

**SANTA ROSA CITY COUNCIL MINUTES  
REGULAR MEETING  
CITY HALL, 100 SANTA ROSA AVENUE  
MARCH 19, 2013**

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

Mayor Bartley called the meeting to order at 2:30 p.m. Council Members present: Mayor Bartley, Vice Mayor Carlstrom, Council Members Combs, Olivares, Ours, Swinth, and Wysocky.

**2. ANNOUNCEMENT OF CLOSED SESSION ITEMS**

**2.1 PUBLIC COMMENT ON CLOSED SESSION ITEMS – NONE.**

**2.2 RECESS TO CLOSED SESSION IN MAYOR'S CONFERENCE ROOM**

**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).

**2.5 RECESS CLOSED SESSIONS AND RECONVENE TO OPEN SESSION IN THE COUNCIL CHAMBER**

Mayor Bartley recessed the City Council Regular Meeting at 2:55 p.m.

**SPECIAL JOINT MEETING OF THE  
SANTA ROSA CITY COUNCIL AND  
PLANNING COMMISSION  
CITY COUNCIL CHAMBER  
TUESDAY, MARCH 19, 2013  
3:00 P.M.**

**3. CALL TO ORDER AND ROLL CALL**

Mayor Bartley called to order the Special Joint Meeting of the Santa Rosa City Council and Planning Commission at 3:00 p.m. Council Members present: Mayor Bartley, Vice Mayor Carlstrom, Council Members Olivares, Ours, Swinth and Wysocky. Planning Commissioners present: Chair Cisco, Planning Commissioners Byrd, Duggan, Groninga, and Minton. Vice Chair Stanley was absent.

**3.1 PUBLIC COMMENT – NONE**

**3.2 JOINT STUDY SESSION – ANNUAL REVIEW OF THE GENERAL PLAN AND GROWTH MANAGEMENT AND HOUSING ALLOCATION PLAN ORDINANCES**

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 2012, housing needs information, as well as to review the operation of the Growth Management program and the Housing Allocation Plan over the last year.

Lisa Kranz, Supervising Planner, provided the staff report and responded to questions from Council members and Planning Commissioners.

No action was taken.

**3.3 ADJOURN SPECIAL JOINT MEETING OF THE CITY COUNCIL AND PLANNING COMMISSION**

Mayor Bartley adjourned the Special Joint Meeting at 3:25 p.m.

Mayor Bartley reconvened the City Council Regular Meeting at 4:01 p.m.

**4. ANNOUNCEMENT OF ROLL CALL**

City Clerk Griffin announced that all Council Members were present. Taylor Wang, Freshman Student at Montgomery High School, was also in attendance.

**5. REPORT, IF ANY, ON STUDY AND CLOSED SESSIONS**

City Manager Millison reported that the Council met in closed session regarding Items 2.3 and 2.4 and there were no actions taken during the closed sessions.

City Manager Millison reported on the Joint Study Session with the Planning Commission Annual Review of the General Plan and Growth Management and Housing Allocation Plan Ordinances.

**6. PROCLAMATIONS/PRESENTATIONS – NONE**

**7. STAFF BRIEFINGS**

**7.1 QUARTERLY REPORT ON CAPITAL IMPROVEMENT PROGRAM PROJECTS**

Colleen Ferguson, Deputy Director Engineering Services, provided an update on Capital Improvement Program (CIP) projects.

**PUBLIC COMMENT**

Richard Canini expressed concerns regarding the cost and design of the Transit Mall project and the use of sewer and water funds on street projects.

**8. APPROVAL OF MINUTES**

Council approved the February 26, 2013, Regular Meeting Minutes as amended to indicate under Agenda Item 9.3(e) that Mayor Bartley was appointed as Vice President of the North Bay Division of the League of California Cities.

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

**9.1 STATEMENTS OF ABSTENTION BY COUNCILMEMBERS**

No statements of abstention were made.

**9.2 MAYOR /COUNCILMEMBERS' REPORTS**

The Mayor and members of the Council made other announcements and reports of interest to the Council.

Vice Mayor Carlstrom announced her appointment of Leonard Holt to the Board of Public Utilities.

Vice Mayor Carlstrom announced the appointment of Council Member Olivares to the Board of State and Community Corrections Committee on Gang Issues.

**9.3 REPORTS BY MAYOR/COUNCILMEMBERS REGARDING VARIOUS AGENCY MEETINGS ATTENDED AND POSSIBLE COUNCIL DIRECTION TO ITS REPRESENTATIVES ON PENDING ISSUES BEFORE SUCH BOARDS (IF NEEDED)**

- a) Sonoma County Transportation Authority (SCTA) – None.
- b) Sonoma County Water Agency (SCWA) – Water Advisory Committee – None.
- c) Solid Waste Advisory Group (SWAG) – None.
- d) Association of Bay Area Governments (ABAG) – None.
- e) Other: Council Member Ours reported on March 18 meeting of Sonoma Clean Power.

**10. CITY MANAGER'S/CITY ATTORNEY'S REPORTS – NONE.**

**11. CONSENT ITEMS**

**PUBLIC COMMENT**

Peter Tscherneff, speaking on Item 11.2, expressed concerns regarding storm water, fluoride, and utility rates.

David Grabill of Sonoma County Housing Advocacy Group, speaking on Item 11.4, expressed concerns regarding funding for affordable housing and the Sequester impacts on Section 8 housing and spoke in support of an in-lieu fee.

**MOVED** by Vice Mayor Carlstrom, seconded by Council Member Olivares, and carried unanimously to waive reading of the text and adopt Items 11.1 through 11.4 as follows:

**11.1 MOTION – CONTRACT AWARD – SECURITY GUARD SERVICES**

**MOTION** TO APPROVE A CONTRACT FOR SECURITY GUARD SERVICES FOR VARIOUS CITY LOCATIONS FOR A THREE-YEAR PERIOD WITH TWO ONE-YEAR EXTENSION OPTIONS, TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, WEINSTEIN SECURITY INC., WINDSOR, CALIFORNIA, FOR A TOTAL AMOUNT OF \$167,904.21 FOR THE THREE-YEAR PERIOD. FUNDS FOR THIS PROCUREMENT HAVE BEEN BUDGETED IN THE VARIOUS DEPARTMENTS' BUDGETS THAT USE THESE SERVICES FOR FISCAL YEAR 2012/13 AND WILL BE BUDGETED IN SUBSEQUENT FISCAL YEARS WHEN APPROVED BY COUNCIL.

**11.2 RESOLUTION – APPROVAL OF THE AGREEMENT FOR FUNDING SPRING LAKE PARK ENVIRONMENTAL DISCOVERY CENTER OF SONOMA COUNTY BETWEEN THE CITY OF SANTA ROSA AND SONOMA COUNTY REGIONAL PARKS TO SUPPORT STORM WATER EDUCATION REQUIREMENTS CONTAINED WITHIN THE CITY'S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM STORM WATER PERMIT**

**RESOLUTION NO. 28253 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE AGREEMENT FOR FUNDING SPRING LAKE PARK ENVIRONMENTAL DISCOVERY CENTER OF SONOMA COUNTY BETWEEN THE CITY OF SANTA ROSA AND COUNTY OF SONOMA THROUGH ITS REGIONAL PARKS DEPARTMENT TO SUPPORT STORM WATER EDUCATION REQUIREMENTS CONTAINED WITHIN THE CITY'S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM STORM WATER PERMIT AND AUTHORIZING THE USE OF STORM WATER ENTERPRISE FUNDS (FUND 0671)

**11.3 RESOLUTION – APPROVAL OF SANTA ROSA CITYBUS TITLE VI PROGRAM UPDATE**  
**RESOLUTION NO. 28254 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE 2013 UPDATE TO THE SANTA ROSA CITYBUS TITLE VI PROGRAM

**11.4 RESOLUTION – ANNUAL REVIEW OF THE GENERAL PLAN AND GROWTH MANAGEMENT AND HOUSING ALLOCATION PLAN ORDINANCES**  
**RESOLUTION NO. 28255 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ACCEPTING A REPORT REGARDING THE ANNUAL REVIEW OF THE CITY’S GENERAL PLAN AND THE GROWTH MANAGEMENT AND HOUSING ALLOCATION PLAN ORDINANCES

**12. REPORT ITEMS**

**12.1 REPORT - PUBLIC, EDUCATION, AND GOVERNMENT MEDIA SERVICES**

**BACKGROUND:** At the February 5, 2013 Council meeting, staff presented the City Council with a proposal for the future of Public, Education and Government (PEG) Access for the City of Santa Rosa. At this meeting, Council directed staff to return to Council the following month with: 1) a three month extension for the current PEG Access provider; 2) further information from each of the two proposers; 3) feedback from potential community partners regarding interest in the operation of PEG Access; 4) additional research and data on trends in PEG Access; and 5) a more detailed plan for the future of all four PEG Access Channels and possibilities and potential partnerships for a community media lab. Staff has completed all these tasks and the information and a revised proposal is presented for Council’s consideration.

**RECOMMENDATION:** It is recommended by the City Manager’s Office that the Council, by resolution, 1) authorize a three month extension to the agreement between the City and Community Media Center of the North Bay; 2) authorize appropriation of funds from the City’s General Fund to support Government Access services for the remainder of FY 12/13 in the amount of \$49,300; and 3) increase the total authorized City staff by 1.0 Limited Term FTE Information Technology Technician to GL Key 140709 “PEG Operations.” The City Manager’s Office further recommends that the Council direct staff to meet with interested education partners to discuss transitioning Education Access to the education community and initiate a community-based facilitation to identify a collaborative, community-based solution for regional Public Access and a community media lab.

Jennifer Phillips, Assistant City Manager, provided the staff report and responded to questions from Council Members.

At the recommendation of Mayor Bartley, it was **MOVED** by Vice Mayor Carlstrom, seconded by Council Member Olivares, and carried unanimously to table Item 12.1 until after the conduct of Public Hearing Item 13.1.

**13. PUBLIC HEARINGS**

**13.1 PUBLIC HEARING – REPEAL OF CITY COUNCIL ORDINANCE NO. 3990 (ALLOWING LARGE GROCERY STORES BY RIGHT IN THE SOUTHEAST SANTA ROSA FOOD DESERT)**

**BACKGROUND:** On June 19, 2012, the City Council directed staff to prepare policy that would allow large grocery stores by right (without a Conditional Use Permit) when located outside of a Community Shopping Center, but within an existing commercial building and within the United States Department of Agriculture (USDA) -designated “Food Desert” in southeast Santa Rosa. On September 18, 2012, the Council adopted Ordinance No. 3990, which amended the City’s Zoning Code per this direction. Subsequent to the adoption of the

ordinance, the City was served with a petition for writ of mandate which challenged the City on the validity of the ordinance. Also subsequent to adoption of the ordinance, however, was the approval of a Design Review application by the City's Design Review Board and the issuance of a Zoning Clearance for a large grocery store proposed in accordance with the ordinance. City staff recommends that the Council repeal Ordinance No. 3990 to resolve the legal challenge, while acknowledging that the repeal of the ordinance will not invalidate the approvals granted to the large grocery store application which occurred during the effective period of the ordinance.

**RECOMMENDATION:** It is recommended by the Department of Community Development that the Council introduce an ordinance to repeal Ordinance No. 3990 which allows large grocery stores as a permitted use within existing commercial buildings in Census Tract 1514.02, a USDA-designated food desert.

Clare Hartman, Supervising Planner, provided the staff report and responded to questions from Council Members.

### **PUBLIC HEARING**

Mayor Bartley opened the public hearing at 5:19 p.m.

Peter Tscherneff spoke in favor of repealing the ordinance and regarding other topics.

Linda R. Picton expressed concerns regarding the quality of services and products offered by the small mini-markets on Santa Rosa Avenue.

Mayor Bartley closed the public hearing at 5:24 p.m.

**MOVED** by Council Member Ours and seconded by Council Member Olivares to waive reading of the text and introduce by title:

**ORDINANCE ENTITLED:** ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA REPEALING COUNCIL ORDINANCE NO. 3990 – FILE NUMBER REZ12-003

Following Council discussion, the motion carried unanimously and the ordinance was introduced.

## **12.1 REPORT - PUBLIC, EDUCATION, AND GOVERNMENT MEDIA SERVICES**

The Council resumed consideration of Item 12.1 at 5:26 p.m.

### **PUBLIC COMMENT**

Anne Seeley spoke in favor of obtaining commitments from community partners.

Kerry Richardson expressed concerns regarding the lack of a City representative on the Community Media Center board and the Community Media Center's payment schedule.

Jim Plaisted, Actors Theater for Children, recommended the Council the extend its relationship with the Community Media Center through end of fiscal year, not hire a full-time employee to provide government services, and continue the relationship until the round table discussions are concluded.

Diane Evans, Sonoma County Museum, presented a PowerPoint regarding the museum's new Art, Media and Education center in the former Conklin Bros. building and asked Council to consider allowing the museum to offer a proposal.

Steven Chisham spoke in favor of involving many people in public access including youth.

Jeff Tobes spoke regarding the ability of his students to create history documentaries through the Community Media Center.

Robin Brown, Flamenco Arts, spoke in favor of continuing support for the Community Media Center.

Patrick Saindon spoke regarding upcoming activities of Eat the Fish and the lack of use by the ArtQuest program.

Theo Chafneuf spoke in favor of continuing support for the Community Media Center.

Lee Gooding, Executive Director of Helping American Veterans Endure, spoke in favor of continuing support for the Community Media Center for use by veterans.

Mike Minton spoke regarding the liabilities of internalizing government broadcasting and in favor of job training benefits provided by the Community Media Center.

Jake Ward spoke regarding the community partnerships formed by Community Media Center with the Arlene Francis Center for Spirit, Art & Politics.

Susanne Dugan spoke regarding the current partnership between the Arlene Francis Center and the Community Media Center.

Linda Picton spoke regarding the Community Media Center as an asset to the community and recommended volunteer hours to be factored into the value of the Community Media Center.

Chris Mazzia, Sonoma County Museum Board Member, spoke regarding the use of the Conklin Building as an Art, Media, and Education Center and asked the process be open for dialogue.

Loreen Theveny spoke in favor of having access to the Community Media Center.

Joshua Simmons, North Bay iHub, spoke in favor of creating an umbrella organization free of City funding by the end of year three. Reopen RFP as a creative process.

George Mangan, Community Media Centre spoke regarding funding received from the Board of Supervisors and other partners to supplement City funding, a lack of negotiations with City staff, and expressed concerns regarding the City's statistics.

Dan Exelby, Acting Chair of Community Media Center, spoke in favor of a collaborative process for creation of new media paradigm and keeping the Community Media Center open during this process.

Marlowe Allenbright spoke in favor of taking care of the Community Media Center and continuing media access.

Ida Johnson expressed concerns regarding the swift process and the lack of negotiations and recommended the Council take no action today.

Herb Hogle, Community Media Center Board Member, spoke in favor of the City's goals and objectives, a community process, and a six-month extension to the current agreement.

I.H. encouraged Taylor Wang to get involved and spoke in favor of Community Media Center use by all residents.

Kameron Messina spoke regarding his experience with the Community Media Center as an ArtQuest student.

Dixon Wragg spoke regarding his unemployment and the opportunity to learn new job skills through Community Media Center.

Elaine Holtz expressed concerns the involvement of a potential partner and the library on the RFP panel and spoke in favor of having discussions with producers.

Peter Tscherneff spoke regarding various topics.

Adrienne Lauby expressed concerns regarding the lack of support by cities for media access and spoke regarding the Community Media Center as a model media center and the need to offer people access to equipment and training.

Sabrina Krauss spoke in favor of continuing support for the Community Media Center.

Zacc Harp spoke in favor of continuing support for the Community Media Center for job training, gang prevention, and local discovery and regarding the lack of resources to be innovative.

Alice Richardson, Vice President of the League of Women Voters of Sonoma County, read a statement from the League in support of the Community Media Center and continued use of the public access channel.

Teresa Bacigalupi spoke regarding the importance of continuing to allow community leaders to use the Community Media Center.

Josh Jacobsen spoke regarding the training he received through the Community Media Center.

Willard Richards recommended funding the Community Media Center through end of fiscal year and expressed concerns regarding a lack of information regarding funding and operation of the educational channel and the need for four organizations take over the operation currently managed by one organization.

Doug Millar spoke in favor of the Community Media Center and expressed concerns regarding other topics.

Milinda Stewart spoke regarding the Community Media Center's role in recording community activities and requested additional time for the Community Media Center to raise funds.

Riis Larsen spoke regarding the lack of public involvement in the negotiations with the Community Media Center, the need for additional time to fundraise, and the need to preserve public access.

Free spoke expressed concerns regarding silencing the public voice and other topics.

Julie Chasen spoke regarding her band's experience with the Community Media Center and the success of the Media Center's snapshot series.

Tom Webb spoke regarding a Switzerland travel documentary and Santa Rosa history documentaries produced at the Community Media Center.

Mayor Bartley recessed the meeting at 6:45 p.m. and reconvened the meeting at 7:18 p.m. Assistant City Manager Phillips and Chief Technology Officer McHenry responded to questions from Council members and issues raised during public comment.

It was **MOVED** by Council Member Combs and seconded by Vice Mayor Carlstrom to (A) keep the media center open during the transition process for the next three months and then month-to-month afterwards for up to one year; and (B) open an RFP process as soon as possible that includes staff initiating a stakeholders' meeting to be completed no less than 20 days prior to when the RFP is due.

Following Council discussion and proposed friendly amendments that were accepted by the maker and seconder of the motion, Motion Part A to keep the media center open during the transition process for six months and direct staff to come back to Council in a timely manner so there is not a gap in service provision carried 6-1 (Council Member Olivares voting no).

Following further Council discussion, Motion Part B to direct staff to open an RFP process as soon as possible that includes staff initiating collaborative meetings to be completed no less than twenty working days prior to the date the RFP is due failed 2-5 (Mayor Bartley, Council Members Olivares, Ours Swinth and Wysocky voting no).

Following further Council discussion, it was **MOVED** by Council Member Wysocky, seconded by Council Member Olivares, and carried unanimously to direct staff to meet with interested partners to discuss transitioning the media center and initiate a community-based facilitation to identify a collaborative community-based solution for regional PEG access and a community media lab following the timeline proposed by staff.

As recommended by Assistant City Attorney Dillon, it was **MOVED** by Council Member Ours, seconded by Council Member Swinth, and carried unanimously to approve and authorize the Mayor to sign a first amendment to the agreement to run through September 30, 2013, under the terms presented in the proposed resolution packet.

#### **14. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)**

##### **14.1 QUARTERLY CAPITAL IMPROVEMENT PROGRAM PROJECTS UPDATE: OCTOBER - DECEMBER 2012**

#### **15. PUBLIC COMMENTS ON NON-AGENDA MATTERS**

Roger McConnell, President of the Santa Rosa Manufactured-Home Owners' Association, spoke in favor a cap on the mobilehome rent control administration fee.

**16. ANNOUNCEMENT OF CONTINUED CLOSED SESSION ITEM(S), RECESS TO CLOSED SESSION(S) IN THE MAYOR'S CONFERENCE ROOM, RECONVENE TO OPEN SESSION, AND ANNOUNCEMENTS – NONE.**

**17. ADJOURNMENT OF MEETING**

Hearing no further business, Mayor Bartley adjourned the meeting at 8:40 p.m. in memory of Jonathan Glass. The next regularly scheduled meeting will take place on April 2, 2013, at a time to be set by the Mayor.

Approved on:

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Terri A. Griffin  
City Clerk