



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

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

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 6 **MONDAY, JANUARY 9, 2012**
 7 **CLOSED SESSION – 5:30 P.M.**
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9 **CALL TO ORDER - CLOSED SESSION**

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 11 **A. Roll Call**

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 13 Present: Chris Albertson; Teresa Barrett; David Glass; Mike Harris; Mike Healy;
 14 Gabe Kearney; Tiffany Renée
 15 Absent: None
 16

17 **CLOSED SESSION**
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- 19 • **PUBLIC EMPLOYEE PERFORMANCE EVALUATION:** Pursuant to California Government Code Section 54957
 20 - Title: City Manager.
 21 • **PUBLIC EMPLOYEE PERFORMANCE EVALUATION:** Pursuant to California Government Code Section 54957
 22 - Title: City Attorney.
 23 • **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:** Subdivision (a) of California Government
 24 Code Section 54956.9: City of Petaluma, *et al.*, v. County of Sonoma, *et al.*, Sonoma County Superior
 25 Court No. SCV 248948.
 26

27 **Mayor Glass**

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 29 **PUBLIC COMMENT ON CLOSED SESSION ITEMS**

30
 31 **Paul Curran, Petaluma, co-owner Pavement Engineering, Petaluma,** spoke in support of the
 32 Dutra project and in opposition to an appeal.
 33

34 **Don Smith, Petaluma,** spoke in support of the Dutra project and in opposition to an appeal.
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36 **Jerry Price, Petaluma,** spoke in opposition to the Dutra project and in support of an appeal.
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38 **Joan Cooper, Petaluma,** spoke in opposition to the Dutra project and in support of an appeal.
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40 **Sheri Chlebowski, Petaluma,** spoke in opposition to the Dutra project and in support of an
 41 appeal.
 42

43 **Ms. Cooper**
 44

1 **Mayor Glass**

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

5

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

7

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

10

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

12

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

15

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

18

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

20

21 **Michelle Bronds-Giese, Petaluma**, spoke in opposition to the Dutra project and in support of an
22 appeal.

23

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

25

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

28

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

30

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

33

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

35

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

37

38 **Mayor Glass**

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

41

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

44

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

47

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

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

51

52 **Mayor Glass**

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

3
4 **Melissa Bushley, Petaluma**, spoke in opposition to the Dutra project and in support of an appeal.

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

8
9 **Leah Davies**, spoke in opposition to the Dutra project and in support of an appeal.

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

13
14 **Mayor Glass**

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16 **City Attorney Danly**

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18 **ADJOURN TO CLOSED SESSION**

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

25
26 **CALL TO ORDER - EVENING SESSION**

27
28 **A. Roll Call**

29
30 Present: Chris Albertson; Teresa Barrett; David Glass; Mike Harris; Mike Healy;
31 Gabe Kearney; Tiffany Renée

32 Absent: None

33
34 **B. Pledge of Allegiance**

35
36 **Val Richman, Petaluma**

37
38 **C. Moment of Silence**

39
40 **REPORT OUT OF CLOSED SESSION** (Actions Taken)

41
42 **City Attorney Danly** reported that Council has unanimously directed him to carefully review the
43 decision in the City of Petaluma, *et al.* v. County of Sonoma, *et al.* case for possible error and
44 report at next meeting the possibility for appeal.

45
46 **AGENDA CHANGES AND DELETIONS** (To Current Agenda Only)

47
48 The order in which items under **NEW BUSINESS** would be heard was changed to **4.A, 4.B, 4.E, 4.D,**
49 **4.C.**

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1 **PROCLAMATION**

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- **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

- A. **Approval of Revised Proposed Agenda for Regular City Council/PCDC Meeting of Monday, January 23, 2012. - Revision No. 1 - Thursday, January 5, 2012.**

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Mayor Glass

Council Member Renée

Mayor Glass

Council Member Barrett

Council Member Renée

Council Member Barrett

Mayor Glass

City Manager Brown

Mayor Glass

City Manager Brown

Council Member Barrett

Mayor Glass

City Attorney Danly

Mayor Glass

Motion: Approve A. Revised Proposed Agenda for Regular City Council/PCDC Meeting of Monday, January 23, 2012, as presented.

Moved by **Mike Healy**, 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

2. CONSENT CALENDAR

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

B. **Resolution 2012-004 N.C.S. Approving the 2012 Downtown Petaluma Business Improvement District Annual Report and Related Budget, Declaring the Intention to Levy the 2012 Annual Assessment, and Setting a Public Hearing on the Proposed 2012 Annual Assessment.** (Mushallo)

- 1 C. **Resolution 2012-002 N.C.S. Acknowledging the Submittal of the 2011 State**
- 2 **Controller's Office (SCO) Redevelopment Financial Report and PCDC Resolution**
- 3 **2012-01 Acknowledging the Submittal of the 2011 State Controller's Office (SCO)**
- 4 **Redevelopment Financial Report.** (Brown/Gaebler)
- 5
- 6 D. **Resolution 2012-003 N.C.S. Updating as "Authorized Persons" the City Manager,**
- 7 **Finance Director, and Commercial Services Manager, for the City of Petaluma's**
- 8 **Local Agency Investment Fund Account.** (Mushallo)
- 9
- 10 E. **PCDC Resolution 2012-02 Updating as "Authorized Persons" Executive Director,**
- 11 **Treasurer, and Commercial Services Manager, for the Petaluma Community**
- 12 **Development Commission Local Agency Investment Fund Account.** (Mushallo)
- 13

14 **Mayor Glass opened Public Comment on the CONSENT CALENDAR.**

15
16 Seeing no persons wishing to comment, **Mayor Glass closed Public Comment on the**

17 **CONSENT CALENDAR.**

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19 **Council Member Albertson**

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21 **City Manager Brown**

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23 **Finance Director Bill Mushallo**

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25 **Council Member Albertson**

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27 **Finance Director Mushallo**

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29 **Council Member Albertson**

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31 **Finance Director Mushallo**

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33 **Council Member Albertson**

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35 **Finance Director Mushallo**

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37 **Council Member Albertson**

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39 **City Manager Brown**

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41 **Council Member Albertson**

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43 **City Manager Brown**

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45 **Council Member Albertson**

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47 **Motion: Approve CONSENT CALENDAR Items 2.A, 2.C, 2.D, and 2.E.**

48
49 Moved by **Teresa Barrett**, seconded by **Mike Harris**.

50
51 **Vote: Motion *carried* 7-0**

52

1 Yes: Chris Albertson; Teresa Barrett; David Glass; Mike Harris;
 2 Mike Healy; Gabe Kearney; Tiffany Renée
 3 No: None
 4 Abstain: None
 5 Absent: None
 6

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

8
9 **Vice Mayor Healy** recused himself for **Item 2.B** and left the dais.

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11 **Mayor Glass**

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13 **Motion: Approve B. Resolution 2012-004 N.C.S. Approving the 2012 Downtown Petaluma**
14 **Business Improvement District Annual Report and Related Budget, Declaring the Intention**
15 **to Levy the 2012 Annual Assessment, and Setting a Public Hearing on the Proposed 2012**
16 **Annual Assessment.**

17
18 Moved by **Teresa Barrett**, seconded by **Mike Harris**.

19
20 **Vote: Motion carried 5-0**

21
22 Yes: Chris Albertson; Teresa Barrett; David Glass; Mike Harris;
23 Gabe Kearney
24 No: None
25 Abstain: Mike Healy; Tiffany Renée
26 Absent: None
27

28 **Council Member Renée** returned to the dais.

29
30 **Vice Mayor Healy** returned to the dais.

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32 **3. NEW BUSINESS**

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

36
37 **Motion: Approve A. Resolution 2012-005 N.C.S. Appointing Tiffany Renée Vice**
38 **Mayor for Calendar Year 2012.**

39
40 Moved by **David Glass**, seconded by **Teresa Barrett**.

41
42 **Vote: Motion carried 7-0**

43
44 Yes: Chris Albertson; Teresa Barrett; David Glass; Mike Harris;
45 Mike Healy; Gabe Kearney; Tiffany Renée
46 No: None
47 Abstain: None
48 Absent: None
49

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

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52 **Mayor Glass**

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

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

		2012 Representative
Sonoma County Transportation Authority /Regional Climate Protection Authority (SCTA/RCPA) - Alternate	Council Representation (Alternate)	<i>Mike Harris</i>
Sonoma County Water Advisory Committee (WAC)	Council Representation	<i>Mike Healy</i>
Sonoma County Water Advisory Committee (WAC) - Alternate	Council Representation (Alternate)	<i>David Glass</i>
Sonoma County Water Agency Zone 2A Advisory Committee	Council Representation	<i>Teresa Barrett</i>

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 Renée

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

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Mayor Glass

City Manager Brown

Mayor Glass

Council Member Albertson

Mayor Glass

Council Member Healy

Motion: Approve 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.

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 Renée
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.

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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:

- 1 Council Member Albertson - no
- 2 Council Member Barrett - no
- 3 Mayor Glass - no
- 4 Council Member Harris - yes
- 5 Council Member Healy - yes
- 6 Council Member Kearney - yes
- 7 Vice Mayor Renée - no

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

11 Mayor Glass

12 City Manager Brown

13 Mayor Glass

14 **Public Comment on Item 3.C**

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

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

19 Council Member Healy

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

23 Moved by **Mike Healy**, seconded by **Gabe Kearney**.

24 **Vote: Motion *carried 6-1***

- 25 Yes: Chris Albertson; Teresa Barrett; David Glass;
- 26 Mike Healy; Gabe Kearney; Tiffany Renée
- 27 No: Mike Harris
- 28 Abstain: None
- 29 Absent: None

30 Council Member Albertson

31 Council Member Harris

32 Council Member Barrett

33 Mayor Glass

34 **CLOSED SESSION**

35 City Attorney Danly

- 1 • **PUBLIC EMPLOYEE PERFORMANCE EVALUATION:** Pursuant to California Government Code Section 54957
- 2 - Title: City Manager.
- 3 • **PUBLIC EMPLOYEE PERFORMANCE EVALUATION:** Pursuant to California Government Code Section 54957
- 4 - Title: City Attorney.

5
6 **ADJOURN TO CLOSED SESSION**

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

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10 **REPORT OUT OF CLOSED SESSION** (Actions Taken)

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12 None.

13
14 **ADJOURN**

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

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19 _____
20 David Glass, Mayor

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22 ATTEST:

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25 _____
26 Claire Cooper, CMC, City Clerk

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