

**SANTA ROSA CITY COUNCIL MEETING MINUTES  
TUESDAY, OCTOBER 4, 2011  
COUNCIL CHAMBER, CITY HALL, 100 SANTA ROSA AVENUE  
REGULAR MEETING**

**3:45 PM (MAYOR'S CONFERENCE ROOM,  
ROOM 10)**

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

Mayor Olivares called the meeting to order at 4:05 p.m. Council Members present: Mayor Olivares, Vice Mayor Ours, Council Members Bartley, Gorin, Sawyer and Wysocky.

Council Member Vas Dupre was not present for closed session.

**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**

**2.1 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).

**2.2 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).

**3. STUDY SESSIONS - NONE**

**4:00 P.M. (CITY COUNCIL CHAMBER) [4:05:11 PM](#)**

**4. ANNOUNCEMENT OF ROLL CALL**

Council Members were present as noted above.

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

**6. PROCLAMATIONS/PRESENTATIONS**

**6.1 PRESENTATION – FIRE CHIEF BADGE PINNING [4:05:19 PM](#)**

*Council Member Vas Dupre arrived at 4:16 p.m.*

**6.2 PROCLAMATION – FIRE PREVENTION WEEK [4:17:09 PM](#)**

**6.3 PROCLAMATION – WALK AND ROLL TO SCHOOL DAY [4:22:06 PM](#)**

**7. STAFF BRIEFINGS – NONE**

**8. APPROVAL OF MINUTES - August 30 and September 13, 2011 Regular Meetings [4:28:16 PM](#)**

The Minutes were unanimously approved as submitted.

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

**1. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS [4:28:49 PM](#)**

No statements of abstention were made.

**2. MAYOR'S/COUNCILMEMBERS' REPORTS [4:28:55 PM](#)**

Mayor Olivares noted the Breast Cancer Awareness Event coming up this week.

Mayor Olivares also commented on the Public Comments issue and indicated in

response to the need for transparency and open government the City will begin televising public comments at the end of the City Council Meeting.

Council Member Wysocky asked for the City Council to consider moving Public Comment to 3:30 p.m. There was no support for that change.

Council Members commented on various events and community meetings they had attended.

Council Member Sawyer announced his appointment of Mark Hale to the Design Review Board.

Council Member Gorin requested that the City Council be appraised of scheduled Ribbon Cuttings, and that they receive regular reporting out of key projects moving through the city process so that Council Members might be more informed when speaking with members of the public.

Council Member Gorin also requested staff bring a Report Item back to the Council regarding the SMART Train and how it is moving along, its timeline, and perhaps a resolution of support.

Council Member Gorin commented that ABAG ballots will be sent out next week with a list of the various nominees and requested that the matter be put on the Council Agenda for October 18, 2011 for action and/or discussion regarding the various nominees.

Council Member Vas Dupre requested a Proclamation for Catholic Charities for their work with regard to the Burbank Housing development.

Council Member VasDupre also requested a Proclamation in support of the work Barbara Konicek has done for Alzheimer's.

### **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 [4:49:08 PM](#)**

- City Attorney Report on Request to Change Board and Commission Policy to Require Resignation of Board and Commission Members Who Run for Office

The City Attorney reported out that she would advise not moving forward with requiring Board and Commission Members who run for office to resign referencing decisions upheld in the Courts regarding 1<sup>st</sup> Amendment Rights. She added the FPPC's Conflict of Interest Code, adopted by the City, as well as the City's Current Policy in place and the requirement for Ethics Training every two years for those serving on Boards and Commissions should address any potential conflicts.

There was no desire on behalf of the City Council to pursue the matter further.

The Attorney also noted the first Charter Review Meeting was held recently and there will be meeting again on Oct. 13 at 5 p.m. at the Utilities Facilities. The issue of whether or not to televise these committee meetings will be added to the City Council Agenda for October 11, 2011 and discussed at that time.

**Anne Seeley, Concerned Citizens for Santa Rosa**, indicated that to ask persons to resign from Boards if running for office would have an effect on people being willing to serve and stated she felt good people would be lost. She noted she feels this issue deserves a wider discussion if it goes forward.

### **10. CONSENT ITEMS [4:55:51 PM](#)**

PUBLIC COMMENT - NONE

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

**10.1 RESOLUTION - APPROPRIATION OF BOOKING FEE REFUND**

This resolution, recommended by the Police Department, authorizes appropriation of the refund of jail booking fees for Fiscal Year 2010/2011 in the amount of \$49,723.70 from General Fund Reserves to GL Key 170101-5321.

**RESOLUTION NO. 27988 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE APPROPRIATION OF FUNDS IN THE AMOUNT OF \$49,723.70 FROM THE GENERAL FUND RESERVES.

**10.3 ORDINANCE ADOPTION - RONNE DRIVE ADDITION – REZONING**

This ordinance, introduced at the September 27, 2011, Regular Meeting, rezones three properties located at 1646, 1680, and 1687 Ronne Drive from the RR-40, RR-20, and CN zoning districts to the R-1-6 zoning district to gain consistency with their General Plan designations.

**ORDINANCE NO. 3970 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 1646, 1680, AND 1687 RONNE DRIVE TO THE R-1-6 ZONING DISTRICT – FILE NUMBER REZ11-001

**10.2 ORDINANCE ADOPTION - ZONING AMENDMENT FOR BICENTENNIAL MARKETPLACE**

This ordinance, introduced at the September 27, 2011, Regular Meeting, changes the zoning classification of the approximately 4.2 acre site from CO (Office Commercial) and RR-40 (Rural Residential) to General Commercial (CG).

**MOTION** by Vice Mayor Ours, **seconded by** Council Member Sawyer, **carried on a 4-3- vote** (Council Members Gorin, Vas Dupre and Wysocky voting **NO**) **to adopt** and waive the reading of the text of the ordinance in Item 10.2 as follows:

**ORDINANCE NO. 3971 ENTITLED:** ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE – RECLASSIFICATION OF BICENTENNIAL MARKETPLACE LOCATED AT 3340, 3366, 3380 MENDOCINO AVENUE AND

ASSORTED PARCELS (APN(S): 173-050-004/005/006/007/ 008/009/010/011) TO THE CG (GENERAL COMMERCIAL) DISTRICT – FILE NUMBER MJP10-003

**The City Council recessed at 4:55 p.m. 5:00 P.M.**

**11. REPORT ITEMS [5:07:28 PM](#)**

**11.1 PUBLIC HEARING -- REQUEST FROM HUMBOLDT APARTMENTS, LP THAT THE CITY DECLARE ITS INTENTION TO ISSUE TAX-EXEMPT MULTIFAMILY HOUSING REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$11,000,000 TO ASSIST THE FINANCING OF THE CONSTRUCTION AND DEVELOPMENT OF HUMBOLDT APARTMENTS (499 HUMBOLDT STREET)**

**BACKGROUND:** Humboldt Apartments, LP has requested that the City declare its intention to issue tax-exempt multifamily housing revenue bonds to assist the financing of the construction and development of Humboldt Apartments, a 52-unit affordable rental housing development located at 499 Humboldt Street in downtown Santa Rosa (the Project). The U.S. Internal Revenue Code requires that the Council hold a Tax Equity Fiscal Responsibility Act (TEFRA) public hearing prior to considering approval of a resolution declaring the City's intention to issue bonds. Multifamily housing revenue bond financing is structured so that the City has no financial liability to the bondholders. The Project owner is responsible for payment of all costs of bond issuance.

**RECOMMENDATION:** It is recommended by the Department of Economic Development and Housing that the Council, following the public hearing, by resolution, declare the City's intention to issue tax-exempt multifamily housing revenue bonds to assist the financing of the construction and development of Humboldt Apartments, an affordable rental housing development located at 499 Humboldt Street, and authorize City staff to apply to the California Debt Limit Allocation Committee (CDLAC) for a bond allocation in an amount not to exceed \$11,000,000.

Marjorie Jackson, Program Specialist, Economic Dev. & Housing made the staff presentation.

Mayor Olivares opened the public hearing. Hearing no request to speak, the public hearing was closed.

**MOVED** by Council Member Gorin, **seconded** by Council Member Sawyer, **carried unanimously** to waive the reading of the text and adopt

**RESOLUTION NO. 27989 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DECLARING INTENTION TO REIMBURSE EXPENDITURES FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS AND DIRECTING CERTAIN ACTIONS

**11.2 PUBLIC HEARING -- CITYWIDE ZONING CODE TEXT AMENDMENT TO CHANGE THE ZONING CODE (SECTIONS 20-36 AND 20-70) REQUIREMENTS FOR BICYCLE PARKING [5:17:33 PM](#)**

BACKGROUND: On April 5, 2011, the City Council directed Community Development staff to proceed with Zoning Code text amendments for bicycle parking requirements for new and redevelopment projects. On August 11, 2011, the Planning Commission held a public hearing and considered the proposed Zoning Code text amendments and voted unanimously (6-0-1) to recommend approval of the changes.

RECOMMENDATION: It is recommended by the Department of Community Development and the Planning Commission that City Council introduce an ordinance amending Zoning Code Sections 20-36 and 20-70 consistent with the Bicycle and Pedestrian Master Plan.

Erin Morris, Senior Planner, Community Development, gave the staff presentation.

Council Member Bartley pointed out a gap in square footage figures for office uses, referencing Table 3-7.

Council Member Gorin stated concerns with the definition of "long term parking".

Mayor Olivares opened the public hearing. Hearing no requests to speak, the public hearing was closed.

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

to introduce and waive the reading of the text of the ordinance, to include the insertion of "or portion thereof" verbiage after the square footage information on Table 3-7.

**ORDINANCE NO. XXX ENTITLED:** ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE – SECTIONS 20-70.020 DEFINITIONS AND 20-36 PARKING AND LOADING STANDARDS – FILE NUMBER REZ11-002

**\*\*11.3 PUBLIC HEARING -- MONTECITO MARKETPLACE CONDITIONAL USE PERMIT APPEAL [5:41:29 PM](#)**

BACKGROUND: On July 14, 2011, the Planning Commission adopted a resolution (5-2-0) approving a Conditional Use Permit to allow a new shopping center with 24-hour operation of a new convenience market and sale of alcoholic beverages for off-site consumption pursuant to state law. The convenience market is located at 6599 Montecito Boulevard. On July 25, 2011, Susan Silverman filed an appeal of the Planning Commission's decision to approve the Conditional Use Permit.

RECOMMENDATION: It is recommended by the Department of Community Development and the Planning Commission that the City Council hold a public hearing and deny the appeal, and adopt a resolution approving a Conditional Use Permit for the Montecito Marketplace located at 6599 Montecito Boulevard.

Council disclosures:

Council Member Bartley indicated he had spoken to the opponent but received no new information.

Council Member Gorin indicated she had spoken with the appellant and the applicant's representative, visited the site, and had received no new information.

Council Member Vas Dupre indicated she had only viewed emails received by everyone else.

Council Members Sawyer and Vice Mayor Ours indicated that had not received any new information.

Council Member Wysocky indicated he did not visit the site and had no new communications.

Erin Morris, Senior Planner, Community Development gave the presentation.

Officer McDonald, Santa Rosa Police Department, commented on police issues and answered various questions from the City Council regarding crime in the area.

[6:09:40 PM](#): The applicant, Ranvir Singh, gave a brief presentation in support of the requested Conditional Use Permit.

Mark Silverman, Appellant, gave a presentation in opposition to the requested Conditional Use Permit. He noted that the Planning Commission Hearing sign only appeared 3 days prior to the Planning Commission meeting. He added that he felt Planning Commissioner Favor did not disclose his reportable interests in this project. He further stated the delay in placing this item on the City Council Agenda has cost them a lot of money for the incorrect flyers that were distributed. He voiced concern that a 7-11 Store may not be the actual tenant that occupies the space, calling it a bait & switch effort. He concluded by stating that 24 hr. alcohol sales is not an appropriate use for the area.

Chairman Cisco addressed the Council as Chair of the Planning Commission, giving an overview of their process and recommendation for approval.

Mayor Olivares opened the public hearing. [6:24:01 PM](#)

PUBLIC COMMENT:

**Richard Upbrook** spoke in opposition to the proposed Conditional Use Permit.

**Emberli Bogue** spoke in opposition to the proposal and the CUP.

**Amy Reynolds** spoke in opposition to the proposal and to the CUP.

**Jeanne Marioni** spoke in opposition to the proposal and the CUP.

**Lelano Blass** spoke in opposition to the proposal and the CUP.

**Rosannah Hayden** spoke in opposition to the proposal and the CUP.

**John Hayden** spoke in opposition to the proposal and the CUP.

**Jeff Gilman** spoke in opposition to the proposal and the CUP.

**Molek Ochosz** spoke in opposition to the proposal and the CUP.

**Jukhbir Gill** spoke in support of the proposal on behalf of the business community.

**Matt Kennedy** spoke in opposition to the proposal and the CUP.

**Bill Marioni** spoke in opposition to the proposal and the CUP.

**Eric Kuba** spoke in opposition to the proposal and the CUP.

**Jim Bennett** spoke in support of local businessmen.

**Mr. Christian** spoke in opposition to the proposal and the CUP.

**Paul Donaldson** spoke in opposition to the proposal and the CUP.

**Deborah Tavares** spoke regarding the Agenda 21 issue.

**Kevin O'Malley** spoke in opposition to the 24 hr. condition in the CUP.

**Bob Burns** spoke in opposition to the proposal and the CUP.

Hearing no further requests to speak, Mayor Olivares closed the public hearing. [7:03:41 PM](#)

Erin Morris indicated the issue of the sign posting was brought to her attention after the Planning Commission hearing. She further stated that alcohol will not be sold between 2 a.m. and 6 a.m. She clarified that not posting the public hearing sign on the property does not negate the Planning Commission hearing.

[7:11:10 PM](#)

**Council Member Sawyer** stated concerns with a 24 hr. operation and would not support that aspect of the CUP. He indicated the project appears to be designed very well and would deny the appeal and

support the approval of the CUP with the condition to limit the hours of operation to something other than 24 hrs.

**Council Member Bartley** indicated the street presence of the building is very attractive. He sees the project as a plus in this neighborhood and indicated if the applicant is willing to reconsider the hours of operation; he would respect the applicant for being willing to offer that compromise.

**Council Member Gorin** expressed issues with design specifics, concerns with under parking, proposed 16 foot light standards and the lack of trees to be planted in the drainage swale. She noted further concerns with signage, and added the hours of operation are also an issue and would support a reduction in hours, stating 7 a.m. to 10 p.m. would be more appropriate. She expressed concern as to a need for a "convenience" store with Oliver's right across the street. She noted litter issues that could be a problem and indicated she would rather see a different use for that particular location.

**Council Member Vas Dupre** clarified that the family has owned the property for 5-6 years. She indicated she is not supportive of this particular type of business at this location, adding tree plantings and lighting should still be addressed. She indicated she would be voting to uphold the appeal.

**Vice Mayor Ours** indicated he does not support the requested hours of operation and indicated the hours should be reduced. He concluded by stating he would be voting to deny the appeal.

**Council Member Wysocky** expressed concerns with having a 24 hour convenience store at that location, noting it is not compatible with the neighborhood and concluded by indicating he will be voting to uphold the appeal

**Mayor Olivares** indicated he would be denying the appeal and would support a discussion in the reduction of the hours of operation. He indicated he felt the project was a well designed one.

City Council discussion ensued regarding the applicant's willingness to reduce the hours or operation.

City Attorney Fowler commented that given the Council discussion, Council may want to consider a

motion to deny the appeal and ask staff to bring back a resolution denying the appeal and approving the Conditional Use Permit with a change in operational hours to reflect 6 a.m. to 11 p.m.

**7:36:07 PM MOVED** by Council Member Sawyer, **seconded** by Council Member **carried on a 4-3 vote** (Council Members Gorin, Vas Dupre and Wysocky voting NO) to deny the appeal and direct staff to come back with a revised resolution denying the appeal and amending the Conditional Use Permit to reflect the hours of operation to be 6 a.m. to 11 p.m.:

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

### 12.1 MEMO TO MAYORS' AND COUNCIL MEMBERS' ASSOCIATION OF SONOMA COUNTY FROM SONOMA MAYOR LAURIE GALLIAN REGARDING APPOINTMENTS TO THE NORTH BAY DIVISION, LEAGUE OF CALIFORNIA CITIES EXECUTIVE BOARD (TWO POSITIONS) AND THE SONOMA COUNTY CHILD CARE PLANNING COUNCIL (ONE POSTION) **7:37:34 PM**

- LETTERS OF INTEREST RECEIVED FROM SONOMA MAYOR LAURIE GALLIAN, SANTA ROSA COUNCIL MEMBER SCOTT BARTLEY, AND COTATI VICE MAYOR SUSAN HARVEY FOR APPOINTMENT TO THE NORTH BAY DIVISION, LEAGUE OF CALIFORNIA CITIES EXECUTIVE BOARD (Two Positions)

Council Member Vas Dupre clarified that there had been a miscommunication and that there is not actually a vacancy on the Sonoma County Child Care Planning Council.

**MOVED** by Council Member Sawyer, **seconded** by Vice Mayor Ours, **carried on a 6-1 vote** (Council Member Wysocky voting NO) **to support** Council Member Bartley and Sonoma Mayor Gallian for appointment to the League of Calif. Cities Executive Board.

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**

**James Bennett** spoke regarding Agenda 21.

**Deborah Tavares** spoke regarding Agenda 21.

**Art Blanc** addressed the City Council asking why the use of plastic bags has not been banned in our community.

**City Attorney Fowler** indicated that issue is scheduled for City Council discussion and action on Nov.1, 2011.

**Anne Seeley** addressed the City Council and noted Santa Rosa has the world's first electric aircraft charging station at Santa Rosa Airport.

15. **ADJOURNMENT OF MEETING** [7:52:02 PM](#)

Hearing no further business, Mayor Olivares adjourned the meeting at 7:52 p.m. The next regularly scheduled meeting will take place on October 11, 2011, at a time to be set by the Mayor.

Approved on:

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Gayle Petersen  
Interim City Clerk