City of Petaluma, California
MEETING OF THE CITY COUNCIL/
PETALUMA COMMUNITY DEVELOPMENT COMMISSION

City Council/PCDC Minutes
Monday, January 9, 2012
Regular Meeting

MONDAY, JANUARY 9, 2012
CLOSED SESSION – 5:30 P.M.

CALL TO ORDER - CLOSED SESSION

A. Roll Call

Present: Chris Albertson; Teresa Barrett; David Glass; Mike Harris; Mike Healy;
Gabe Kearney; Tiffany Renee

Absent: None

CLOSED SESSION

- PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Pursuant to California Government Code Section 54957
  - Title: City Manager.
- PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Pursuant to California Government Code Section 54957
  - Title: City Attorney.
- CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: Subdivision (a) of California Government Code Section 54956.9: City of Petaluma, et al., v. County of Sonoma, et al., Sonoma County Superior Court No. SCV 248948.

Mayor Glass

PUBLIC COMMENT ON CLOSED SESSION ITEMS

Paul Curran, Petaluma, co-owner Pavement Engineering, Petaluma, spoke in support of the Dutra project and in opposition to an appeal.

Don Smith, Petaluma, spoke in support of the Dutra project and in opposition to an appeal.

Jerry Price, Petaluma, spoke in opposition to the Dutra project and in support of an appeal.

Joan Cooper, Petaluma, spoke in opposition to the Dutra project and in support of an appeal.

Sheri Chlebowski, Petaluma, spoke in opposition to the Dutra project and in support of an appeal.

Ms. Cooper
Mayor Glass

Jack Miller, neurologist, Petaluma, spoke in opposition to the Dutra project and in support of an appeal.

Brian Perry, Petaluma, spoke in support of the Dutra project and in opposition to an appeal.

Bud Deakin, Heritage Salvage, Petaluma, spoke in opposition to the Dutra project and in support of an appeal.

Gary Sheldon, Petaluma, spoke in support of the Dutra project and in opposition to an appeal.

Cynthia Murray, North Bay Leadership Council, spoke in support of the Dutra project and in opposition to an appeal.

Connie Madden, Petaluma, spoke in opposition to the Dutra project and in support of an appeal.

Mike Orton, Petaluma, spoke in opposition to the Dutra project and in support of an appeal.

Michelle Brands-Giesea, Petaluma, spoke in opposition to the Dutra project and in support of an appeal.

Jude Mion, Petaluma, spoke in opposition to the Dutra project and in support of an appeal.

Jenny Christiansen, Petaluma, spoke in opposition to the Dutra project and in support of an appeal.

David Keller, Petaluma, spoke in opposition to the Dutra project and in support of an appeal.

Cat Canto, Petaluma, and her daughter CeeCee, spoke in opposition to the Dutra project and in support of an appeal.

Jason Davies, Petaluma, spoke in opposition to the Dutra project and in support of an appeal.

Chester Parker, Petaluma, spoke in support of the Dutra project and in opposition to an appeal.

Mayor Glass

Heidi Oberman, Petaluma, spoke in opposition to the Dutra project and in support of an appeal.

Lindsay Mickles, Penngrove, spoke in opposition to the Dutra project and in support of an appeal.

Monty Chipman, Petaluma, spoke in support of the Dutra project and in opposition to an appeal.

Allen Pendley, Petaluma, spoke in opposition to the Dutra project and in support of an appeal.

Dale Axelrod, Petaluma, spoke in opposition to the Dutra project and in support of an appeal.

Mayor Glass
Robert Hernandez, spoke in support of the Dutra project and in opposition to an appeal.

Melissa Bushley, Petaluma, spoke in opposition to the Dutra project and in support of an appeal.

Don Gallieti, operating engineers, spoke in support of the Dutra project and in opposition to an appeal.

Leah Davies, spoke in opposition to the Dutra project and in support of an appeal.

Bob Dyer, Docent, Shollenberger Park, spoke in opposition to the Dutra project and in support of an appeal.

Mayor Glass

City Attorney Danly

ADJOURN TO CLOSED SESSION

MONDAY, JANUARY 9, 2012
EVENING SESSION – 7:00 7:49 P.M.

CALL TO ORDER - EVENING SESSION

A. Roll Call

Present: Chris Albertson; Teresa Barrett; David Glass; Mike Harris; Mike Healy;
         Gabe Kearney; Tiffany Renée

Absent: None

B. Pledge of Allegiance

Val Richman, Petaluma

C. Moment of Silence

REPORT OUT OF CLOSED SESSION (Actions Taken)

City Attorney Danly reported that Council has unanimously directed him to carefully review the decision in the City of Petaluma, et al. v. County of Sonoma, et al. case for possible error and report at next meeting the possibility for appeal.

AGENDA CHANGES AND DELETIONS (To Current Agenda Only)

The order in which items under NEW BUSINESS would be heard was changed to 4.A, 4.B, 4.E, 4.D, 4.C.
PROCLAMATION

- National Mentoring Month - January 2012
  Mayor Glass
  Val Richman, Executive Director, Mentor Me Petaluma
  Mayor Glass
  Ms. Richman
  Mayor Glass
  Dennis Pocekay, Chair, Board of Directors, Mentor Me Petaluma
  Kit Lofroos, Member, Board of Directors, Mentor Me Petaluma

GENERAL PUBLIC COMMENT

Jeff Mayne, Petaluma, spoke regarding the Petaluma Museum Association and a fund-raising party to be held at Lagunitas on January 23 from 6:30-9pm. The $20 cover fee will benefit the Museum Association.

Council Member Albertson

Mr. Mayne

Katherine Bobrowski, Petaluma, wanted to know if the pictures she had turned in at the last Council Meeting had been viewed by Council and spoke about Lieutenant David Sears.

Jerry Price, Petaluma, thanked Council for their service.

Wayne Clark, Petaluma, spoke about the Dutra Company.

COUNCIL COMMENT

Council Member Renée

Council Member Kearney

Mayor Glass

CITY MANAGER COMMENT

None.

1. APPROVAL OF PROPOSED AGENDA

1. Mayor Glass
2. Council Member Renée
3. Mayor Glass
4. Council Member Barrett
5. Council Member Renée
6. Council Member Barrett
7. Mayor Glass
8. City Manager Brown
9. Mayor Glass
10. City Manager Brown
11. Council Member Barrett
12. Mayor Glass
13. City Attorney Danly
14. Mayor Glass
15. Motion: Approve A. Revised Proposed Agenda for Regular City Council/PCDC Meeting of Monday, January 23, 2012, as presented.
16. Moved by Mike Healy, seconded by Mike Harris.
17. Vote: Motion carried 7-0
18. Yes: Chris Albertson; Teresa Barrett; David Glass; Mike Harris; Mike Healy; Gabe Kearney; Tiffany Renée
19. No: None
20. Abstain: None
21. Absent: None

2. CONSENT CALENDAR

A. Resolution 2012-001 N.C.S. Approving Claims and Bills for November 2011. (Mushallo)


D. Resolution 2012-003 N.C.S. Updating as “Authorized Persons” the City Manager, Finance Director, and Commercial Services Manager, for the City of Petaluma’s Local Agency Investment Fund Account. (Mushallo)

E. PCDC Resolution 2012-02 Updating as “Authorized Persons” Executive Director, Treasurer, and Commercial Services Manager, for the Petaluma Community Development Commission Local Agency Investment Fund Account. (Mushallo)

Mayor Glass opened Public Comment on the CONSENT CALENDAR.

Seeing no persons wishing to comment, Mayor Glass closed Public Comment on the CONSENT CALENDAR.

Council Member Albertson
City Manager Brown
Finance Director Bill Mushallo
Council Member Albertson
Finance Director Mushallo
Council Member Albertson
Finance Director Mushallo
Council Member Albertson
City Manager Brown
Council Member Albertson
City Manager Brown
Council Member Albertson


Moved by Teresa Barrett, seconded by Mike Harris.

Vote: Motion carried 7-0
Yes: Chris Albertson; Teresa Barrett; David Glass; Mike Harris; Mike Healy; Gabe Kearney; Tiffany Renée

No: None

Abstain: None

Absent: None

Council Member Renée recused herself for Item 2.B and left the dais.

Vice Mayor Healy recused himself for Item 2.B and left the dais.

Mayor Glass


Moved by Teresa Barrett, seconded by Mike Harris.

Vote: Motion carried 5-0

Yes: Chris Albertson; Teresa Barrett; David Glass; Mike Harris; Gabe Kearney

No: None

Abstain: Mike Healy; Tiffany Renée

Absent: None

Council Member Renée returned to the dais.

Vice Mayor Healy returned to the dais.

3. NEW BUSINESS

A. Resolution 2012-005 N.C.S. Appointing Tiffany Renée Vice Mayor for Calendar Year 2012. (Cooper)

Motion: Approve A. Resolution 2012-005 N.C.S. Appointing Tiffany Renée Vice Mayor for Calendar Year 2012.

Moved by David Glass, seconded by Teresa Barrett.

Vote: Motion carried 7-0

Yes: Chris Albertson; Teresa Barrett; David Glass; Mike Harris; Mike Healy; Gabe Kearney; Tiffany Renée

No: None

Abstain: None

Absent: None

B. Resolution 2012-006 N.C.S. Confirming Council Liaison Appointments. (Cooper)

Mayor Glass
Motion: Approve B. Resolution 2012-006 N.C.S. Confirming Council Liaison Appointments as follows:

<table>
<thead>
<tr>
<th>Commission/Advisory Committee</th>
<th>Council Role</th>
<th>2012 Representative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport Commission</td>
<td>Council Liaison</td>
<td>Mike Harris</td>
</tr>
<tr>
<td>Planning Commission</td>
<td>Council Liaison</td>
<td>Gabe Kearney</td>
</tr>
<tr>
<td>Recreation, Music, and Parks Commission</td>
<td>Council Liaison</td>
<td>Teresa Barrett</td>
</tr>
<tr>
<td>Youth Commission</td>
<td>Council Liaison</td>
<td>Mike Healy</td>
</tr>
<tr>
<td>Animal Services Advisory Committee</td>
<td>Council Liaison</td>
<td>Chris Albertson</td>
</tr>
<tr>
<td>Disaster Council</td>
<td>Mayor (by Charter)</td>
<td>David Glass</td>
</tr>
<tr>
<td>Pedestrian &amp; Bicycle Advisory Committee</td>
<td>Council Liaison</td>
<td>Mike Harris</td>
</tr>
<tr>
<td>Technology Advisory Committee</td>
<td>Council Liaison</td>
<td>David Glass</td>
</tr>
<tr>
<td>Transit Advisory Committee</td>
<td>Council Liaison</td>
<td>Gabe Kearney</td>
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<tr>
<td>Transient Occupancy Tax Subcommittee (TOT)</td>
<td>Council Subcommittee</td>
<td>Teresa Barrett, Mike Healy, Tiffany Renée,</td>
</tr>
<tr>
<td>Health Action Council (meets 1st Friday of every month, 8-10 AM, in Santa Rosa)</td>
<td>Council Representative</td>
<td>Gabe Kearney</td>
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<tr>
<td>Sonoma County Library Commission</td>
<td>Council Liaison</td>
<td>Teresa Barrett</td>
</tr>
<tr>
<td>Visitors’ Program Advisory Committee – Meets as part of PDA</td>
<td>Council Liaison</td>
<td>Chris Albertson</td>
</tr>
<tr>
<td>Legislative Committee</td>
<td>Subcommittee to Mayors' &amp; Councilmembers' Association</td>
<td>Chris Albertson</td>
</tr>
<tr>
<td>Sonoma County Solid Waste Advisory Group (SWAG)</td>
<td>Council Representation</td>
<td>Tiffany Renée</td>
</tr>
<tr>
<td>Sonoma County Solid Waste Advisory Group (SWAG) - Alternate</td>
<td>Council Representation (Alternate)</td>
<td>Gabe Kearney</td>
</tr>
<tr>
<td>Sonoma County Transportation Authority/Regional Climate Protection Authority (SCTA/RCPA)</td>
<td>Council Representation</td>
<td>Tiffany Renée</td>
</tr>
</tbody>
</table>
Moved by **David Glass**, seconded by **Chris Albertson**.

**Vote:** Motion **carried 7-0**

Yes:  Chris Albertson; Teresa Barrett; David Glass; Mike Harris; Mike Healy; Gabe Kearney; Tiffany Renee

No:  None

Abstain:  None

Absent:  None

E.  **Resolution 2012-007 N.C.S., Electing to Serve as the Successor Agency to the Petaluma Community Development Commission (PCDC) Pursuant to Health and Safety Code Section 34177.** (Brown/Gaebler)

City Manager Brown

Mayor Glass

Council Member Barrett

City Manager Brown

Council Member Barrett

City Manager Brown

Mayor Glass

Council Member Healy

Council Member Albertson

City Manager Brown

Council Member Albertson
Mayor Glass

City Manager Brown

Mayor Glass

Council Member Albertson

Mayor Glass

Council Member Healy


Moved by Mike Healy, seconded by Gabe Kearney.

Vote: Motion carried 7-0

Yes: Chris Albertson; Teresa Barrett; David Glass; Mike Harris; Mike Healy; Gabe Kearney; Tiffany Reneé

No: None

Abstain: None

Absent: None

D. Fireworks - Addition of Sales Day Review. (Anderson)

Fire Chief Larry Anderson

Mayor Glass

Public Comment on Item 3.D

Dennis Revell, on behalf of TNT Fireworks, spoke regarding days of firework sales in surrounding cities and in favor of an additional day of sales.

Mayor Glass

Mr. Revell

Council Member Harris

Mr. Revell

Dick Sharkey, Petaluma, spoke about fireworks.

Larry Finkel, Assistant Director, McDowell Group Task Force, discussed the donations the McDowell Drug Task Force has made to City functions and asked for one more day of sales to continue raising revenue.
Richard Inman, Secretary, McDowell Drug Task Force, spoke in support of the addition of a fifth day of fireworks sales.

Paul Morris, McDowell Drug Task Force, spoke in support of the addition of a fifth day of firework sales.

Mayor Glass

Chief Anderson

Fire Marshal Cary Fergus

Mayor Glass

Fire Marshal Fergus

Vice Mayor Renée

Fire Marshal Fergus

Council Member Healy

Mayor Glass

Council Member Barrett

Council Member Harris

Fire Marshal Fergus

Council Member Kearney

Fire Marshal Fergus

Council Member Kearney

Fire Marshal Fergus

Council Member Albertson

Fire Marshal Fergus

Council Member Albertson

Mr. Revell

Mayor Glass

Council Member Healy

Mayor Glass asked the Council if they were in favor of adding a 5th day for the sale of fireworks and took a "straw vote" as follows:
Council Member Albertson - no
Council Member Barrett - no
Mayor Glass - no
Council Member Harris - yes
Council Member Healy - yes
Council Member Kearney - yes
Vice Mayor Renée - no

C. Resolution 2012-008 N.C.S. Calling for a Constitutional Amendment Regarding Corporate Personhood to Limit Political Spending by Corporations. (Brown)

Mayor Glass

City Manager Brown

Mayor Glass

Public Comment on Item 3.C

Amy Hanks and Alex Demarco, Occupy Petaluma, spoke in favor of adopting the resolution.

Victor Chechanover, Petaluma, spoke in favor of adopting the resolution.

Council Member Healy

Motion: Approve C. Resolution 2012-008 N.C.S. Calling for a Constitutional Amendment Regarding Corporate Personhood to Limit Political Spending by Corporations.

Moved by Mike Healy, seconded by Gabe Kearney.

Vote: Motion carried 6-1

Yes: Chris Albertson; Teresa Barrett; David Glass; Mike Healy; Gabe Kearney; Tiffany Renée
No: Mike Harris
Abstain: None
Absent: None

Council Member Albertson

Council Member Harris

Council Member Barrett

Mayor Glass

CLOSED SESSION

City Attorney Danly
PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Pursuant to California Government Code Section 54957
- Title: City Manager.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Pursuant to California Government Code Section 54957
- Title: City Attorney.

ADJOURN TO CLOSED SESSION

Council returned to CLOSED SESSION at 9:35 p.m.

REPORT OUT OF CLOSED SESSION (Actions Taken)

None.

ADJOURN

The meeting was adjourned at 9:57 p.m.

David Glass, Mayor

ATTEST:

Claire Cooper, CMC, City Clerk