

**CITY OF ROHNERT PARK CONCURRENT MEETING MINUTES FOR:
City Council
Community Development Commission
Rohnert Park Financing Authority**

**July 24, 2007
Tuesday**

The Concurrent Meetings of the City of Rohnert Park for the City Council, the Community Development Commission and the Rohnert Park Financing Authority met this date for a Special Meeting, to commence at 5:00 p.m., followed by a Regular Meeting at the Rohnert Park City Hall, 6750 Commerce Boulevard, Rohnert Park, with Mayor Vidak-Martinez presiding.

SPECIAL MEETING

Call to Order: Mayor Vidak-Martinez called the Special Meeting to order at 5:00 p.m.

Roll Call: Breeze, Mackenzie, Smith, Stafford, Vidak-Martinez

Staff present for all or part of the Special Meeting: City Manager Donley, Assistant City Attorney Whelan, Assistant City Manager Schwarz, Director of Administrative Services Lipitz, and Management Analyst Babonis.

Unscheduled Public Appearances: None.

CLOSED SESSION

Mayor Vidak-Martinez adjourned Council to Closed Session to discuss Litigation and Personnel Matters. Mayor Vidak-Martinez reconvened the Council in Open Session at 7:27 p.m.

MAYOR'S REPORT ON CLOSED SESSION:

Mayor Vidak-Martinez indicated that there was no reportable action from Closed Session, and she adjourned the Special Meeting at approximately 7:20 p.m.

CITY COUNCIL REGULAR MEETING

Call to Order: Mayor Vidak-Martinez called the Regular Meeting to order at 7:23 p.m.

Roll Call: Breeze, Mackenzie, Smith, Stafford Vidak-Martinez

Staff present for all or part of the Regular Session: City Manager Donley, Assistant City Attorney Whelan, Assistant City Manager Schwarz, Director of Administrative Services Lipitz, Management Analyst Babonis Director of Community Development Bendorff, Public Works/City Engineer Jenkins, Deputy City Engineer Barnes, Management Analyst Tacata, Deputy City Clerk Griffin, and Videographer Beltz.

PLEDGE OF ALLEGIANCE:

Mayor Vidak-Martinez led the Pledge of Allegiance.

1. UNSCHEDULED PUBLIC APPEARANCES/COMMENTS:

1. Peter Tscherneff, Sonoma County, was recognized. He **SUBMITTED** a flyer about recalling District Attorney Passalacqua, and he commented on crimes against children by those paid to protect them.
2. Doug Miller, Penngrove, was recognized. He expressed support for Mr. Tscherneff's comments, and he encouraged Council Members to read The Franklin Cover-up.
3. John Hudson, 399 Bonnie Avenue, was recognized. He expressed his concerns about the cost overruns for the new City Hall, and he called for the replacement of the current Council Members.
4. Barbara Delsman, 1151 Oak Street, Ashland, Oregon, was recognized. She noted that she is a member of the Graton Rancheria Tribe, and she expressed various reasons for her dissatisfaction with the Tribe.
5. Donna Lewis, 4006 NW Witham Hill, No. 148, Corvallis, Oregon, was recognized. She noted that her great-uncle was part of the original Graton Rancheria, and she expressed her concerns about Greg Sarris and the Tribe.
6. Chip Worthington, 4695 Snyder Lane, was recognized. He called attention to the Graton Rancheria's denial of direct descendants of the Tribe, and he stated that there may be a legal challenge regarding the validity of the Graton Rancheria.
7. Dawna Gallagher, 276 City Center Drive, was recognized and encouraged Council to support competitive bidding, rather than to extend its current garbage service contract.
8. Bill Lorenz, 1512 Galaxy Court, was recognized. He expressed concerns about the state of the men's locker room in the Sports Center, and he encouraged Council to invest in improvements. Mayor Vidak-Martinez **DIRECTED STAFF** to look into Mr. Lorenz' concerns.

2. CONSENT CALENDAR:

Mayor Vidak-Martinez asked if there were any questions about matters on the Consent Calendar. No matters were raised.

1. Approval of Minutes for:
Special Meeting and City Council Portion of Concurrent Meetings – July 10, 2007
2. Approval of City Bills/Demands for Payment in the amount of \$2,344,224.74
3. Accepting Cash/Investments Report for:
Month Ending April, 2007 - **DEFERRED**
4. Resolutions for Adoption:

2007-121 Proclaiming August 9-11, 2007, as California Junior Miss Week in Rohnert Park
2007-122 Authorizing and Approving Amendment Number Two to the Agreement for Services with MACTEC Engineering and Consulting, Inc. regarding the Environmental Impact Report (EIR) for the Wilfred/Dowdell Specific Plan

- 2007-123 Authorizing and Approving an Agreement for Services with Sol-Data Energy Consulting to Provide Green Building Plan Check and Inspection Services**
- 2007-124 Accepting Project and Directing the City Engineer to File Notice of Completion for the Sewer Force Main Breach Repair Project No. 2006-07**

Upon **MOTION** by Vice Mayor Mackenzie, seconded by Council Member Smith, and **UNANIMOUSLY APPROVED**, reading was waived and the Consent Calendar was **ADOPTED**.

3. CITY HALL ART PROGRAM:

Consideration of Implementation of City Hall Art Program:

1. Comments from Cultural Arts Commission: Emily Wiseman discussed the Commission's recommendation (1) to postpone further efforts on art matters until the renovations are further along, and (2) to have a jury of artist in the new City Hall.
2. Public Comments: None.
3. Council discussion/direction: Vice Mayor Mackenzie reiterated the importance of having murals and photos depict the history of the area, and City Manager Donley discussed including photos of the current Council and having rotating exhibits. Council **CONCURRED** with the recommendation of the Cultural Arts Commission.

4. REFUSE COLLECTION RATES:

Consideration of Hauler Proposal for Acquisition of New Fleet Vehicles and Proposed Rate Changes:

1. Staff Report: Management Analyst Babonis reviewed the contents of the Staff Report via a PowerPoint presentation, and she responded to Council questions and comments. At the invitation of Mayor Vidak-Martinez, John Warren, on behalf of the City's current hauler, Rohnert Park Disposal, **DISTRIBUTED AND REVIEWED** the contents of rate comparison graphs. Jim Salyers, Vice President of North Bay Corporation, and City staff addressed Council questions and comments. Mr. Salyers also responded to Council Member Smith's submission of a letter to the editor of The Press Democrat, published 5/13/07, which he, Mr. Salyers, had written noting the healthy state of open and competitive bidding in Sonoma County at that time.
2. Public Comments: Members of the public wishing to comment on this matter were called forward.
 - a. Sal from GreenWaste Recovery, Inc., was recognized and commented on the excellent service provided by GreenWaste.
 - b. Ernie Carpenter from Industrial Carting was recognized. He **DISTRIBUTED AND REVIEWED** legislation regarding diesel vehicles, and he noted his support for re-bidding the City's garbage contract in one year's time.
 - c. Eric Koenigshofer, representative from the Ratto group of companies, explained how there is no benefit by going to bid when the City is already receiving quality services at a low price.

- d. Harlan Barner, resident of Sebastopol, was recognized and questioned why North Bay Corporation does not already have new fleet vehicles, nor a facility for construction debris such as Industrial Carting has.
 - e. Curtis Michelini from Industrial Carting was recognized. He explained the efforts that went into building a construction debris facility, and encouraged Council to support competitive bidding for the sake of its constituents.
3. Council discussion/direction: A **MOTION** was made by Council Member Smith, seconded for purposes of discussion by Vice Mayor Mackenzie, to proceed with the staff recommendations as outlined in the Staff Report. Under discussion, Council Member Smith expressed his support for open and competitive bidding. Council Member Breeze noted the City's quality service and good rapport with the current hauler, and she explained how bidding would be time-consuming and costly. Council Member Stafford expressed support for staff's recommendations, and she noted that the cost of the new fleet would be part of the bidding process. Vice Mayor Mackenzie expressed a desire to have a report from the Solid Waste Subcommittee, including a discussion of the length of the contract, the nature of current service complaints, and an evaluation of process over price. Mayor Vidak-Martinez explained how the City does have a degree of control over its garbage rates. She noted the City currently receives good service, and she expressed her preference to have staff time devoted to current projects, rather than a time-consuming, expensive bidding process. At this time, City Manager Donley explained the need for Council to act on the two-percent rate adjustment to fund the fiscal year 2007-2008 contractor's payment for services. Vice Mayor Mackenzie expressed a desire to delay the two-percent adjustment. Council Mayor Smith explained that in order to protect the public interest, the City should extend the contract one year and then go to bid. Mayor Vidak-Martinez expressed support for a thorough analysis from the Solid Waste Subcommittee and staff. Council Member Breeze expressed concern at the ratepayer's alarm of a possible 36-49 percent increase in rates, and she noted her support for a seven-year contract extension. City Manager Donley explained the potential rate increases for the next year based on a four- or seven-year contract extension. Said motion **FAILED 2-3** with Council Member Breeze, Vice Mayor Mackenzie and Mayor Vidak-Martinez dissenting.

A **MOTION** was made by Council Member Smith, seconded by Council Member Stafford, to direct staff to bring forward the two-percent rate adjustment as outlined in the Staff Report. Said motion was **APPROVED 4-1** with Vice Mayor Mackenzie dissenting.

A **MOTION** was made by Vice Mayor Mackenzie, seconded by Council Member Stafford, to direct the Solid Waste Subcommittee to report back in one month on the various concerns/comments by Council as noted in the above motion. Council Member Smith requested that the report back be at the Council's meeting in six weeks, and Vice Mayor Mackenzie amended the motion to reflect a report at the first meeting in September. Said motion was **APPROVED 4-1** with Council Member Smith dissenting.

RECESS: Mayor Vidak-Martinez declared a recess at 9:23 p.m.

RECONVENE: The full Council reconvened at 9:29 p.m.

5. RESIDENTIAL USES WITHIN COMMERCIAL DISTRICTS:

Consideration of Amendments to Sections 17.06.040 and 17.06.060 of the Rohnert Park Municipal Code regarding Residential Uses within Commercial Districts:

1. Staff Report: Director of Community Development Bendorff reviewed the contents of the Staff Report and responded to Council questions and comments.

2. **PUBLIC HEARING:** Mayor Vidak-Martinez opened the Public Hearing at 9:34 p.m. There being no members of the public interested in speaking on this matter, Mayor Vidak-Martinez closed the Public Hearing at 9:34 p.m.

3. Ordinance for Introduction:

Waive Further Reading and Introduce Ordinance by Reading Title:

No. 790 Amending Sections 17.06.040 and 17.06.060 of the Rohnert Park Municipal Code Regarding Residential Uses Within Commercial Districts

A **MOTION** was made by Council Member Breeze, seconded by Council Member Stafford, to introduce Ordinance No. 790. Under discussion, Council Member Smith noted his concerns about spill-over parking. He expressed a desire for appropriate mixed-use regulations in the community, and he indicated that he would like more facts about residential uses within commercial districts. Mayor Vidak-Martinez noted that this ordinance would cover all residential uses within commercial districts throughout the City, not one project in particular. After the motion, which was **UNANIMOUSLY APPROVED**, reading was waived and Ordinance No. 790 was **INTRODUCED BY ROLL CALL VOTE**.

6. CITY HALL RENOVATION PROJECT:

Consideration of Bids Received for the Rohnert Park City Hall Renovation Project No. 2004-33:

1. Staff Report: Director of Public Works/City Engineer Jenkins reviewed the contents of the Staff Report, and he responded to Council questions and comments.
2. Public Comments: Mayor Vidak-Martinez inquired if Quinlan S. Tom, who had submitted a speaker card for this matter, desired to speak. Mr. Tom declined.
3. Resolution for Adoption:

2007-125 Awarding the Contract for the Rohnert Park City Hall Renovation Project No. 2004-33

A **MOTION** was made by Council Member Smith, seconded by Vice Mayor Mackenzie, to adopt Resolution 2007-125, with the insertion amended language, per Council Member Smith's request, indicating that the City regretfully rejects the bid of Jeff Luchetti Construction. Under discussion, Council Member Smith noted that bidding rules are very specific. Vice Mayor Mackenzie noted that the new bidding procedures were instituted by City Manager Donley. After the motion, which was **UNANIMOUSLY APPROVED**, reading was waived and Resolution 2007-125 was **ADOPTED**.

7. WATER CONSERVATION FUNDING FOR MARIN MUNICIPAL WATER DISTRICT:

Consideration of Participation of Marin Municipal Water District (MMWD) in Sonoma Marin Saving Water Partnership Funding:

1. Staff Report: Director of Public Works/City Engineer Jenkins reviewed the contents of the Staff Report, and he responded to Council questions and comments.
2. Public Comments: None.

3. Council discussion/direction: Council **CONCURRED** to keep said funding in Sonoma County. Council Member Breeze suggested informing MMWD that their partnership would be welcomed nevertheless.

8. FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET:

Consideration of Adoption of the Five-Year Capital Improvement Program (CIP) Budget for 2007-2012 and Approval of Projects for Fiscal Year 2007-2008:

1. Staff Report: Director of Public Works/City Engineer Jenkins reviewed the contents of the Staff Report, and he responded to Council questions and comments.
2. Public Comments: None.
3. Resolution for Adoption:

2007-126 Adopting the Five-Year Capital Improvements Program for Fiscal Year 2007-2008 through Fiscal Year 2011-2012 and Approving Projects for Fiscal Year 2007-2008

A **MOTION** was made by Council Member Smith, seconded by Council Member Stafford, to adopt Resolution 2007-126, with a recommendation by Council Member Smith that staff look into and report back in the near future on the possibility to receive funding for PR-48, Sports Center Locker Room Renovation. Under discussion, Council Member Smith expressed his concern about facilities that rely on Memorandum of Understanding (MOU) funds, and he noted his interest in the Crane Creek Regional Park and bridge linking H and F Sections. At the request of Council Member Breeze, Council Member Smith also clarified his add-on of PR-48. After the motion, which was **UNANIMOUSLY APPROVED**, reading was waived and Resolution 2007-126 was **ADOPTED**.

9. SEWER LATERAL ORDINANCE:

Consideration of Amendments to Chapters 13.08, 13.12, 13.16, 13.24 and 13.32, Addition of Chapter 13.26, and Repeal of Chapter 13.20 of the Rohnert Park Municipal Code regarding Sewer Laterals:

1. Staff Report: Director of Public Works/City Engineer Jenkins reviewed the contents of the Staff Report.
2. Public Comments:
 - a. Jerry Byrne, attorney for Northern California River Watch, was recognized and expressed the reasons for his disappointment with this ordinance, particularly its compliance with the terms of the Settlement Agreement. Staff responded to Mr. Byrne's concerns.
 - b. Kathy Hayes, North Bay Association of Realtors, was recognized and commended Council for its phased approach, beginning with education and incentives.

3. Ordinance for Introduction:

Waive Further Reading and Introduce Ordinance by Reading Title:

No. 789 Amending Chapters 13.08, 13.12, 13.16, 13.24 and 13.32 of the Rohnert Park Municipal Code, Adding Chapter 13.26 to the Rohnert Park Municipal Code and Repealing Chapter 13.20 of the Rohnert Park Municipal Code

A **MOTION** was made by Vice Mayor Mackenzie, seconded by Council Member Stafford, to introduce Ordinance No. 789. Under discussion, Council Member Smith indicated that he was ready to move forward. Vice Mayor Mackenzie inquired about the compliance date. Council Member Smith confirmed that the Sanitary Sewer Management Plan (SSMP) would be coming before Council at a later date, and he **REQUESTED** a status report from the realtors per the education plan at a future date as well. After the motion, which was **UNANIMOUSLY APPROVED**, reading was waived and Ordinance No. 789 was **INTRODUCED BY ROLL CALL VOTE**.

10. FLOOD MANAGEMENT ORDINANCE:

Consideration of Amendments to Chapter 15.48 – “Regulation of Development, Building and Improvements in Flood Hazard Areas,” of Title 15, “Buildings and Construction,” of the Rohnert Park Municipal Code:

1. Staff Report: Deputy City Engineer Barnes reviewed the contents of the Staff Report, and he responded to Council questions and comments.
2. Public Comments: None.
3. Ordinance for Introduction:

Waive Further Reading and Introduce Ordinance by Reading Title:

No. 791 Amending Chapter 15.48 – “Regulation of Development, Building and Improvements in Flood Hazard Areas,” of Title 15, “Buildings and Construction,” of the Rohnert Park Municipal Code

A **MOTION** was made by vice Mayor Mackenzie, seconded by Council Member Breeze, to introduce Ordinance No. 791. Under discussion, Council Member Smith stated that he will be voting against said ordinance unless the minimum of one foot above the published or calculated 100-year water surface elevation for all new construction within a flood zone defined on the Rohnert Park Flood Insurance Rate Maps be increased to a two-foot minimum. After the motion, which was **APPROVED 4-1** with Council Member Smith dissenting, reading was waived and Ordinance No. 791 was **INTRODUCED BY ROLL CALL VOTE**.

11. SONOMA COUNTY’S MAYORS’ & COUNCILMEMBERS’ ASSOCIATION:

Consideration of Upcoming Vacancies to Be Filled at the August 9, 2007, Meeting of the Sonoma County Mayors’ and Councilmembers’ Association

City Selection Committee:

- Golden Gate Bridge, Highway & Transportation District To complete the term vacated by Mike Martini (Santa Rosa), who is leaving elected office mid-July.
Term expires March 2009

Association Appointments:

- Sonoma County Human Services Commission Two-year term, expires 6/2009
- ABAG Regional Planning Committee Two-year term, expires 9/2009

Council discussion/direction: A **MOTION** by Council Member Smith, seconded by Council Member Breeze, to support the appointment of Mike O'Brien, Petaluma Council Member, to the Golden Gate Bridge, Highway & Transportation District was **APPROVED 3-2** with Council Member Stafford and Vice Mayor Mackenzie dissenting.

12. COUNCIL COMMITTEE AND/OR OTHER REPORTS:

1. Water Issues Subcommittee meeting, 7/11: Vice Mayor Mackenzie discussed water supply allocations, and staff shared additional comments on that matter. Mayor Vidak-Martinez recommended more signage about water conservation.
2. Sonoma State University Subcommittee meeting, 7/13: Vice Mayor Mackenzie, Council Member Smith, and staff reviewed the items on the agenda for said meeting.
3. Armando F. Flores Library Room Dedication/Reception, 7/13: Mayor Vidak-Martinez noted that all Council Members were present for the event.
4. Other informational reports, if any:

15th Annual Cotati Kids Day Parade & Festival, 7/14: Mayor Vidak-Martinez, Vice Mayor Mackenzie and Council Member Smith noted their attendance at said event.

Rohnert Park Day at the Fair, 7/18: Council Members Smith and Stafford noted their attendance at said event.

Groundbreaking ceremony at Rancho Cotate High School: Council Member Smith and Vice Mayor Mackenzie noted their attendance at the groundbreaking of the new field.

13. COMMUNICATIONS:

Mayor Vidak-Martinez noted that she will be leaving a copy of the book by Marc Reisner, [A Dangerous Place: California's Unsettling Fate](#), for staff to read.

14. MATTERS FROM/FOR COUNCIL:

1. League of California Cities 2007 Annual Conference, Sacramento Convention Center, September 5-8, 2007 – Consideration of Voting Delegate and Alternates:

Council discussion/action: Council **CONCURRED** to appoint Mayor Vidak-Martinez as the voting delegate and Vice Mayor Mackenzie as the alternate.

2. Calendar of Events: Document provided to Council in the agenda packets.
3. City Council Agenda Forecast: Document provided to Council in the agenda packets.
4. Other informational items, if any: None.

15. CITY MANAGER'S/CITY ATTORNEY'S REPORTS:

1. Other informational items, if any: None.

16. PUBLIC COMMENTS:

Members of the public desiring to speak were called forward. No members of the public responded.

ADJOURNMENT: Mayor Vidak-Martinez adjourned the City Council meeting at 10:33 p.m. to consecutively and separately convene the meetings of the Community Development Commission and the Rohnert Park Financing Authority.

**MINUTES FOR THE COMMUNITY DEVELOPMENT COMMISSION
OF THE CITY OF ROHNERT PARK**
Tuesday, July 24, 2007

Call to Order: 10:33 p.m.

Roll Call: Breeze, Mackenzie, Smith, Stafford, Vidak-Martinez

Also present: Executive Director Donley, Assistant General Counsel Whelan, Assistant Executive Director Schwarz, and Recorder Leonard

Unscheduled public appearances: None.

1. CONSENT CALENDAR:

Chairperson Vidak-Martinez asked the Commissioners if there were any questions about matters on the CDC Consent Calendar. No matters were raised.

1. Approval of CDC Portion of Concurrent City Meeting Minutes for:
Regular Meeting – July 10, 2007
2. Approval of CDC Bills/Demands for Payment in the amount of \$10,519.05
3. Accepting CDC Cash/Investments Report for:
Month Ending April, 2007 - **DEFERRED**
4. CDC Resolution for Adoption:

2007-19 Authorizing and Approving an Agreement for Services with Glass Architects to Provide Design Services for the Rohnert Park Public Safety Bay Re-Alignment Project

A **MOTION** was made by Commissioner Smith, seconded by Commissioner Breeze, to approve the Consent Calendar. After the motion, reading was waived, and the CDC Consent Calendar, as outlined in the agenda, was **UNANIMOUSLY APPROVED**.

-
2. **ADJOURNMENT:** There being no further business, Chairperson Vidak-Martinez adjourned the CDC meeting at 10:33 p.m.
-

**MINUTES FOR THE
ROHNERT PARK FINANCING AUTHORITY**
Tuesday, July 24, 2007

Call to Order: 10:33 p.m.

Roll Call: Breeze, Mackenzie, Smith, Stafford, Vidak-Martinez

Also present: Executive Director Donley, Assistant General Counsel Whelan, Assistant Executive Director Schwarz, and Recorder Leonard

Unscheduled public appearances: None.

1. CONSENT CALENDAR:

Chairperson Vidak-Martinez asked the Members if there were any questions about matters on the RPFA Consent Calendar. No matters were raised.

1. Approval of RPFA Portion of Concurrent City Meeting Minutes for:
Regular Meeting – July 10, 2007
2. Accepting CDC Cash/Investments Report for:
Month Ending April, 2007 - **DEFERRED**

A **MOTION** was made by Member Stafford, seconded by Member Breeze, to approve the RPFA Consent Calendar. After the motion, reading was waived, and the RPFA Consent Calendar, as outlined in the agenda, was **UNANIMOUSLY APPROVED**.

2. **ADJOURNMENT:** There being no further business, Chairperson Vidak-Martinez adjourned the meeting of the RPFA at 10:33 p.m.
-

Katy Leonard
Certified Shorthand Reporter
C.S.R. 11599

Vicki Vidak-Martinez
Mayor
City of Rohnert Park