

**SANTA ROSA CITY COUNCIL MINUTES  
REGULAR MEETING  
CITY HALL, 100 SANTA ROSA AVENUE  
AUGUST 27, 2013**

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

Mayor Bartley called the regular meeting to order at 2:45 p.m. in the Mayor's Conference Room. Council Members present: Mayor Bartley, Vice Mayor Carlstrom, Council Members Combs, Olivares, Ours, Swinth, and Wysocky.

**2. ANNOUNCEMENT OF CLOSED SESSION ITEMS**

City Attorney Fowler announced the Council will meet in Closed Session regarding the Closed Session items as listed on the agenda.

**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 (GOVERNMENT CODE SECTION 54957.6)**

Agency Designated Representatives: Fran Elm, Human Resources Director, Chris Sliz, Employee Relations Manager, and Carol Stevens of Burke, Williams & Sorensen, LLP.

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 NEGOTIATORS (GOVERNMENT CODE SECTION 54957.6)**

Agency Designated Representatives: Kathleen Millison, City Manager and Jennifer Phillips, Assistant 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 closed session at 3:15 p.m. and convened the meeting to open session in the Council Chamber at 3:21 p.m.

**3. STUDY SESSION**

**3.1 PUBLIC, EDUCATION AND GOVERNMENT MEDIA LAB UPDATE**

The purpose of this study session is to review the results of collaborative community discussions associated with the Public, Education and Government (PEG) Media Lab, specifically identifying the interests of key stakeholders, collaborative opportunities currently present in the community, potential funding sources and the results of several community workshops focused on media needs assessment.

Jennifer Phillips, Assistant City Manager, provided the staff report. Daedalus Howell also provided a report and responded to questions from Council members. No action was taken by the Council.

Mayor Bartley recessed the meeting at 3:38 p.m. and reconvened the meeting at 4:01 p.m.

**4. ANNOUNCEMENT OF ROLL CALL**

City Clerk Griffin announced all Council Members were present.

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

City Attorney Fowler reported that the Council met in Closed Session regarding Items 2.3 and 2.4 and there were no actions to report.

City Manager Millison reported on the study session regarding Public, Education and Government Media Lab Update.

**6. PROCLAMATIONS/PRESENTATIONS - NONE**

**7. STAFF BRIEFINGS**

**7.1 BOARD OF STATE AND COMMUNITY CORRECTIONS**

The Police Department received funds from the Board of State and Community Corrections (BSCC) to use for enforcement activities in Santa Rosa, as well as distributing the funds to other communities in the county for similar activities.

Tom Schwedhelm, Chief of Police, provided an update to the Council on these enforcement activities.

**8. APPROVAL OF MINUTES**

Council Member Combs noted a correction under Item 9.4 on the July 30, 2013, minutes. Vice Mayor Carlstrom noted she was present at the August 6<sup>th</sup> meeting and those minutes indicate she was absent. The Council approved the July 16, 2013, July 30, 2013, and August 6, 2013, regular meeting minutes as corrected.

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

**9.1 STATEMENTS OF ABSTENTION BY COUNCILMEMBERS**

City Attorney Fowler stated some Council Members will need to abstain on certain projects under Item 13.1 and those abstentions will be handled through separate resolutions.

**9.2 MAYOR /COUNCILMEMBERS' REPORTS**

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

**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/Regional Climate Protection (SCTA/RCPA) – None.
- b) Sonoma County Water Agency (SCWA) – Water Advisory Committee – Council Member Swinth provided a report.
- c) Association of Bay Area Governments (ABAG) Regional Planning Committee – Council Member Combs provided a report.

- d) Sonoma County Agricultural Preservation and Open Space District Advisory Committee – Council Member Wysocky provided a report.
- e) Sonoma Clean Power Authority (SCPA) – Council Member Swinth provided a report.
- f) Other: Vice Mayor Carlstrom reported on a meeting of the Sonoma County Mayors' and Councilmembers' Association.

**9.4 LETTERS OF INTEREST FOR APPOINTMENT BY THE SONOMA COUNTY MAYOR'S AND COUNCILMEMBERS ASSOCIATION**

The City Council will provide direction to the Mayor regarding letters of interest received for appointment of two positions on the League of California Cities (LOCC) North Bay Division Executive Board. Appointments will be made by the Sonoma County Mayors' and Councilmembers' Association Board of Directors at its October 10, 2013, meeting.

**MOVED** by Council Member Ours, seconded by Vice Mayor Carlstrom, and **CARRIED** unanimously to support appointment of Council Member Olivares to the League of California Cities North Bay Division Executive Board.

**MOVED** by Vice Mayor Carlstrom, seconded by Council Member Combs, and **CARRIED** unanimously to support appointment of Sonoma City Council Member Laurie Gallian to the League of California Cities North Bay Division Executive Board.

**10. CITY MANAGER'S/CITY ATTORNEY'S REPORTS**

City Manager Millison reported on the crews and equipment provided by the Santa Rosa Fire Department in response to the RIM Fire in Yosemite.

**11. CONSENT ITEMS**

**PUBLIC COMMENT**

Richard Canini, spoke regarding Item 11.2.

Peter Tscherneff spoke regarding Item 11.2 and various other topics.

Jack Osborne spoke regarding Items 11.5 and 11.10.

**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 11.10 as follows:

**11.1 MOTION - CONTRACT AWARD – PAVEMENT PREVENTIVE MAINTENANCE 2013**

**MOTION TO APPROVE CONSTRUCTION CONTRACT NO. C01786, PAVEMENT PREVENTIVE MAINTENANCE 2013 IN THE TOTAL AMOUNT OF \$820,122.50 TO THE LOWEST RESPONSIBLE BIDDER, VSS INTERNATIONAL, INC. OF WEST SACRAMENTO, CALIFORNIA**

**11.2 MOTION - COUNCIL GOALS - FINAL UPDATE FOR 2011-2013 STRATEGIC OBJECTIVES**

**MOTION TO ACCEPT THE FINAL UPDATE FOR THE 2011-2013 STRATEGIC OBJECTIVES**

**11.3 RESOLUTION - APPROVAL OF INTERAGENCY MEMORANDUMS OF UNDERSTANDING/AGREEMENTS WITH THE SANTA ROSA SCHOOL DISTRICT**

**RESOLUTION NO. 28327 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE CHIEF OF POLICE TO EXECUTE INTERAGENCY MEMORANDUMS OF UNDERSTANDING/AGREEMENTS WITH THE SANTA ROSA SCHOOL DISTRICT**

- 11.4 RESOLUTION - SAFELY SURRENDERED BABY SITES AT FIRE STATIONS**  
**RESOLUTION NO. 28328 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DESIGNATING SANTA ROSA FIRE STATIONS AS SAFE SURRENDER SITES
- 11.5 RESOLUTION - BICENTENNIAL ESTATES 2 PROFESSIONAL PEER REVIEW – APPROPRIATIONS TO ACCOUNT NUMBER 100601-5320 PROFESSIONAL SERVICES IN THE AMOUNT OF \$50,000**  
**RESOLUTION NO. 28329 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE DIRECTOR OF FINANCE TO APPROPRIATE \$50,000.00 TO ACCOUNT NUMBER 100601-5320, THE SOURCE OF FUNDS TO BE DEVELOPER PAYMENTS
- 11.6 RESOLUTION - COOPERATIVE PURCHASE - SIX ACCESSIBLE PARATRANSIT BUSES**  
**RESOLUTION NO. 28330 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA TO INCREASE APPROPRIATIONS IN FUND 1650 JL KEY 45138 BY \$60,000 AND COOPERATIVELY PURCHASE SIX REPLACEMENT PARATRANSIT BUSES FROM CREATIVE BUS SALES OF CALIFORNIA FOR A TOTAL OF \$376,998.30
- 11.7 RESOLUTION - ASSESSMENT LIEN AGAINST THE REAL PROPERTY LOCATED AT 2002 LONE STAR COURT**  
**RESOLUTION NO. 28331 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 OCCURING ON THE PROPERTY AT 2002 LONE STAR COURT, SANTA ROSA, A.P.N. 134-330-028, AND ORDERING THE ASSESSMENT BE COLLECTED ON THE TAX ROLL BY THE SONOMA COUNTY TAX COLLECTOR
- 11.8 RESOLUTION - ASSESSMENT LIEN AGAINST THE REAL PROPERTY LOCATED AT 1080 TIJUANA COURT**  
**RESOLUTION NO. 28332 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 OCCURING ON THE PROPERTY AT 1080 TIJUANA COURT, SANTA ROSA, A.P.N. 012-452-020, AND ORDERING THE ASSESSMENT BE COLLECTED ON THE TAX ROLL BY THE SONOMA COUNTY TAX COLLECTOR
- 11.9 RESOLUTION - OAKMONT TRUNK SEWER RELOCATION – SUMMARY VACATION OF PUBLIC UTILITY EASEMENTS**  
**RESOLUTION NO. 28333 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA SUMMARILY VACATING PUBLIC UTILITY EASEMENTS FOR SANITARY SEWER ON EIGHT PARCELS, LOCATED ON 6044, 6200, 6300, 6350 CHANNEL DRIVE (APN(S) 031-050-057, 031-050-056, 031-050-055, 031-050-054), 0 MELITA ROAD (APN 031-061-003), 400, 410 AND 415 ELNOKA LANE (APN(S) 031-050-019, 031-050-018, 031-050-064), ASSOCIATED WITH THE OAKMONT TRUNK SEWER RELOCATION

PROJECT, CONTRACT NO. C00057

**11.10 RESOLUTION - APPOINTMENT OF INTERIM SUPERVISING ACCOUNTANT**

**RESOLUTION NO. 28334 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPOINTING GUY ROSS TO THE POSITION OF INTERIM SUPERVISING ACCOUNTANT

**12. REPORT ITEMS**

**12.1 REPORT - SHARED FIRE SERVICES DISCUSSION UPDATE**

BACKGROUND: Fire representatives from the City and Central Fire (Rincon Valley and Windsor Fire Protection Districts) have continued discussions to look at additional opportunities to share services to provide operational efficiencies. Fire Staff will update the Council on the status of the process.

RECOMMENDATION: Provided as information. Council may provide direction.

Mark McCormick provided the staff report and responded to questions from Council Members.

**PUBLIC COMMENT**

Peter Tscherneff spoke in favor of planting cactus and various other topics.

No action was taken by the Council.

**12.2 REPORT - RELEASE OF COVENANT RUNNING WITH THE LAND WITH SONOMA COUNTY MUSEUM UPON OFFICIAL OPENING OF THE MUSEUM EXPANSION LOCATED AT THE "EAST PROPERTY"**

BACKGROUND: The Sonoma County Museum has requested that the City fully release the Covenant for the final \$50,000 on the Museum-owned property at 505 B Street upon the completion and official opening of the expansion located at 505 B Street, the East Property, as satisfaction of the Museum's remaining obligations under the Donation Agreement.

The Donation Agreement and amendments thereto expressed the City's support for the expansion of the Museum for the benefit of the citizens of Santa Rosa. The proposed expansion has evolved over time since the original Donation Agreement was entered due to changing conditions, the economy and the needs of the museum.

The opening of the East Property as additional museum and education facilities will benefit the community and fulfill the spirit and intent of the Donation Agreement.

RECOMMENDATION: It is recommended by the City Attorney's Office that the Council, by resolution, fully release the Sonoma County Museum from their obligations pursuant to the Donation Agreement and amendments thereto and authorize the Mayor to execute and record a Release of Covenant Running with the Land upon completion of the East Property expansion, which will fully satisfy the terms of the Covenant and the Donation Agreement.

Caroline Fowler, City Attorney, provided the staff report and responded to questions from Council Members. Diane Evans, Executive Director of the Sonoma County Museum, provided additional information regarding the expansion located at 505 B Street.

**MOVED** by Council Member Ours, seconded by Council Member Wysocky, and **CARRIED** unanimously to waive reading of the text and adopt:

**RESOLUTION NO. 28335 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ACCEPTING THE OPENING OF THE SONOMA COUNTY MUSEUM

EXPANSION AT THE "EAST PROPERTY" AS SATISFACTION OF THE MUSEUM'S REMAINING OBLIGATIONS UNDER THE TERMS OF THE DONATION AGREEMENT AND AUTHORIZING THE FULL RELEASE OF THE COVENANT RUNNING WITH THE LAND, RECORDED ON APRIL 5, 2000, UPON THE OFFICIAL OPENING OF THE MUSEUM EXPANSION AT THE "EAST PROPERTY"

**12.3 REPORT - COOPERATIVE AGREEMENT WITH CALTRANS FOR RIGHT OF WAY ACTIVITIES FOR WIDENING COLLEGE AVENUE BETWEEN MORGAN STREET AND CLEVELAND AVENUE**

BACKGROUND: The widening of College Avenue between Morgan Street and Cleveland Avenue is a Caltrans project which is tentatively scheduled to begin construction in October 2013. The project will add a westbound travel lane, a left turn pocket for vehicles turning left onto northbound Highway 101 and bike lanes. Construction will take place in both Caltrans and City right of way. The total project is expected to cost approximately \$6.7 million, with the City contributing \$330,000 for right of way.

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by resolution, 1) approve the Cooperative Agreement between the State of California and the City of Santa Rosa for right of way activities for widening College Avenue between Morgan Street and Cleveland Avenue (including authorizing the City to contribute and the State to accept \$330,000 for the purchase of right of way) and 2) authorize the Mayor to execute the Cooperative Agreement. Funding for this project has been appropriated to JL Key 17432. The source of funds are local transportation funds. No City General Fund money is included in this project.

Clay Thistle, Associate Civil Engineer, provided the staff report and responded to questions from Council Members. Rick Mosier, Director of Transportation and Public Works, also responded to questions.

**PUBLIC COMMENT**

Peter Tscherneff expressed concerns regarding CalTrans and the Bay Bridge project.

**MOVED** by Council Member Combs, seconded by Council Member Olivares, and **CARRIED** unanimously to waive reading of the text and adopt:

**RESOLUTION NO. 28336 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE COOPERATIVE AGREEMENT BETWEEN THE STATE OF CALIFORNIA AND THE CITY OF SANTA ROSA FOR RIGHT OF WAY ACTIVITIES FOR WIDENING COLLEGE AVENUE BETWEEN MORGAN STREET AND CLEVELAND AVENUE

**12.4 REPORT - APPROVAL OF THE FRANCHISE AGREEMENT FOR VEHICLE TOW SERVICES FOR THE CITY OF SANTA ROSA**

BACKGROUND: On July 20, 2004, the City adopted an ordinance authorizing the Council to grant franchises to one or more tow operators for police generated tow services and requiring the payment of a franchise fee to cover the cost of the program.

Tow operators placed on the City's Rotation Tow List are permitted to provide tow services to remove stopped, standing, parked, and hazardous vehicles from public streets, roads and private property. Qualified tow operators provide this service on a rotating basis. They also provide qualified storage facilities.

Police Department staff is responsible for meeting annually with local tow operators, insuring compliance with the law and the tow agreement, collecting CHP 180 (tow report) forms from

employees and confirming forms are property completed, and insuring notifications are mailed out as required by the California Vehicle Code.

The current Franchise Agreement for Vehicle Tow Services was approved by City Council and will expire on August 31, 2013.

There will be no change in the Franchise Fee unless changed by a future Council resolution.

**RECOMMENDATION:** It is recommended by the Police Department that the Council, by resolution, approve the Franchise Agreement for Vehicle Tow Services for the City of Santa Rosa for police generated tows and approve the proposed Tow Vendor list.

Jerry Soares, Police Lieutenant, provided the staff report and responded to questions from Council Members.

#### PUBLIC COMMENT

Larry James Hartwick spoke regarding the denial of Express Towing's application for a franchise.

Peter Tscherneff spoke regarding the tow of vehicles owned by migrant farm workers.

**MOVED** by Council Member Wysocky and seconded by Council Member Swinth to waive reading of the text and adopt:

**RESOLUTION NO. 28337 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA GRANTING VEHICLE TOW FRANCHISES AND AUTHORIZING FRANCHISE AGREEMENTS WITH VARIOUS TOW VENDORS

Following Council discussion, the motion **CARRIED** unanimously.

### 13. PUBLIC HEARINGS

#### 13.1 PUBLIC HEARING - CITYWIDE CREEK MASTER PLAN UPDATE

**BACKGROUND:** On July 11, 2013, the Planning Commission held a public hearing and considered the updated Citywide Creek Master Plan and associated Addendum to the Santa Rosa Citywide Creek Master Plan Environmental Impact Report. The Planning Commission voted 7-0 to recommend that the Council adopt the updated Citywide Creek Master Plan.

**RECOMMENDATION:** It is recommended by the Community Development and Utilities Departments and the Planning Commission, that the Council, by four resolutions, adopt the updated Citywide Creek Master Plan.

Erin Morris, Senior Planner, provided the staff report and responded to questions from Council Members.

#### PUBLIC HEARING

Mayor Bartley opened the public hearing at 6:20 p.m.

Stephen Fuller-Rowell recommended the Council approve the Creek Master Plan Update.

Peter Tscherneff spoke regarding homeless encampments on creeks and various other topics.

Seeing no one else wishing to speak, Mayor Bartley closed the public hearing at 6:25 p.m.

**MOVED** by Council Member Olivares and seconded by Council Member Combs to waive reading of the text and adopt:

**RESOLUTION NO. 28338 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING THE CITYWIDE CREEK MASTER PLAN UPDATE – FILE NUMBER ST10-004

Following Council discussion, the motion **CARRIED** unanimously.

**MOVED** by Council Member Olivares, seconded by Council Member Combs, and **CARRIED** 6-0-1 (Mayor Bartley abstaining) to waive reading of the text and adopt:

**RESOLUTION NO. 28339 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING A PROJECT FROM THE CITYWIDE CREEK MASTER PLAN UPDATE – FILE NUMBER ST10-004

**MOVED** by Council Member Olivares, seconded by Council Member Combs, and **CARRIED** 6-0-1 (Vice Mayor Carlstrom abstaining) to waive reading of the text and adopt:

**RESOLUTION NO. 28340 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING TWO PROJECTS FROM THE CITYWIDE CREEK MASTER PLAN UPDATE – FILE NUMBER ST10-004

**MOVED** by Council Member Olivares, seconded by Council Member Wysocky, and **CARRIED** 6-0-1 (Council Member Combs abstaining) to waive reading of the text and adopt:

**RESOLUTION NO. 28341 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING TWO PROJECTS FROM THE CITYWIDE CREEK MASTER PLAN UPDATE – FILE NUMBER ST10-004

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

**14.1 TRANSPORTATION AND PUBLIC WORKS DEPARTMENT RESPONSE TO GRAND JURY REPORT**

Communication provided for informational purposes. No action was taken by the Council.

**14.2 NOTICE OF SUBMITTAL OF FINAL MAP – SOUTHERN GARDENS**

Communication provided for informational purposes. No action was taken by the Council.

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

Robert R. Carr expressed concerns regarding installation of a fence near his home as part of the Chanate Road pedestrian pathway project.

Dee Clancy expressed concerns regarding maintenance issues not performed by the Gray's Meadows homeowners association.

Cynthia Wallace expressed concerns regarding the proposed SAY transitional housing project at the former Warrack Hospital site.

Peter Tscherneff spoke regarding various topics.

James Bennett expressed concerns regarding Plan Bay Area.

**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, IF ANY**

None.

**17. ADJOURNMENT OF MEETING**

Hearing no further business, Mayor Bartley adjourned the meeting at 6:48 p.m. The next regularly scheduled meeting will take place on September 10, 2013, at a time to be set by the Mayor.

Approved on: September 10, 2013

/s/ Terri A. Griffin, City Clerk