT FUNDING FROM THE METROPOLITAN TRANSPORTATION COMMISSION.

**10.3 RESOLUTION - ACCEPTANCE OF PROPOSITION 1B FUNDS FROM CALIFORNIA TRANSIT SECURITY GRANT PROGRAM – CALIFORNIA TRANSIT ASSISTANCE FUND**

This resolution, recommended by the Transit Department, 1) authorizes the submittal of an application to the California Emergency Management Agency (CalEMA) requesting \$25,113 from the California Transit Security Grant Program-California Transit Assistance Fund (CTSGP-CTAF) to purchase and install safety and security enhancements at transit centers in Santa Rosa, and 2) appoints the Transit Director as the authorized agent to execute any actions necessary for this application, the acceptance of these funds, compliance with this grant program, and the completion of the project.

**RESOLUTION NO. 27854 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING AN APPLICATION TO THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY'S CALIFORNIA TRANSIT SECURITY GRANT PROGRAM, CALIFORNIA TRANSIT ASSISTANCE FUND (CTSGP-CTAF), AND AUTHORIZING THE DIRECTOR OF THE TRANSIT DEPARTMENT TO EXECUTE FOR AND ON BEHALF OF THE CITY OF SANTA ROSA ANY ACTIONS NECESSARY FOR THE PURPOSE OF OBTAINING FINANCIAL ASSISTANCE PROVIDED BY THE GOVERNOR'S OFFICE OF HOMELAND SECURITY.

**10.4 RESOLUTION - ANNUAL REVIEW OF THE GENERAL PLAN AND THE GROWTH MANAGEMENT AND HOUSING ALLOCATION PLAN ORDINANCES**

This resolution, recommended by the Community Development Department, authorizes the City Council to receive a report regarding the Annual Review of the General Plan and the Growth Management and Housing Allocation Plan Ordinances.

**RESOLUTION NO. 27855 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA RECEIVING A REPORT REGARDING THE ANNUAL REVIEW OF THE CITY'S GENERAL PLAN AND THE GROWTH MANAGEMENT AND HOUSING ALLOCATION PLAN ORDINANCES.

**10.5 RESOLUTION - PROFESSIONAL SERVICES AGREEMENT - NORTH SANTA ROSA STATION AREA SPECIFIC PLAN**

This resolution, recommended by the Department of Community Development, authorizes the mayor to sign the Agreement for Professional Services with Pacific Municipal Consultants (PMC) for preparation of the North Santa Rosa Station Area Specific Plan and Environmental Impact Report.

**RESOLUTION NO. 27856 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT FOR PROFESSIONAL SERVICES WITH PACIFIC MUNICIPAL CONSULTANTS FOR PREPARATION OF THE NORTH SANTA ROSA STATION AREA SPECIFIC PLAN AND ENVIRONMENTAL IMPACT REPORT, FILE NO. ST10-009.

**10.6 RESOLUTION - ASSESSMENT LIEN AGAINST THE REAL PROPERTY LOCATED AT 592 CHERRYWOOD DR**

This resolution, recommended by the Department of Community Development, confirms the special assessment lien in the amount of \$23,782.58 against the property located at 592 Cherrywood Drive for violations of the City Code that remain uncorrected by the responsible party, Alvaro Vidrio Contreras, and authorizes recording of a lien and placing the assessment on the property tax roll for collection.

**RESOLUTION NO. 27857 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA CONFIRMING THE AMOUNT OF A SPECIAL ASSESSMENT, CONFIRMING AND ORDERING THE RECOVERY OF PENALTIES AND COSTS ASSESSED AND IMPOSED BY THE ADMINISTRATIVE HEARING OFFICER FOR VIOLATIONS OF CITY CODE PROVISIONS OCCURRING ON THE PROPERTY AT 592 CHERRYWOOD DRIVE, SANTA ROSA, A.P.N. 037-215-025, AND ORDERING THE ASSESSMENT BE COLLECTED ON THE TAX ROLL BY THE SONOMA COUNTY TAX COLLECTOR.

## 11. REPORT ITEMS

### 11.1 REPORT -- COUNCIL DIRECTION TO CITY ATTORNEY REGARDING CHARTER REVIEW [5:01:35 PM](#)

BACKGROUND: Section 12 of the City Charter provides that the Charter is to be reviewed in 2002 and then every ten years thereafter. Under Section 12, the next review of the City Charter should be completed no later than 2012. In order for any potential amendments to the Charter to be placed on the November 2012 ballot, the Council would need to take action on the proposed measures no later than August 2012. City Council elections will also be on the ballot in November 2012.

The Council could also elect to review the Charter at an earlier date to be able to place any changes on a ballot prior to November 6, 2012. Possible dates would be November 8, 2011, March 6, 2012 or June 5, 2012 when other County elections would be scheduled.

RECOMMENDATION: It is recommended by the City Attorney that the Council, by motion, provide direction to the City Attorney regarding the timing of when it would like to commence the charter review and target date for election on possible amendments to the Charter.

The City Attorney further recommends that the Council, by motion, provide direction to the City Attorney to proceed as outlined in the staff report to commence the Charter Review Process or provide direction as to any desired changes to the proposed process.

City Attorney Fowler made the staff presentation.

City Council discussion ensued regarding topics the City Council would like to see discussed by a Charter Review Committee, such as the City's Sphere of Influence, whether or not to have a directly elected Mayor, and whether the City would want to consider Council districts.

Council discussed the composition of the proposed Charter Committee, when the process should begin and how many persons a Council Member would appoint to serve on their behalf on the Committee. Council concurred that starting the process in the fall would work best and still allow for enough time to set an election for some time in 2012. It was agreed that there is greater voter turnout during a General Municipal Election, but it would be desirable to avoid creating contentious issues for the candidates during the election.

Further Council discussion ensued regarding the composition of the Charter Review Committee, whether the Committee meetings should be televised and Council's preference to not have a Special Election but to combine it with a state-wide election in June, perhaps, just prior to the General Municipal Election.

## PUBLIC COMMENT

**Jack Osborne** addressed the Council and stated the City Manager should conduct this process on her own and not involve the City Attorney or a committee. He indicated it could be a public process on the Web.

**Anne Seeley** addressed the Council regarding how Mr. Sniff handled the process last time and suggested the Committee should consider the issue of a Local Hire segment in the Charter.

**Peter Tscherneff** addressed the Council regarding government corruption.

**MOVED** by Council Member Vas Dupre, **seconded** by Council Member Bartley, carried, unanimously, to direct the City Attorney to provide a memo to the City Council detailing a process that would ensue in the fall, as well as a proposed budget.

(THE COUNCIL MAY RECESS DURING THE EVENING FOR 30 MINUTES FOR A DINNER BREAK)  
[5:47:21 PM](#)

**Council Member Bartley left the City Council Meeting.**

**5:00 P.M.**

**\*\*11.2 PUBLIC HEARING – ELNOKA VILLAGE ENVIRONMENTAL IMPACT REPORT CERTIFICATION APPEAL [6:12:12 PM](#)**

Council Members declared that they had met with the applicant and appellant but received no new information.

**BACKGROUND:** On January 13, 2011, the Planning Commission adopted a resolution (5-2) certifying the Elnoka Village Final Environmental Impact Report. On January 21, 2011, the Oakmont Village Association filed an appeal of the Planning Commission's decision.

**RECOMMENDATION:** It is recommended by the Planning Commission and the Community Development Department that the City Council hold a public hearing and deny the appeal, and adopt a resolution certifying the Elnoka Village Final Environmental Impact Report.

Erin Morris, Senior Planner, briefly described the item before Council.

**STAFF/APPLICANT PRESENTATION**

Trevor Macenski, City's Environmental Consultant, gave an overview of the project.

Mark Crane, Traffic Consultant, responded to questions from Council.

Chair Patti Cisco gave an overview of the Planning Commission's review of the EIR.

Commissioner Byrd explained his "No" vote (referencing H-A-4) and noted that Chair Cisco's summary of the "No" votes was accurate.

**APPELLANT PRESENTATION**

Jean Kapolchok, representing the appellant, gave a presentation and urged the Council to find the EIR inadequate.

Bob Haroche, Attorney for the appellant, addressed what he feels are inconsistencies in the EIR. He also commented on the neighborhood compatibility analysis which he feels is missing.

Mayor Olivares opened the public hearing.

**PUBLIC HEARING**

**Elizabeth Gatley** spoke in opposition to the proposed project.

**Deborah Tavares** spoke in opposition to the certification of the EIR.

**Steve Birdlebough** spoke in support of the EIR.

**H. Ford Whipple** spoke in opposition to certification of the EIR.

**David Grabill** spoke in support of the EIR.

**Vincent Tristano** spoke in opposition to the certification of the EIR.

**Wally Schilpp** spoke in opposition to the certification of the EIR.

**Liisa Car** spoke in opposition to the certification of the EIR.

[8:15:25 PM](#)

**Ruth Levy** spoke in opposition to the certification of the EIR.

**Richard Cohen** spoke in opposition to the certification of the EIR.

**Kay Tokerud** spoke in opposition to the certification of the EIR.

**Orlean Koehle** spoke in opposition to the certification of the EIR.

**Sally Sweeney** spoke in opposition to the certification of the EIR and in support of senior housing.

**Jaime Stich** spoke in opposition to the certification of the EIR.

**Colleen Fernald** spoke in opposition to the certification of the EIR and in support of senior housing.

**Jennifer Delany** spoke in opposition to the certification of the EIR.

**Scot Stegeman** spoke in support of certification of the EIR.

**John Felton** spoke in opposition to the certification of the EIR.

**Peter Tscherneff** spoke regarding various world issues.

**Bill Mabry** spoke in support of the certification of the EIR.

**Tom Jones**, representing the applicant, spoke in support of the certification of the EIR.

**Patricia Malousch** spoke in opposition to the certification of the EIR.

**Joyce Garcia** spoke in opposition to the certification of the EIR.

**John Jenkle** spoke in opposition to the certification of the EIR.

**Judy Kennedy** spoke in opposition to the certification of the EIR.

**Patrick Van** spoke in support of the certification of the EIR.

**Rod Levy** spoke in opposition to the certification of the EIR.

**Angie Gill** spoke in opposition to the certification of the EIR.

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

[8:50:42 PM](#)

Jean Kapolchok responded to comments made by the public and urged the Council to uphold the appeal filed and deny the certification of the EIR.

Council took a brief recess.

[9:01:57 PM](#)

Trevor Macenski, City's Environmental Consultant, responded to comments made by the public and Council.

Council discussed their options with regard to what they can require of the project once the EIR is certified.

Council further discussed various concerns they had with the proposed EIR. The natural beauty of the Sonoma Valley, the fact that some of the proposed mitigations were not adequate to meet the impacts, and issues of traffic, blocking of views, and the size of the proposed project were discussed.

[9:44:35 PM](#)

**MOVED** by Council Member Gorin, **seconded** by Council Member Sawyer, **carried on a 6-0-1 vote** (Bartley abstaining) to grant the appeal of the Planning Commission's certification of the Elnoka Village Final EIR and to direct staff to revise the document to address the following areas:

- A. Impact AES-1: Revise the impact conclusion to conclude that the proposed project would have a substantial adverse impact on a scenic vista, which is a significant, unavoidable impact unless

feasible mitigation can be identified to reduce impacts to less than significant;

- B. Impact AES-2: Revise the impact conclusion to conclude that the project would block views of scenic resources including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway, which is a significant, unavoidable impact unless feasible mitigation can be identified to reduce impacts to less than significant;
- C. Impact AES-3: Revise the impact conclusion to conclude that the proposed project would change and would substantially degrade the existing visual character or quality of the project site, which is a significant, unavoidable impact unless feasible mitigation can be identified to reduce impacts to less than significant;
- D. Impact LU-2: Revise the impact conclusion to conclude that the proposed project would not be consistent with all applicable provisions of the City of Santa Rosa General Plan, which is a significant, unavoidable impact unless feasible mitigation can be identified to reduce impacts to less than significant;
- E. Conduct further evaluation of the project's transportation impacts; and
- F. Provide additional information regarding the project's design features pertaining to air quality impacts, specifically greenhouse gas emissions.

## 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

### 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** [10:19:29 PM](#)

**Deborah Tavares** addressed the City Council regarding concerns with SMART meters.

**Lou Tavares** addressed the Council regarding the information Deborah Tavares is providing to the Council regarding SMART meters and their effects on persons.

**Colleen Fernald** addressed the City Council regarding war.

**Mary Morrison** addressed the City Council regarding martial law.

**John Jenkel** addressed the City Council regarding various issues including mass murder and world terrorism.

**15. ADJOURNMENT OF MEETING** [10:32:28 PM](#)

Hearing no further business, Mayor Olivares adjourned the meeting at 10:33 p.m. The next regularly scheduled meeting will take place on April 5, 2011, at a time to be set by the Mayor.

Approved on:

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Sara J. Anna  
Interim City Clerk