

**SANTA ROSA CITY COUNCIL MEETING MINUTES
TUESDAY, JULY 19, 2011
COUNCIL CHAMBER, CITY HALL, 100 SANTA ROSA AVENUE
REGULAR MEETING**

**2:00 PM (MAYOR'S CONFERENCE ROOM,
ROOM 10)**

1. CALL TO ORDER AND ROLL CALL

Vice Mayor Ours called the meeting to order at 2:15 p.m. Council Members present: Vice Mayor Ours, Council Members Bartley, Sawyer, and Vas Dupre.

Council Member Wysocky arrived at 2:30 p.m.

Absent: Mayor Olivares and Council Member Gorin.

**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:** None.

**2.1 CONFERENCE WITH LEGAL COUNSEL -
EXISTING LITIGATION**

(Subdivision (a) of Government Code section 54956.9)

Name of Case: Oralee Anderson-Francoise v. County of Sonoma, et al., U.S.D.C. Northern District Court, Case No. C08-00724 WHA

**2.2 CONFERENCE WITH LEGAL COUNSEL -
EXISTING LITIGATION**

(Subdivision (a) of Government Code section 54956.9)

Building Industry Association of the Bay Area f/k/a Home Builders Association of Northern California, Inc. v. City of Santa Rosa, Sonoma County Superior Court Case No. SCV 244441

**2.3 CONFERENCE WITH LABOR
NEGOTIATORS**

Agency Designated Representatives: Fran Elm, Human Resources Director, Chris Sliz, Employee Relations Manager and Jennifer Phillips, Assistant City 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).

**2.4 CONFERENCE WITH LABOR
NEGOTIATOR**

Agency Designated Representative: Kathleen Millison, City Manager.

Unrepresented Executive Management, Middle Management, and Confidential Employees (Employee Units 10, 11 and 12).

The closed session was recessed at 3:15 p.m. and reconvened at 3:49 p.m.

The meeting was recessed at 3:53 p.m. to the regular meeting.

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

3 STUDY SESSION – NONE

4:00 PM (CITY COUNCIL CHAMBER) [4:03:47 PM](#)

Vice Mayor Ours called the meeting to order at 4:03 p.m.

4. ANNOUNCEMENT OF ROLL CALL

Council Members were present as noted above.

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

City Attorney Fowler reported as follows:

Council had met in closed session regarding existing litigation – Building Industry Association of the Bay Area vs. City of Santa Rosa. Council voted 5-0 to appeal the court's decision awarding attorney's fees to the plaintiffs in that case, with Council Member Gorin and Mayor Olivares being absent.

Council also conferred with labor negotiators, and there is no action to report from that closed session.

6. PROCLAMATIONS/PRESENTATIONS

6.1 PROCLAMATION – SONOMA COUNTY FAIR 75TH ANNIVERSARY

6.2 PROCLAMATION – THANKING LARRY HENZERLING FOR 27 YEARS OF SERVICE AT DISABILITY SERVICES AND LEGAL CENTER/COMMUNITY RESOURCES FOR INDEPENDENCE

6.3 PRESENTATION – MERIT AWARD PROGRAM

7. STAFF BRIEFINGS [4:22:01 PM](#)

7.1 STEP RIGHT UP PROGRAM

Staff presented information to the Council regarding the new Step Right Up program, a new succession planning program. The Step Right Up program was designed by a small planning committee. The program will initially be implemented in the Utilities and Public Works Departments as a pilot program, giving the succession planning committee a chance to evaluate it prior to implementation on a City-wide basis.

Human Resources Director Fran Elm made the presentation, and departmental representatives provided additional details.

8. APPROVAL OF MINUTES – June 28, 2011 Regular Meeting

Council Member Wysocky requested that the minutes be amended at Item 11.5 as follows:

Council Member Wysocky moved to extend the time of the driver's license for taxicab for two years; the motion failed for lack of a second.

Council Member Wysocky further requested that the minutes be amended at Item 3.1 to indicate whether Council did or did not provide direction to staff, rather than stating "Council may provide direction to staff."

The minutes were unanimously approved as amended by Council Member Wysocky, with Olivares and Gorin absent. [4:29:58 PM](#)

9.A MAYOR'S/COUNCILMEMBERS' REPORTS

1. STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS

No statements of abstention were made.

2. MAYOR'S/COUNCILMEMBERS' REPORTS

2.1 DESIGNATION OF VOTING DELEGATE/ALTERNATE TO LEAGUE OF CALIFORNIA CITIES [4:35:59 PM](#)

In order to vote at the Annual Business Meeting at the League's 2011 Conference, each City must designate a voting delegate and up to two alternate delegates. The delegate must attend the conference on September 23, 2011 in San Francisco. The delegates must be designated by the City Council.

MOVED by Council Member Wysocky, seconded by Council Member Vas Dupre, carried unanimously, with Mayor Olivares and Council Member Gorin absent, to designate Mayor Olivares as Delegate, Council Member Bartley as First Alternate, and Council Member Sawyer as Second Alternate.

3. REPORTS BY COUNCILMEMBERS 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

10. CONSENT ITEMS [4:41:32 PM](#)

PUBLIC COMMENT

Peter Tscherneff [4:43:08 PM](#) spoke regarding costs of awarding contracts to out-of-town bidders. He also spoke regarding the proposed Community Engagement Coordinator.

MOVED by Council Member Bartley, **seconded** by Council Member Vas Dupre, **carried** unanimously, with Mayor Olivares and Council Member Gorin absent, to adopt the motion and adopt and waive reading of the text of the resolution in items 10.1 through 10.4 as follows:

10.1 MOTION – CONTRACT AWARD - PAVEMENT PREVENTATIVE MAINTENANCE 2011

This motion, recommended by the Public Works Department, awards construction Contract No. C01528, Pavement Preventative Maintenance 2011, in the total amount of \$609,915.05 to the lowest responsible bidder, American Asphalt Repair and Resurfacing Company, Inc., of Hayward, California and establishes a total contract amount of \$701,402.31 (the original contract amount plus a 15% contingency). Funding for this project has been appropriated to project key 17450 by the 2010/11 Capital Improvement Program. Specifically, the project is to be funded by the Utility Impact Fee Fund. No City General Fund is to be included in this project.

10.2 RESOLUTION – AMENDMENT TO THE CITY CLASSIFICATION AND SALARY PLAN TO CREATE THE CLASSIFICATION OF COMMUNITY ENGAGEMENT COORDINATOR

This resolution, recommended by the Human Resources Department, amends the City Classification and Salary Plan to create the classification of Community Engagement Coordinator with a salary range of \$5,520 - \$6,585 per month, in Unit 11, Middle Management. No additional funding is requested.

RESOLUTION NO. 27941 ENTITLED:

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING THE CITY CLASSIFICATION AND SALARY PLAN AND AUTHORIZING THE CITY MANAGER TO IMPLEMENT THESE CHANGES

10.3 RESOLUTION – ASSESSMENT LIEN AGAINST THE REAL PROPERTY LOCATED AT 656 SIMPSON STREET

This resolution, recommended by the Department of Community Development, confirms the special assessment lien in the amount of \$19,245.45 that remain uncorrected by the responsible party, Harborview 2005-13 Trust Fund, against the property located at 656 Simpson Street for violations of the City Code and authorizes recording of a lien and placing the assessment on the property tax roll for collection.

RESOLUTION NO. 27942 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 656 SIMPSON STREET, SANTA ROSA, A.P.N. 010-551-005, AND ORDERING THE ASSESSMENT BE COLLECTED ON THE TAX ROLL BY THE SONOMA COUNTY TAX COLLECTOR

10.4 RESOLUTIONS – RESCINDING AND CONFIRMING PREVIOUS APPROVAL OF ASSESSMENT LIENS AGAINST THE REAL PROPERTIES LOCATED AT 550 RICHMOND DRIVE, 430 LINK LANE, AND 721 MCDONALD AVENUE

These resolutions, recommended by the Department of Community Development, rescind and confirm previous approval of assessment liens against the real properties located at 550 Richmond Drive, 430 Link Lane, and 721 McDonald Avenue.

RESOLUTION NO. 27943 ENTITLED:

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA RESCINDING RESOLUTION NO. 27020 AND 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 **550 RICHMOND DRIVE**, SANTA ROSA, A.P.N. 180-290-037, AND ORDERING THE ASSESSMENT BE COLLECTED ON THE TAX ROLL BY THE SONOMA COUNTY TAX COLLECTOR

RESOLUTION NO. 27944 ENTITLED:

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA RESCINDING RESOLUTION NO. 27721 AND 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 **430 LINK LANE**, SANTA ROSA, A.P.N. 010-489-013, AND ORDERING THE ASSESSMENT BE COLLECTED ON THE TAX ROLL BY THE SONOMA COUNTY TAX COLLECTOR

RESOLUTION NO. 27945 ENTITLED:

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA RESCINDING RESOLUTION NO. 27674 AND 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 **721 MCDONALD AVENUE**, SANTA ROSA, A.P.N. 180-810-032, AND ORDERING THE ASSESSMENT BE COLLECTED ON THE TAX ROLL BY THE SONOMA COUNTY TAX COLLECTOR

11. REPORT ITEMS

11.1 REPORT -- ADOPTION OF MOU – UNIT 4 – SUPPORT SERVICES, UNIT 6 – PROFESSIONAL AND UNIT 7 – TECHNICAL REPRESENTED BY THE SANTA ROSA CITY EMPLOYEES ASSOCIATION

BACKGROUND: The City's representatives and representatives from the Santa Rosa City Employees Association, representing the City's Unit 4 – Support Services; Unit 6 – Professional and Unit 7 – Technical, have met and conferred concerning a successor Memorandum of Understanding. In recognition of the City's continuing financial difficulty, the Units have agreed to 68.5 hours of unpaid furlough as well as changes in the health care premium and plan design. The savings to the City over the term of this one year contract is approximately \$1.2 million with \$566K in savings to the City's general fund.

RECOMMENDATION: It is recommended by the City's Negotiating Team that the Council, by resolution, adopt the Memorandum of Understanding for and on behalf of the City's Unit 4 – Support Services, Unit 6 – Professional and Unit 7 - Technical, represented by the Santa Rosa City Employees Association. The adoption of this one-year agreement will be effective July 1, 2011 and will end on June 30, 2012.

Christine Sliz, Employee Relations Manager, [4:47:43 PM](#) made the staff presentation.

PUBLIC COMMENT

Peter Tscherneff [4:53:02 PM](#) spoke regarding diet and health.

MOVED by Council Member Sawyer, **seconded** by Council Member Bartley, **carried** unanimously,

with Mayor Olivares and Council Member Gorin absent, to adopt and waive reading of the text of the resolution in item 11.1 as follows:

RESOLUTION NO. 27946 ENTITLED:

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING A MEMORANDUM OF UNDERSTANDING FOR AND ON BEHALF OF THE EMPLOYEES IN THE CITY OF SANTA ROSA'S UNIT 4 – SUPPORT SERVICES, UNIT 6 – PROFESSIONAL AND UNIT 7 - TECHNICAL REPRESENTED BY THE SANTA ROSA CITY EMPLOYEES ASSOCIATION FOR A ONE YEAR CONTRACT 2011-2012

11.2 REPORT – SOLID WASTE ADVISORY GROUP (SWAG) UPDATE

BACKGROUND: On December 8, 2009, the County Board of Supervisors approved the formation of a regional advisory group for the express purpose of developing a long-term Solid Waste strategy. On December 17, 2009, the Board Chair sent letters to each of the City Mayors inviting their participation and asking each Council to appoint a representative and an alternate member.

The purpose of the Sonoma County/City Solid Waste Advisory Group is to make recommendations on solid waste system planning and operations, such as, appropriate regional solid waste projects, priorities, schedules and funding sources to be considered by the Member Jurisdictions.

RECOMMENDATION: It is recommended by the City Manager's Office that Council, by motion, accept the SWAG Research Committee report and provide feedback on the Research Report Recommendations and direct the SWAG member to vote to proceed with the consultant study of the recommendations in the report.

City Manager Millison introduced Phil Demery, Sonoma County Transportation & Public Works Director, and who serves as staff to SWAG, who made the staff presentation. [4:57:36 PM](#)

Council comment ensued, and Mr. Demery responded to questions.

PUBLIC COMMENT:

Peter Tscherneff [5:48:11 PM](#) spoke regarding opportunities for waste diversion.

Doug Millar [5:50:58 PM](#) spoke regarding various topics.

Brant Arthur, with the Climate Protection Campaign, [5:54:21 PM](#) spoke in favor of approval of the consultant study.

Stu Clark [5:56:27 PM](#) discussed the SWAG organization and its work. and spoke in favor of the independent consultant study.

Steve Birdlebough [5:59:37 PM](#) of the Sierra Club spoke of the work of the "Garbage Geeks" and the "No Name Garbage Group" which bring recommendations to SWAG.

Mr. Demery responded to further questions from Council. [6:02:42 PM](#)

MOVED by Council Member Vas Dupre, **seconded** by Council Member Bartley, **carried** unanimously, with Mayor Olivares and Council Member Gorin absent, to adopt the motion in item 11.2.

The meeting was recessed at 6:04 p.m. and reconvened at 6:37 p.m. [6:37:45 PM](#)

11.3 PUBLIC HEARING – ESTABLISHMENT OF PARKING FEES AT HOWARTH PARK

BACKGROUND: The Department of Recreation, Parks & Community Services is proposing the establishment of parking fees at Howarth Park to provide additional revenue to support the programs, services, and facilities available to the residents of Santa Rosa. The proposed fees are \$2 for two hours, \$5 for a day, or \$75 for an annual pass.

RECOMMENDATION: It is recommended by Recreation, Parks & Community Services Department, that the City Council, by resolution, adopt the Fee Schedule as shown in Attachment "A" of the Resolution.

Marc Richardson, Director of Recreation, Parks & community Services, made the staff presentation and responded to questions from Council. [6:38:07 PM](#)

PUBLIC HEARING

The public hearing was opened at [7:12:07 PM](#)

Peter Tscherneff spoke in opposition to parking fees at Howarth Park and on other topics.

Doug Millar [7:15:39 PM](#) spoke in opposition to parking fees at Howarth Park.

Julie Combs [7:24:45 PM](#) spoke in opposition to parking fees at Howarth Park and requested a carpool parking area be considered.

Lynn Duggan stated he lives near Howarth Park [7:19:21 PM](#) and has commercial property on Summerfield Road; he requested Council not approve parking fees at Howarth Park.

Nancy Messinger spoke in opposition to parking fees at Howarth Park.

Linda Picton advocated increasing public transit to lessen parking problems throughout the City.

The public hearing was closed at 7:36 p.m. [7:36:25 PM](#)

MOVED [7:42:29 PM](#) by Sawyer, **seconded** by Bartley, **carried** on a vote of 3 Ayes, 2 Noes (Council Members Vas Dupre and Wysocky), and 2 Absent (Mayor Olivares and Council Member Gorin) to continue this item to the Regular Meeting of August 30, 2011.

11.4 PUBLIC HEARING - MODEL CODE ADOPTION - AMENDMENTS TO CALIFORNIA GREEN BUILDING STANDARDS CODE

BACKGROUND: The State of California has adopted and published new Model Codes. Such Model Codes go into effect in every city and county in the State of California 180 days after publication. The City of Santa Rosa City Council approved the Model Code Ordinance, 3957, on October 19, 2010, and requested additional amendments be made to the California Green Building Standards Code. The Health and Safety Code allows local jurisdictions to change or modify the State adopted Model Codes based on local geologic, climatic, or topographic conditions.

RECOMMENDATION: It is recommended by the Department of Community Development that the City Council, by motion, not move forward with the draft ordinance in order to promote a uniform regional green building code. [7:49:47 PM](#)

Michael Whitaker, Assistant Director of Community Development, made the staff presentation

PUBLIC HEARING

The public hearing was opened at 8:01 p.m. [8:01:14 PM](#)

Bill Haluzak asked Council to encourage solar energy development and water conservation.

The public hearing was closed at 8:03 p.m.
[8:03:19 PM](#)

MOVED by Council Member Wysocky, **seconded** by Council Member Sawyer, **carried** unanimously, with Mayor Olivares and Council Member Gorin absent, that Council not move forward with a draft ordinance to amend the California Green Building Standards Code.

**11.5 PUBLIC HEARING - SUMMER 2011
GENERAL PLAN AMENDMENT -
CARRILLO STREET GENERAL PLAN
AMENDMENT (Continued from the
Regular Meeting of July 12, 2011)**

BACKGROUND: General Plan Amendments are considered three times per year in accordance with General Plan policy. The proposed General Plan Amendment would correct a mapping error that occurred during the 2009 General Plan Update and change the General Plan land use designation of 0.24 acres located at 111 Carrillo Street from General Industry to Medium Density Residential (8.0 to 18.0 units per acre). The Planning Commission adopted a resolution (5-0-2) recommending approval of the General Plan Amendment.

RECOMMENDATION: It is recommended by the Department of Community Development and the Planning Commission that the Council, by resolution, approve the General Plan Amendment for the property located at 111 Carrillo Street.

Erin Morris, Senior Planner, Community Development Department, made the staff presentation. [8:10:01 PM](#)

PUBLIC HEARING

The public hearing was opened at 8:11 p.m. No one wished to speak, and the public hearing was closed at 8:12 p.m. [8:12:02 PM](#)

MOVED by Council Member Bartley, **seconded** by Council Member Vas Dupre, **carried** unanimously, with Mayor Olivares and Council Member Gorin absent, to adopt and waive reading of the text of the resolution in item 11.5 as follows:

RESOLUTION NO. 27947 ENTITLED:

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A GENERAL PLAN AMENDMENT FOR 111 CARRILLO STREET FROM GENERAL INDUSTRY TO

MEDIUM DENSITY RESIDENTIAL – FILE
NUMBER GPAM11-001

12. **WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)**
13. **[IF NEEDED] – ANNOUNCEMENT OF ADDITIONAL CLOSED SESSION ITEM(S), ADJOURNMENT TO CLOSED SESSION(S), RECONVENE TO OPEN SESSION, AND ANNOUNCEMENTS, IF ANY**
14. **PUBLIC COMMENTS ON NON-AGENDA MATTERS**

Linda Picton stated that it is difficult for people who must take the bus to wait to the end of the meeting to make non-agenda comments, and asked Council to consider moving non-agenda comments to earlier in the meeting. [8:16:51 PM](#)

Kristie Degan [8:21:04 PM](#) spoke regarding unconstitutional wars and other topics.

Michelle C. Miller spoke regarding various national and international topics. [8:20:03 PM](#)

15. ADJOURNMENT OF MEETING

Hearing no further business, Vice Mayor Ours adjourned the meeting at [8:24:14 PM](#) 8:24 p.m. The next regularly scheduled meeting will take place on July 26, 2011, at a time to be set by the Mayor.

Approved on: August 2, 2011

Sara J. Anna
Interim City Clerk