

CITY OF ROHNERT PARK SPECIAL CONCURRENT MEETING MINUTES FOR:

**City Council
Community Development Commission**

AND

REGULAR CONCURRENT MEETING MINUTES FOR:

**City Council
Community Development Commission
Rohnert Park Financing Authority**

**August 14, 2007
Tuesday**

The Rohnert Park City Council and the Community Development Commission met this date for a Special Meeting, to commence at 4:30 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: City Council

Call to Order: Mayor Vidak-Martinez called the Special Meeting to order at 4:34 p.m.

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

Staff present for all or part of the Special Meeting: City Manager Donley, City Attorney Kenyon, Assistant City Manager Schwarz, Assistant City Attorney Winig, Recreation Services Manager Miller, Director of Administrative Services Lipitz, Management Analyst Babonis, Deputy City Clerk Griffin, and Videographer Beltz.

Unscheduled Public Appearances: None.

1. CITY BUDGET WORK SESSION:

Parks and Recreation – Fiscal Year 2007-2008 Budget: Recreation Services Manager Miller reviewed the Staff Report via a PowerPoint presentation.

Council discussion/direction/action: Staff responded to Council questions and comments about matters including exercise programs for the handicapped, the state of the men's locker facility at the Sports Center, and the aquatics programs. Council **CONCURRED** with the implementation of electronic fund transfers for membership fees and initiation fees.

2. RECESS:

Mayor Vidak-Martinez recessed the City Council Special Meeting at 5:52 p.m. to convene the CDC Special Meeting.

SPECIAL MEETING: Community Development Commission

Call to Order: Mayor Vidak-Martinez called the Special Meeting to order at 5:55 p.m.

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

Staff present for all or part of the Special Meeting: Executive Director Donley, General Counsel Kenyon, Assistant Executive Director Schwarz, and Assistant General Counsel Winig.

Unscheduled Public Appearances: None.

1. CLOSED SESSION:

Chairperson Vidak-Martinez adjourned the Commissioners to Closed Session to consider Real Property Matters.

2. RECONVENE:

Chairperson Vidak-Martinez reconvened the Commissioners to Open Session at 6:10 p.m.

3. CHAIR'S REPORT ON CDC CLOSED SESSION:

Chairperson Vidak-Martinez stated that there was no reportable action from Closed Session.

4. ADJOURNMENT:

Chairperson Vidak-Martinez adjourned the CDC Special Meeting at 6:10 p.m.

SPECIAL MEETING: City Council

Staff and others present for all or part of the Special Meeting: City Manager Donley, City Attorney Kenyon, Assistant City Manager Schwarz, Assistant City Attorney Winig, Director of Administrative Services Lipitz, Management Analyst Babonis, and IEDA Consultant Heid.

1. ADJOURNMENT:

Mayor Vidak-Martinez adjourned the City Council to Closed Session to consider Personnel Matters at 6:14 p.m.

2. RECONVENE:

Mayor Vidak-Martinez reconvened the City Council to Open Session at 7:36 p.m.

3. MAYOR'S REPORT ON CITY COUNCIL CLOSED SESSION:

Mayor Vidak-Martinez stated that there was no reportable action from Closed Session.

4. ADJOURNMENT:

Mayor Vidak-Martinez adjourned the City Council Special Meeting at 7:36 p.m.

CITY COUNCIL REGULAR MEETING

Call to Order: Mayor Vidak-Martinez called the Regular Meeting to order at 7:43 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 Winig, Assistant City Manager Schwarz, Director of Community Development Bendorff, Management Analyst Babonis, Deputy City Engineer Barnes, Deputy City Clerk Griffin, and Videographer Beltz.

PLEDGE OF ALLEGIANCE:

Nico Marin Lamaison, age 9, led the Pledge of Allegiance, and Mayor Vidak-Martinez **PRESENTED** Nico with a card and a pen.

Mayor Vidak-Martinez stated that there was no reportable action from City Council Closed Session.

1. CHAMBER OF COMMERCE QUARTERLY REPORT:

Rohnert Park Chamber of Commerce by Catharine Bramkamp: Ms. Bramkamp announced upcoming events and new members.

2. UNSCHEDULED PUBLIC APPEARANCES/COMMENTS:

1. Clarence Penney, 1467 Jasmine Circle, was recognized. He explained how his college-age son has turned his life around, and he requested that the City investigate the ongoing harassment of his son by a Rohnert Park Public Safety officer.
2. Vanessa Penney, 1467 Jasmine Circle, was recognized and reiterated Mr. Clarence Penney's remarks. She outlined instances of harassment of her son by the same officer, and she urged the City to put an end to said harassment.
3. Lisa Penney, 240 Burton Street, Apartment 267, was recognized and echoed her parents' remarks as noted above. She indicated that she wants her brother to be able to play football.
4. Cecilia Acala, 240 Burton Street, Apartment 267, was recognized and expressed concern about the unfair treatment of Kevin Penney by Rohnert Park Public Safety officers. She urged the officers to re-evaluate themselves and to better serve the community by supporting local youth.
5. Kathy Danelia, 6516 Country Club Drive, No. C, was recognized and, as a coworker and close friend of Vanessa Penney's, expressed concern about the toll the harassment of Ms. Penney's son has taken on her. She encouraged the City to investigate the matter. Mayor Vidak-Martinez **DIRECTED STAFF** to look into this issue regarding Kevin Penney.
6. Dawna Gallagher, 276 City Center Drive, was recognized and urged the City not to rely on wells for its water, but rather to find ways to save water.

3. 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 24, 2007
2. Approval of City Bills/Demands for Payment
3. Accepting Cash/Investments Reports for:
Month Ending April, 2007 - **DEFERRED**
Month Ending May, 2007 – **DEFERRED**
4. Resolutions for Adoption:

2007-127 Recognizing the Month of September as National Alcohol and Drug Addiction Recovery Month

2007-128 Approving Job Description and Salary Range for Records Supervisor and Authorizing Recruitment for the Position

2007-129 Authorizing and Approving an Agreement for Services with Dyett & Bhatia for the Preparation of the General Plan Update/Housing Element

2007-130 Authorizing and Approving the First Amendment to the Funding Agreement between the Sonoma County Community Development Commission and the City of Rohnert Park

2007-131 Authorizing and Approving Amendment No. 1 to Agreement with David Gates & Associates to Prepare Construction Documents for the Development of Pedestrian-oriented Public Improvements and a Downtown Plaza in the City Center Area

2007-132 Authorizing and Approving an Agreement with RMC for Engineering Services for the Sewer System Management Plan

2007-133 Awarding the Contract to North Bay Construction, Inc. for the 2007 Various Street Rehabilitation Project, City Project No. 2006-08

2007-134 Authorizing and Approving an Easement Agreement with Sonoma County Water Agency and Acceptance of Easement Property for the Eastside Trunk Sewer Project, Phase I, City Project No. 2004-05
5. Approval of Letter to the Honorable Robert S. Boyd, Presiding Judge, Sonoma County Superior Court, regarding City of Rohnert Park Responses to Sonoma County Grand Jury Final Report 2006-2007

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

4. USE OF CITY FACILITY FOR HOMELESS PROJECT:

Consideration of a Request by Paula Reinhold for Use of City Facility for Monthly Homeless Project:

1. Staff Report: Assistant City Manager Schwarz reviewed the contents of the Staff Report.
2. Public Comments: None.
3. Council discussion/direction/action: Council Member Smith commended the work of former Housing and Redevelopment Manager Ellena. A **MOTION** was made by Vice Mayor Mackenzie, seconded by Council Member Breeze, to support the staff recommendation as outlined in the Staff Report. Under discussion, Vice Mayor Mackenzie, on behalf of the City, acknowledged the work of Housing and Redevelopment Manager Ellena and wished her well in her future endeavors. Said motion was **UNANIMOUSLY APPROVED**.

5. NORTH COAST RAILROAD AUTHORITY RUSSIAN RIVER DIVISION FREIGHT RAIL PROJECT:

Consideration of Staff's Response Letter to the North Coast Railroad Authority regarding City of Rohnert Park Comments on the Notice of Preparation/Initial Study for the North Coast Railroad Authority Russian River Division Freight Rail Project:

1. Staff Report: Director of Community Development Bendorff reviewed the contents of the Staff Report.
2. Public Comments:
 - A. Jennifer Goldfinger, Assistant to the City Manager, City of Novato, 75 Rowland Way, No. 200, was recognized. She **DISTRIBUTED AND REVIEWED** a letter outlining the City of Novato's concerns about adverse environmental effects and public safety issues.
 - B. Mike Arnold, Novato, was recognized and expressed concerns about certain NCRA mining rights, as well as the impact on the City of Novato from the freight rail service. He explained why NCRA should scope the whole project, rather than segments of the project.
 - C. Joy Dahalaver, 1200 Idylberry Road, San Rafael, was recognized and explained the importance of the Humboldt Bay connection. She discussed the need for a proper EIR.
 - D. Steve Birdlebough, Friends of Sonoma-Marin Area Rail Transit (SMART), was recognized and expressed support for moving forward with the project. He indicated that NCRA should focus on what is economical for the next 10-15 years.
 - E. Lionel Gambill, 650 Sunset Parkway, Novato, was recognized. He explained the efforts of the highway lobby to demonize freight service, and he discussed the numerous benefits of freight rail service. He **SUBMITTED** his written comments to Council.
 - F. Pam Jones, 3617 Green Hill Drive, Santa Rosa, was recognized and discussed how difficult traffic currently is in terms of commuting from Santa Rosa to Novato or San Rafael for work. She stated that the public is excited about rail service.
 - G. Bill Kortum, 180 Ely Road, Petaluma, was recognized and expressed reasons for supporting SMART oversight of the rail service.

H. Doug Bosco, 1020 McDonald Avenue, Santa Rosa, was recognized and expressed support for freight and passenger rail service, particularly in terms of sustainability. He stated that the opposition is trying to raise problems with the EIR, EIS, and CEQA compliance.

I. Willard Richards, 1009 Hyland Drive, Santa Rosa, was recognized and encouraged Council to read the EIR and to thoughtfully consider what the transportation future will be. He reviewed statistics regarding the amount of diesel fuel emitted into the atmosphere daily along the 101 corridor through Marin County.

3. Council discussion/direction/action: A **MOTION** was made by Council Member Stafford, seconded by Council Member Breeze, to approve the staff letter as attached to the Staff Report. Under discussion, Council Member Smith expressed support for SMART and for freight rail service. He indicated that segmentation of the project is proper. Council Member Breeze expressed support for SMART and freight service as the transportation future. Council Member Stafford noted the benefits of freight service to the community. Vice Mayor Mackenzie reviewed the opposition in Marin County to the SMART operating sales tax, and he discussed his support for SMART and freight rail service. Mayor Vidak-Martinez noted the benefits of rail service for Sonoma County, and she indicated that it will be necessary to adapt to such a change. Said motion was **UNANIMOUSLY APPROVED**.

6. PARK RULES ORDINANCE:

Consideration of Renaming 9.62 and Amending Section 9.62.010, "Unlawful Acts in Public Parks and Recreational Facilities," of the Rohnert Park Municipal Code:

1. Staff Report: Assistant City Manager Schwarz reviewed the contents of the Staff Report, and staff responded to Council questions and comments.
2. Public Comments: None.
3. Ordinance for Introduction:

Waive Further Reading and Introduce Ordinance by Reading Title:

No. 792 Renaming 9.62 and Amending Section 9.62.010, "Unlawful Acts in Public Parks and Recreational Facilities," of the Rohnert Park Municipal Code

A **MOTION** was made by Vice Mayor Mackenzie, seconded by Council Member Breeze, to introduce Ordinance No. 792. Under discussion, Council Member Smith called attention to enforcement problems that could arise. Vice Mayor Mackenzie commended the efforts of the Parks and Recreation Committee. He agreed that there could be enforceability issues, and he encouraged members of the public to report unlawful acts in public parks and recreational facilities. After the motion, which was **UNANIMOUSLY APPROVED**, reading was waived and Ordinance No. 792 was **ADOPTED BY ROLL CALL VOTE**.

7. 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: Deputy City Engineer Barnes was present for any Council questions or comments per the Staff Report.
2. Public Comments: None.
3. Ordinance for Adoption:

Waive Further Reading and Adopt 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

Upon **MOTION** by Council Member Smith, seconded by Council Member Breeze, and **UNANIMOUSLY APPROVED**, reading was waived and Ordinance No. 789 was **ADOPTED BY ROLL CALL VOTE**.

8. 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.
2. Public Comments: None.
3. Ordinance for Adoption:

Waive Further Reading and Adopt 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 Stafford, seconded by Vice Mayor Mackenzie, to adopt Ordinance No. 790. Under discussion, Council Member Smith reiterated that Council is amending those sections of the code, and not simply addressing one specific project. After the motion, which was **UNANIMOUSLY APPROVED**, reading was waived and Ordinance No. 790 was **ADOPTED BY ROLL CALL VOTE**.

9. 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 Adoption:

Waive Further Reading and Adopt 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

Upon **MOTION** by Council Member Stafford, seconded by Council Member Breeze, and **UNANIMOUSLY APPROVED**, reading was waived and Ordinance No. 791 was **ADOPTED BY ROLL CALL VOTE**.

10. COUNCIL COMMITTEE AND/OR OTHER REPORTS:

1. Mayors’ & Councilmembers’ Association meeting, 8/9: Mayor Vidak-Martinez noted the City’s support of Joanne Sanders for the Golden Gate Bridge, Highway & Transportation District; Veronica Jacobi for the County Human Services Commission; and Jake Mackenzie for the ABAG Regional Planning Committee. Council Member Smith called attention to matters regarding the Draft County Strategic Plan, and he recommended staff write a letter to the Board of Supervisors inquiring about the date and location of the Cotati/Rohnert Park meeting.
2. Other informational reports, if any:
 - A. Mayors & Council Members Academy-Executive Forum, 7/25-7/27: Mayor Vidak-Martinez noted her attendance and provided a brief report.
 - B. San Francisco Estuary Project Comprehensive Conservation and Management Plan (CCMP) Workshop, 8/3: Council Member Smith noted his attendance and provided a brief report.
 - C. Reception for Mei Nakanishi, Student Goodwill Ambassador for Hashimoto City, and Erika Weil, Student Goodwill Ambassador for City of Rohnert Park; and Peace Pole Dedication, 8/3: Mayor Vidak-Martinez reported on the reception, and she **DISPLAYED** the gifts and letter from Ambassador Nakanishi. She also **ANNOUNCED** that the City’s Japanese Garden is now open to the public.
 - D. National Night Out, 8/7: Mayor Vidak-Martinez noted that all Council Members attended said event.
 - E. Transportation & Disaster Response Hearing, 8/10: Council Member Smith noted his attendance at said event, and he **SUBMITTED** a report from the Bay Area Council to staff.
 - F. Other reports, if any:
 1. Gift from Mayor of City of El Cajon: Mayor Vidak-Martinez gave Council Member Smith said trinket from the Mayor of El Cajon.
 2. Laguna Treatment Plant: Council Member Smith reported on a tour of said plant.

3. OWL Foundation ad, "Toilet to Tap?" regarding Sonoma County's lack of full-treatment sewage treatment plants: Vice Mayor Mackenzie called attention to this recent full-page ad in The Press Democrat, and staff responded regarding its letter about said issue.
4. Meeting with Senator Carol Migden: Council Member Breeze reported on a recent brief meeting with Senator Migden.
5. Tour of North Bay Contractors facility: Council Member Stafford reported on a recent tour of said facility.
6. California Junior Miss event: Vice Mayor Mackenzie noted his attendance at the recent Junior Miss event.

11. COMMUNICATIONS:

Press Democrat article dated 8/13/07, "Touting the Benefits of Building Green": Council Member Smith commended Building Official Bruck for his response to The Press Democrat in clarifying the City's numerous efforts in upholding and supporting Green Building standards.

12. MATTERS FROM/FOR COUNCIL:

1. League of California Cities Annual Conference:

- A. Consideration of Re-designation of Voting Delegate and Alternate

Council discussion/direction/action: Council **CONCURRED** to appoint Council Member Smith as the voting delegate and Vice Mayor Mackenzie as the alternate.

- B. Consideration of 2007 Annual Conference Resolutions:

- (1) Renewal of the League Grassroots Network Program
- (2) Healthy Aging
- (3) Applying 300 Foot Distance Separation for All New Residential Care Facilities
- (4) Implementation of AB 38; Establishing a New "Department of Emergency Services and Homeland Security"

Council discussion/direction/action: Council **CONCURRED** to support the resolutions being considered at the Annual Conference.

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.

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

1. Legislative Update / Mayors' & Councilmembers' Association Legislative Subcommittee meeting, 8/3: Assistant City Manager Schwarz reviewed the materials per the Staff Report.

2. Medicare Reimbursement Adjustment for Sonoma County: City Manager Donley provided an oral report on said matter.

Council discussion/direction/action: Council **CONCURRED** to direct staff to send the City's letter regarding this matter to the appropriate representatives. Council Member Smith suggested that staff send a copy of said letter to The Press Democrat as well.

3. Other informational items, if any:

- A. Out of Office: City Manager Donley noted that he will be in Washington, D. C. next week for Coast Guard duty.

At this time, Council Member Breeze **REQUESTED TO AGENDIZE** Water Conservation Matters for Council consideration at an upcoming meeting. Vice Mayor Mackenzie **REQUESTED** that staff prepare a spreadsheet going backwards in time from 2007 to 1997 and reflecting the City's actual per capita water usage and its per capita water reduction.

14. 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 9:32 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, August 14, 2007

Call to Order: 9:32 p.m.

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

Also present: Executive Director Donley, Assistant General Counsel Winig, 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 24, 2007
2. Approval of CDC Bills/Demands for Payment in the amount of \$147,639.24

3. Accepting CDC Cash/Investments Report for:
Month Ending April, 2007 - **DEFERRED**
Month Ending May, 2007 – **DEFERRED**

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**.

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2. **ADJOURNMENT:** There being no further business, Chairperson Vidak-Martinez adjourned the CDC meeting at 9:32 p.m.
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**MINUTES FOR THE
ROHNERT PARK FINANCING AUTHORITY**
Tuesday, August 14, 2007

Call to Order: 9:32 p.m.

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

Also present: Executive Director Donley, Assistant General Counsel Winig, 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 24, 2007
2. Accepting CDC Cash/Investments Report for:
Month Ending April, 2007 - **DEFERRED**
Month Ending May, 2007 - **DEFERRED**

A **MOTION** was made by Vice Chair Mackenzie, seconded by Member Stafford, 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 9:32 p.m.
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Katy Leonard
Certified Shorthand Reporter
C.S.R. 11599

Vicki Vidak-Martinez
Mayor
City of Rohnert Park