

**SANTA ROSA CITY COUNCIL MINUTES
REGULAR MEETING
CITY HALL, 100 SANTA ROSA AVENUE
APRIL 16, 2013**

1. CALL TO ORDER AND ROLL CALL

Mayor Bartley called the meeting to order at 2:00 p.m. Council Members present: Mayor Bartley, Vice Mayor Carlstrom, Council Members Combs, Olivares, Ours, and Swinth. Council Member Wysocky arrived at 2:05 p.m.

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

Mayor Bartley recessed the meeting to closed session at 2:00 p.m. in the Mayor’s Conference Room.

2.3 PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Manager

2.4 CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representatives: Fran Elm, Human Resources Director, 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).

2.5 CONFERENCE WITH LABOR NEGOTIATOR

Agency Designated Representative: Kathleen Millison, City Manager and Jennifer Phillips, Assistant City Manager.

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

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

Mayor Bartley reconvened the meeting to open session at 3:21 p.m. in the City Council Chamber.

3. STUDY SESSION

3.1 SPRING FINANCIAL UPDATE

Lawrence Chiu, Chief Financial Officer, Jean Gill, Budget & Financial Analysis Manager, and Robert Hamud, Principal Financial Analyst provided an update on the status of the General Fund finances by presenting the Spring Financial Update, which compiles nine months of actual Fiscal Year 2012/13 data. An economic update was presented which discussed current and projected trends that will affect this fiscal year and beyond.

General Fund revenues were reviewed and an updated projection was provided. A revised projection of reserves was discussed. The Five-Year Forecast, incorporating revised revenue, expenditure and reserve projections, was presented for fiscal years 2012/13 through 2017/18.

Mayor Bartley recessed the meeting at 3:58 p.m. and reconvened the meeting at 4:06 p.m.

4. ANNOUNCEMENT OF ROLL CALL

City Clerk Griffin announced that all Council Members were present. Teen Council Member Wang was also present.

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

City Attorney Fowler reported that the Council had met in Closed Session regarding Items 2.3, 2.4 and 2.5 and there were no actions taken during the closed sessions.

6. PROCLAMATIONS/PRESENTATIONS

6.1 PROCLAMATION - CHILD ABUSE PREVENTION MONTH

Council Member Swinth read the Proclamation and presented it to Robin Bowen, Executive Director, California Parenting Institute.

6.2 PROCLAMATION - THE VOLUNTEERS IN POLICE SERVICES

Council Member Olivares read the Proclamation and presented it to Volunteers in Police Services Bill Turner, Dave Lichtenstern, Donna McClelland on behalf of her husband Joe McClelland, Rich Sandvick, Howard Groocock, David Cooper, Ken Coker, Tracy Merriken, and Ron Puccinelli.

PUBLIC COMMENT

Colleen Fernald, speaking on Item 6.1, expressed concerns regarding the abuse of her daughter Charlotte Molinari.

7. STAFF BRIEFINGS

7.1 EARTH DAY 2013

The City of Santa Rosa is planning a celebration for Earth Day on Saturday, April 27th. The celebration will include community park clean-ups from 8:00 a.m. – 11:00 a.m. and a festival from 12:00 p.m. – 4:00 p.m. downtown in Courthouse Square. Santa Rosa's Earth Day 2013 is designed to unite our community and inspire awareness about our environment. All are invited to volunteer at a park clean-up in the morning and come downtown to enjoy the 4th Annual Earth Day Festival. The festival will include local food vendors, live entertainment, eco-art activities for kids, local environmental organizations, green products, volunteer opportunities, and more. Elise Howard, Utilities Research & Program Coordinator, provided the staff briefing and responded to questions from Council members.

7.2 SCHEDULE OF ELIMINATION OF FIRE DEPARTMENT BROWN OUTS

In July 2009, as part of City wide budget reductions, the City began a rotating brown out of Fire Station-10 located on Corporate Center Parkway and Fire Station-11 located on Lewis Road. In December 2012, the Fire Department was awarded a FEMA "Staffing for Adequate Fire and Emergency Response" (SAFER) grant in the amount of \$2,560,068 which allows the Fire Department to re-open both stations for a two year period. Staff will update the Council on the elimination of the station brownout. Tony Gossner, Deputy Fire Chief, provided the staff briefing and responded to questions from Council members.

8. APPROVAL OF MINUTES

Mayor Bartley and Council Members Olivares, Ours and Wysocky approved the minutes of the March 4, 2013, Special Joint Meeting as submitted.

The Council approved the minutes of the February 14 and 15, 2013, Special Meeting and March 19, 2013, Regular Meeting as submitted.

9. MAYOR'S/COUNCILMEMBERS' REPORTS

9.1 STATEMENTS OF ABSTENTION BY COUNCILMEMBERS

Council Member Combs announced she would be abstaining on Goal 4, Objective 3 (Southeast Greenway Campaign) under Item 12.3 as a portion of the proposed Greenway is within 500 feet of her residence.

9.2 MAYOR'S /COUNCILMEMBERS' REPORTS

The Mayor and members of the Council made other announcements and reports of interest to the Council. Teen Council Member Wang also provided a report.

Council Member Swinth announced her appointment of Tom Karsten to the Planning Commission.

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 a Sonoma Clean Power meeting held April 15, 2013.

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

City Manager Millison announced her attendance at the California Association for Local Economic Development (CALED) Conference as past chair and the City's receipt of an Award for Excellence for economic development activities by Economic Development and Planning staff.

10.1 MOTION – PROPOSED AMENDMENTS TO LEAGUE OF CALIFORNIA CITIES BYLAWS (Continued from the April 9, 2013, Regular Meeting)

City Clerk Griffin provided the staff report. City Manager Millison responded to questions from Council members.

It was **MOVED** by Council Member Swinth, seconded by Council Member Wysocky and **CARRIED** unanimously to direct the City Manager to vote on behalf of the City of Santa Rosa in favor of the Bylaws Amendment that would require the concurrence of at least five cities or city officials from at least five cities to submit a proposed resolution to the League for consideration by the General Assembly.

It was **MOVED** by Council Member Swinth, seconded by Council Member Olivares and **CARRIED** 6-1 (Council Member Wysocky voting no) to direct the City Manager to vote on behalf of the City of Santa Rosa in favor of the Bylaws Amendment that would require a two-thirds vote of the League's Board of Directors to take a position on a statewide ballot measure.

11. CONSENT ITEMS

City Manager Millison responded to questions from Council members regarding Item 11.3. Linda Reed, Administrative Services Office, responded to questions from Council regarding Item 11.1.

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 - APPROVAL OF THE PRELIMINARY 2013/14 SUBREGIONAL WATER REUSE SYSTEM OPERATING AND MAINTENANCE, CAPITAL IMPROVEMENT AND DEBT SERVICE BUDGET AND ALLOCATION OF COSTS

MOTION TO APPROVE THE PRELIMINARY 2013/14 SUBREGIONAL WATER REUSE SYSTEM OPERATING AND DEBT SERVICE BUDGET AND ALLOCATION OF COSTS TO THE SUBREGIONAL AGENCIES FOR THE PURPOSE OF NOTIFYING EACH OF THE AGENCIES OF THEIR COST ALLOCATION FOR THE 2013/14 YEAR, APPROVAL OF SANTA ROSA'S CONTRIBUTION TO BE SUBJECT TO COUNCIL APPROVAL OF THE BUDGET DURING THE 2013/14 COUNCIL BUDGET REVIEW

11.2 MOTION - SANTA ROSA TOURISM BUSINESS IMPROVEMENT AREA BOARD APPOINTMENT

MOTION TO APPOINT MAX CHILDS, GENERAL MANAGER OF THE SANTA ROSA MARRIOTT COURTYARD INN, TO SERVE ON THE SANTA ROSA TOURISM BOARD

11.3 RESOLUTION - WAIVER OF COMPETITIVE BIDS – SOLE SOURCE PURCHASE OF ODYSSEY FAREBOXES FOR CITYBUS

RESOLUTION NO. 28263 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA WAIVING COMPETITIVE BIDDING AND APPROVING A SOLE SOURCE PURCHASE OF ODYSSEY FAREBOXES FOR CITYBUS IN AN AMOUNT NOT TO EXCEED \$333,187

11.4 ORDINANCE ADOPTION – AMENDMENT TO SANTA ROSA CITY CODE CHAPTERS 3-08, PURCHASING POLICY, AND 3-44, PUBLIC WORKS CONTRACT POLICY

ORDINANCE NO. 4005 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING CERTAIN SECTIONS OF CHAPTERS 3-08 PURCHASING POLICY, AND 3-44 PUBLIC WORKS CONTRACT POLICY OF THE SANTA ROSA CITY CODE

12. REPORT ITEMS

12.1 REPORT – CALTRANS URBAN AREA ADJUSTMENT

BACKGROUND: The California Department of Transportation has asked local governments to review 2010 census defined urban areas for consistency with transportation purposes. Staff has compared the census defined urban area with city boundaries and finds that an adjustment should be made to the census urban area in southeast Santa Rosa in the general location of the planned Farmers Lane extension.

RECOMMENDATION: It is recommended by the Department of Community Development that the Council adopt a resolution requesting an adjustment of the 2010 census-defined urban area boundary to include areas in southeast Santa Rosa within the Urban Growth Boundary.

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

Council Member Wysocky left the dais at approximately 5:00 p.m.

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

RESOLUTION NO. 28264 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA REQUESTING AN ADJUSTMENT OF THE 2010 CENSUS-DEFINED URBAN AREA BOUNDARY FOR TRANSPORTATION PURPOSES

The motion **CARRIED** 6-0-1 (Council Member Wysocky absent).

Council Member Wysocky returned to the dais at approximately 5:05 p.m.

12.2 REPORT – MODIFICATION TO THE NEW RAILROAD SQUARE APPLICATION AND AWARD FOR THE PROPOSITION 1C GRANT FROM A MULTI-PHASE, MIXED USE DEVELOPMENT IN RAILROAD SQUARE TO A STAND-ALONE SENIOR AFFORDABLE HOUSING DEVELOPMENT AT 3 WEST THIRD STREET

BACKGROUND: In 2009, Railroad Square Associates, LLC (RSA) and the City were successful co-applicants for an \$11.3 million State Proposition 1C Infill Infrastructure Grant Program (Grant) for New Railroad Square, based on a proposed master development consisting of 68 units of senior affordable housing, 211 units of market-rate condominiums, and approximately 84,000 square feet of office and retail uses on four parcels totaling approximately 7.4 acres (Master Development). The Grant program is administered by the State Department of Housing and Community Development (HCD).

Real estate and financial markets continue to be weak for new commercial and new market-rate residential construction amid other challenges. As a consequence, the reality of building the Master Development is not feasible at this time and not likely to be feasible within the current time frame of the Prop 1C Grant. Because many Proposition 1C projects statewide are in a similar position, HCD has amended the Grant program guidelines to allow grantees to modify their projects from a multiple phase development to a single development with a commensurate reduction in the grant amount.

RECOMMENDATION: It is recommended by the Department of Economic Development and Housing that the Council, by resolution, approve modification of the New Railroad Square Proposition 1C Grant application from a multiple-phase, mixed-use, transit-oriented development on four parcels in Railroad Square to a stand-alone senior, affordable housing development on one parcel at 3 West Third Street and modification to the Proposition 1C Grant award from approximately \$11.3 million to approximately \$4.3 million.

Frank Kasimov, Program Specialist provided the staff report and responded to questions from Council members. David Gouin, Director of Economic Development and Housing, and Bill Rose, Senior Planner, also responded to questions from Council members.

PUBLIC COMMENT

David Grabill urged the Council to deny modification of the Proposition 1C application and spoke in favor of integrating the site with the remainder of the Railroad Square parcels.

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

RESOLUTION NO.ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING MODIFICATION OF THE NEW RAILROAD SQUARE APPLICATION AND AWARD FOR THE PROPOSITION 1C GRANT FROM A MULTIPLE-PHASE, MIXED-USE DEVELOPMENT IN RAILROAD SQUARE TO A STAND-ALONE SENIOR AFFORDABLE HOUSING DEVELOPMENT AT 3 WEST THIRD STREET

Following Council discussion, the motion **FAILED** 3-4 (Mayor Bartley, Vice Mayor Carlstrom, and Council Members Combs and Swinth voting no).

Mayor Bartley recessed the meeting at 6:11 p.m. and reconvened the meeting at 6:21 p.m. All Council Members were present with the exception of Council Member Wysocky.

It was **MOVED** by Council Member Swinth, seconded by Council Member Ours, and **CARRIED** 6-0-1 (Council Wysocky absent) to consider Public Hearing Item 13.1 at this time.

Council Member Wysocky returned to the dais at 6:22 p.m.

13. PUBLIC HEARINGS

13.1 PUBLIC HEARING – CHANATE ROAD PEDESTRIAN BRIDGE AND PATH

BACKGROUND: The Chanate Road Pedestrian Bridge and Path project proposes to construct approximately 420 linear feet of five foot wide pedestrian pathway along the northern side of Chanate Road between Parker Hill Road and Fitzpatrick Court, in northeast Santa Rosa. The pathway project includes a pedestrian bridge crossing Paulin Creek which flows through a culvert under Chanate Road. A \$405,000 federal grant to construct the project was received through the Metropolitan Transportation Commission's Transportation for Livable Communities Program. In addition, \$101,250 of local transportation funds will be used to fund balance of project. No City General Fund money is included in this project.

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the City Council, by resolution, adopt the proposed Mitigated Negative Declaration and approve the Chanate Road Pedestrian Bridge and Path project.

Noah Housh, City Planner, provided the staff report and responded to questions from Council members.

PUBLIC HEARING

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

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

RESOLUTION NO. 28265 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE CHANATE ROAD PEDESTRIAN BRIDGE AND PATH LOCATED ON CHANATE ROAD IN NORTHWEST SANTA ROSA

12.3 REPORT - 2013-2015 COUNCIL GOALS AND STRATEGIC OBJECTIVES SCORECARD

BACKGROUND: On February 14 and 15, 2013, Council and Executive Staff discussed numerous ideas, initiatives and strategic objectives relating to each of the six Council Goals. Each of the six goals has a list of strategic objectives that were prioritized by both the Council and Executive Staff.

RECOMMENDATION: It is recommended by the City Manager's Office that the Council, by resolution, approve the 2013-2015 Council Goals and Strategic Objectives.

Kathy Millison, City Manager, provided the staff report and responded to questions from Council members.

PUBLIC COMMENT

Anne Seeley, Concerned Citizens for Santa Rosa, spoke in favor of proceeding with the annexation of Roseland (Goal 5, Strategic Objective 1) before consideration of all County islands.

Alan B. MacFarlane spoke in favor of firing police officers and the District Attorney every five years.

Rev. Curtis Byrd, Santa Rosa Branch of the NAACP, spoke in favor of the annexation of Roseland as the Council's highest priority.

Roger McConnell, President of Santa Rosa Manufactured-Homes Association, spoke in favor of a cap on the mobilehome rent control administrative fee.

John Sugg, Sonoma Patient Dispensary, spoke in favor of the Council modifying the dispensary ordinance

Nina Tepedino distributed a copy of a letter to the Bohemian in support of local smoking bans in lieu of making public comments.

Don McLeod, President of the Rancho San Miguel Mobilehome Park Homeowners Association, spoke in favor of maintaining mobilehome parks as an important source of affordable housing

Barry Wood, Associate Director of Santa Rosa Peace in Medicine, spoke in favor of lifting the patient cap in the City's dispensary ordinance.

Steven Evans spoke in favor of lifting the patient limit in the City's dispensary ordinance.

David R. Bush, Esq. spoke regarding the conflict between state and federal law around medical marijuana and in favor of lifting the patient limit, the expansion of hours of access and allowing onsite consumption.

Jewel Mathieson spoke in favor of lifting the patient cap, expanding the hours of operation and allowing more patient services and onsite consumption under the City's dispensary ordinance.

Ken Brown, Mayor of Sonoma, spoke in favor of raising the patient cap at Sonoma Patient Group.

Sarah Shrader spoke in favor of lifting the patient cap in the City's dispensary ordinance.

Angie Monette, Citizens for Responsible Access, distributed legal opinion memorandum and spoke in favor of adding consideration of the medical cannabis ordinance under the Council's goals.

Craig Litwin distributed a document regarding medical cannabis revenue and spoke in favor of revisions to the City's dispensary ordinance under Goal 1 and the annexation of Roseland.

Kumari Sivacas, Sonoma Alliance for Medical Marijuana, spoke in favor of amending the City's dispensary ordinance under Goal 1.

Jennifer Woodbury spoke in favor of revising the City's dispensary ordinance by dropping patient limits and increasing the number of medical marijuana dispensaries.

Sonia Taylor spoke in favor of the annexation of Roseland and expressed concerns regarding the timing of the work plan and asked that it be a top priority.

Mitchell Thompson, Board Member of Peace in Medicine, spoke in favor of revising the City's dispensary ordinance to lift patient caps and increase hours of operation.

Jim McAdler spoke in favor of the Southeast Greenway Campaign.

Royce Park, patient consultant for Peace in Medicine, spoke in favor of revisions to the City's medical marijuana ordinance.

Andrea Apodaca spoke in favor of allowing expanded hours of operation for medical marijuana dispensaries.

Kyra Janssen spoke in favor of training City staff to communication with the community, making public access to City Council meetings as easy as possible, improving outreach process and boards and commissions, institution of an employee recognition process, and the annexation of Roseland.

Linda Kelley, Sebastopol Planning Commissioner, spoke in favor of Sebastopol's dispensary ordinance and lifting the patient cap in Santa Rosa's ordinance.

David Petritz spoke in favor of the Southeast Greenway Campaign and the annexation of Roseland.

Judy Kennedy spoke in favor of including art as a cultural asset under Goal 4, the preservation of historic neighborhoods and business districts, and the inclusion of neighborhood leaders in discussions regarding development projects

Anu Dhaliwal spoke in favor of collaboration between the City and the Council on the annexation of Roseland.

Mayor Bartley recessed the meeting at 7:33 p.m. and reconvened the meeting at 7:58 p.m. All Council Members were present with the exception of Council Member Combs.

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

RESOLUTION NO. 28266 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA REAFFIRMING GOAL 4, STRATEGIC OBJECTIVE 3, "SUPPORT EFFORTS OF SOUTHEAST GREENWAY CAMPAIGN BY MONITORING AND PROVIDING INFORMATION"

Following Council discussion, the motion **CARRIED** 6-0-1 (Council Member Combs absent/recused).

Council Member Combs returned to the dais at 8:04 p.m.

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

RESOLUTION ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA REAFFIRMING FIVE YEAR GOALS AND STRATEGIC OBJECTIVES FOR FISCAL YEARS 2013-2015 WITH THE EXCEPTION OF GOAL 4, STRATEGY 3

Following Council discussion, the motion was withdrawn by the maker and seconder of the motion.

Council Members provided feedback and direction regarding additional items for inclusion within the Council's goals and strategic objectives.

MOVED by Council Member Combs, seconded by Vice Mayor Carlstrom and **CARRIED** unanimously to continue the matter to May 14, 2013.

14. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION) – None.

14.1 LETTER OF SUPPORT OF AB 436 RELATING TO INVERSE CONDEMNATION

Council concurred to authorize the Mayor to sign a letter of support incorporating clarifying language to be added by the City Attorney.

15. PUBLIC COMMENTS ON NON-AGENDA MATTERS – NONE.

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 8:45 p.m. The next regularly scheduled meeting will take place on April 30, 2013, at a time to be set by the Mayor.

Approved on: May 14, 2013

/s/ Terri A. Griffin, City Clerk