

**SANTA ROSA CITY COUNCIL MEETING MINUTES
TUESDAY, FEBRUARY 3, 2009
COUNCIL CHAMBER, CITY HALL, 100 SANTA ROSA AVENUE
REGULAR MEETING**

1:45 P.M. (MAYORS CONFERENCE ROOM, ROOM 10)

1. CALL TO ORDER AND ROLL CALL

Vice Mayor Vas Dupre called the meeting to order at 1:45 p.m. Councilmembers present: Vice Mayor Vas Dupre, Councilmembers Bender, Sawyer, Jacobi, Olivares and Wysocky. Absent: Mayor Gorin.

2. INTERVIEW FOR BOARD OF BUILDING REGULATIONS APPEALS

The Council interviewed John Sutter for the vacant position on the Board of Building Regulations Appeals.

3. ANNOUNCEMENT OF CLOSED SESSION ITEM(S) AND ADJOURNMENT TO CLOSED SESSION(S) IN MAYOR'S CONFERENCE ROOM (ROOM 10, CITY HALL)

3.1 CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representatives: Greg Scoles, Deputy City Manager, Fran Elm, Human Resources Director and Chris Sliz, Human Resources Deputy Director

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 707, (Employee Units 8 and 14); Public Safety Management, (Employee Unit 9); Santa Rosa City Attorneys' Association – Attorneys (Employee Unit 17).

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

3.2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Subdivision (a) of Government Code section 54956.9)

Name of Case: Citizens Against Walmart, et al. v. City of Santa Rosa, et al., Sonoma County Superior Court No. SCV 239961

3.3 PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Manager

3.4 PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Attorney

3.5 ADJOURN CLOSED SESSION(S) AND RECONVENE TO OPEN SESSION IN THE COUNCIL CHAMBER 4. ANNOUNCEMENT OF ROLL CALL

2:30 P.M. (CITY COUNCIL CHAMBER) [2:51:10 PM](#)

4. STUDY SESSION

4.1 MID-YEAR FINANCIAL UPDATE

Staff updated the Council on the status of the General Fund finances at the midway point of the 2008/09 fiscal year. An update of the General Fund Five-Year Forecast was also presented. Declines in general fund revenue sources were of historically unprecedented proportions. The projected structural deficit had reached \$23 million, up from the \$20 million projected at the Fall Financial Update which created the immediate need for an additional \$15 million in revenue. Staff outlined the deficit reduction strategy, as defined in reduction lists #1, #2, and #3; reorganization efforts with layoffs effective July 1, 2009; negotiation efforts toward concessions with employees; other revenue measures; and implementation of a two-tier retirement plan.

PUBLIC COMMENT [3:37:30 PM](#)

Richard Canini urged the Council to seek assistance from the federal government. He opposed any increase in sales tax or a parcel tax, or any emergency response membership.

Duane DeWitt advocated fiscal oversight.

There was no Council action taken on this item.

4.2 PUBLIC SAFETY SALES TAX (MEASURE O) OVERVIEW, PLAN UPDATES, AND USE OF FUND BALANCE [3:44:19 PM](#)

The Police, Fire, and Recreation and Parks Departments updated the Council on potential changes to Public Safety Sales Tax ("Measure O") implementation plans and use of any available Measure O fund balance. Police Chief Simms did not recommend any changes in the Measure O Implementation Plan, but recommended the use of \$3.8 million in unspent Measure O funds to preserve police officer positions for as long as possible to avoid potential layoffs. Fire Chief Varner recommended an adjustment to the implementation plan for the elimination of Fire Station 9 (the Southeast Area Fire Station, which would reduce the deficit until 2022. Marc Richardson, Assistant City Manager - Recreation and Parks, said they have 9.35 positions funded under Measure O which would remain, however, a declaration of fiscal crisis would help address the general fund portion of their budget.

PUBLIC COMMENT

Jack Thomas, Santa Rosa Firefighters, said the Firefighters supported Measure O Oversight Committee Chair Mark Idhe's previous comments in opposition, and he objected to the lack of a definitive plan as to how these funds would be spent.

Mark Idhe was concerned that the Committee had not yet seen a definitive plan as to how the funds would be spent.

City Manager Kolin responded that the definitive plan is to use the fund balance to continue to pay police officers' salaries as long as possible to avoid the layoff of occupied positions. He noted the police portion is the only category where a fund balance exists.

Duane DeWitt said the declaration of fiscal crisis could affect the City's credit rating.

Administrative Services Director Michael Frank responded the City was in a fiscal crisis and he had spoken with financial advisors and bond rating agencies who had indicated that if the City does not take action to address the fiscal crisis or use reserves it would adversely affect the City's rating.

There was no Council action taken on this item.

4:00 P.M. (CITY COUNCIL CHAMBER)

5. ANNOUNCEMENT OF ROLL CALL [4:08:26 PM](#)

All members of the Council were present. Teen Council member Nicholas Carerra was also present.

6. REPORT, IF ANY, ON STUDY AND CLOSED SESSION(S) [4:08:55 PM](#)

City Attorney Fowler announced that the Council had met in closed session regarding Items 3.1 and 3.2 as listed on the agenda and that no action had been taken and there were no announcements to be made. She stated that Items 3.3 and 3.4 had not been taken up and would not be taken up at the conclusion of the open session portion of the meeting.

7. PROCLAMATIONS/PRESENTATIONS

7.1 PROCLAMATION – AMERICAN HEART ASSOCIATION'S NATIONAL WEAR RED DAY [4:10:11 PM](#)

Vice Mayor Vas Dupre presented the Go Red for Women Proclamation to Joy Finn of the American Heart Association, who encouraged everyone to wear red that Friday.

8. STAFF BRIEFINGS

8.1 WATER AGENCY STREAM MAINTENANCE UPDATE [4:14:17 PM](#)

John Niehaus, Sonoma County Water Agency operations manager, provided an update of recent stream maintenance activities in Santa Rosa. Alistair Bleifuss, Environmental Specialist, invited public participation in the Creek Stewardship program.

PUBLIC COMMENT

Duane DeWitt spoke of the benefit creeks are to recharging groundwater and to the California Tiger Salamander.

Colleen Fernald had reported storm drain pollution incident and had received a good response.

8.2 AMGEN TOUR OF CALIFORNIA [4:34:44 PM](#)

Raissa de la Rosa, Economic Development Program Specialist, provided an update on the fourth Amgen Tour of California professional cycling race scheduled to be in Santa Rosa on February 15, 2009. She outlined the event timeline, activities, and budget. Bill Ellis, Public Works Quality Control Associate, reviewed the planned road closures and detours.

Carlos Perez, publisher of *Bike Monkey* magazine and producer of Cycle Cross Santa Rosa, briefed the Council on upcoming bicycle events which

were joint efforts with the Recreation and Parks department.

PUBLIC COMMENT

Peter Tcherneff spoke against pharmaceutical companies.

9. APPROVAL OF MINUTES – JANUARY 6, 2009 REGULAR MEETING MINUTES
[4:57:07 PM](#)

MOVED by Councilmember Sawyer, seconded by Councilmember Bender, carried 6-0-1 (Mayor Gorin absent) to approve the minutes of the January 6, 2008 meeting as submitted.

10. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS [4:57:26 PM](#)

There were no statements of abstention made.

11. CONSENT ITEMS [5:00:58 PM](#)

MOVED by Councilmember Sawyer, seconded by Councilmember Wysocky, carried 6-0-1 (Mayor Gorin absent), to adopt and waive reading of the text of the motion in item 11.1 and the ordinance in item 11.2 as follows:

11.1 MOTION -- CONTRACT EXTENSION - AUTO PARTS SUPPLY

MOTION: Approving the second one-year extension of Contract No. 06-8558 for auto parts supply with Smothers Parts International, Inc., Santa Rosa, California, with a 2.75% overall price increase in the contract core list of inventory parts and supplies. Total amount of the contract extension is \$160,000. Funds for this operational expense have been allocated in FY 2008-09 budgets of the Public Works Department operational charge number 1054-41, and in the General Fund and Transit Fund inventory asset account numbers 0710-1301, 0710-1304 and 0650-1304 and will be allocated in subsequent fiscal year budgets when approved by Council.

11.2 ORDINANCE ADOPTION -- AMENDMENT TO THE REGULATIONS SECTION OF THE CITY CODE DEALING WITH THE USE OF LUTHER BURBANK HOME & GARDENS

ORDINANCE NO. 3906: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING CHAPTER 13-24.076, REGULATIONS FOR USE OF LUTHER BURBANK HOME & GARDENS, OF THE SANTA ROSA CITY CODE

12. REPORT ITEMS

12.1 REPORT -- GREENHOUSE GAS EMISSION REDUCTION ACTION PLAN
[5:01:58 PM](#)

Ed Buanoccorsi, General Services Administrator; Mark Armstrong, Facilities Maintenance Coordinator; Steve Witters, Electrical Technician; Jon Merian, Fleet Superintendent; Joanne Parker, Transit Planner; and Tasha Wright, Administrative Analyst, briefed the Council on the City's efforts to reach its Greenhouse Gas (GHG) emission reduction targets. Mr. Buonaccorsi recommended that staff be directed to continue its efforts to work towards the Greenhouse Gas Reduction target by using a combination of practices to implement sustainable measures when they are cost-effective, affordable and maintainable; and to review the progress made in achievement of the Greenhouse Gas target on an annual basis. He outlined those suggested implementation practices.

PUBLIC COMMENT

Duane DeWitt recommended selling water to the Geysers and not building on green spaces.

Peter Tcscherneff suggested using horses and carriages, bicycle taxis, windmills, and gardens with cacti.

MOVED by Councilmember Jacobi, seconded by Councilmember Wysocky, carried 5-0-2 (Mayor Gorin and Councilmember Sawyer absent), to adopt and waive reading of the text of the motion in item 12.1 as follows:

MOTION: To allow the City to continue its efforts to work towards the Greenhouse Gas Reduction target by using a combination of identified practices to implement sustainable measures, when they are cost-effective, affordable and maintainable, and review the progress made in achievement of the Greenhouse Gas target on an annual basis.

****12.2 PUBLIC HEARING – CERTIFICATION OF FOUNTAINGROVE LODGE FINAL ENVIRONMENTAL IMPACT REPORT**
[5:56:26 PM](#)

Ex parte contacts were disclosed as follows: Councilmember Olivares had met with project representatives and residents and had obtained no new information; Councilmember Jacobi had discussed it with project representatives and residents and had obtained no new information; Councilmember Sawyer had met with project representatives and residents and had obtained no new information; Councilmember Wysocky had visited the site and met with project representatives and residents and had obtained no new

information. Vice Mayor Vas Dupre had learned that the Planning Commission had not been privy to certain plans and had learned that there were three parcels that the developer owns; she wished to know the status of those development plans. Councilmember Bender had visited the site and met with the applicants.

Senior Planner Erin Morris made the staff presentation for the certification of the Fountaingrove Lodge Final Environmental Impact Report (FEIR) detailed the issues in the appeal of the Planning Commission's approval of the FEIR certification filed by the Fountaingrove Ranch Master Association. Consultant Andrea Gardner summarized the actions and content related to the FEIR.

PUBLIC HEARING [6:20:59 PM](#)

Vickie Duggan, Planning Commission Chair, summarized the Commission's findings and unanimous approval of the FEIR documents, noting there is no project yet and this would be the reference document that the project would be held to, and project review would occur as the project moves forward.

Skip Epperly, representing the appellant, Fountaingrove Ranch Master Association, presented the appeal points as outlined in his two previous letters to the Council, which included a lack of analysis in the EIR of environmental impacts in air quality, aesthetics, biology, greenhouse gas emissions, water quality, seismicity, traffic and cumulative impacts, inconsistency with area plans; and had not crafted appropriate site mitigation measures to reduce the impacts to the greatest extent feasible. The alternative analysis was also deficient in that it should have looked at a smaller project with fewer aesthetic impacts and a greater setback to riparian areas, removes fewer trees and considers design alternatives which address seismic issues, addresses diminishing water resources, and one that helps attain mandated greenhouse gas reductions.

Steve McCullough, representing the applicant, Aegis Senior Living, said the draft and final EIR had been thoroughly reviewed, noting the consultants' response to the appeal in the staff report. On August 18, 2005 the project was presented to the Design Review Board where it was received favorably, and the Planning Commission subsequently approved the EIR. They have voluntarily agreed to comply with green building certification, and the entire project has water conservation elements. He noted the

appellant has repeatedly objected to any development in the area, and the EIR has been repeatedly affirmed by City reviewing authorities. He said the delays have cost the project \$1.8 million to date, and delayed a valuable service and economic benefits to community derived from the project. He said they have no other plans on application for any other properties in the immediate area.

Dewey Nelson, Joint Fountaingrove Parkway Safety Committee member, spoke in support of the appeal as the FEIR failed to adequately address traffic safety impacts brought about by the additional 494 daily vehicle trips per day to be generated on Thomas Lake Harris Drive and adjacent intersections by this project.

Jim Johnson, Fountaingrove Ranch Master Association Board member, opposed certification of the FEIR on that grounds that it failed to comply with regulatory guidelines on woodlands, parking lots, and riparian areas. He said parking was inadequate and the unit size was too large.

Ed Margason, Fountaingrove resident, opposed the mass and bulk of the project, and construction of retaining walls similar to Verena.

Scott Stegeman spoke on behalf of the project applicant regarding the water supply and water liability issues. He said the city does have its own water management plan, adopted in 2005, and insulates the City to any challenges to the Sonoma County Water Agency's plan. He noted the City has a water master plan with aggressive drought response measures and conservation measures. He said the EIR accurately and completely responds to water supply issues in the context of the policies and documents the City has adopted, none of which have undergone legal challenge or in any way been threatened.

Stephen Butler, speaking on behalf of the applicant, said the EIR provides a reasonable and good faith analysis of environmental impacts after two years of review during which all concerns had been responded to. He added that water doesn't affect the adequacy of the document pursuant to the CEQA requirements regarding the environmental setting baseline; and that water usage would not ensue until 2013 so concerns about water supply were speculative.

James McMillan, president of The Oaks at Fountaingrove Homeowners Association, opposed certification of the EIR on the basis that it seeks to mitigate the loss of 100 year old oak trees with newly planted trees and that based on the lingering

drought conditions and existing water levels it is reasonable to speculate that water supplies would not be adequate.

Steven Harper reviewed some of the highlights of a letter sent to the Council from the Housing Advocacy Group in which they support certification of the FEIR, and spoke to the project benefits including an affordable housing component.

Susan Nowacki opposed certification on the basis of the destruction of 500 trees, displayed the project footprint on a topographical map to indicate that there was not sufficient ground available to plant 2000 trees as mitigation.

Rob Myers spoke in support of certification of the FEIR as all concerns had been addressed.

Bobbie Blair, also urged certification of the FEIR as all requirements had been met.

Kyra Janssen opposed certification of the FEIR due to the potential for unintended consequences.

Annette Cooper spoke in support of certification, noting the need to provide senior housing and that the site is zoned for cluster development and high density housing.

Jim Eimers, attorney on Fountaingrove, supported certification of the FEIR with no further study, noting that Varena has been a positive contribution to the community.

Deb White, A&W Concrete, supported certification of the FEIR on that basis that it would create local jobs in construction.

Mike Smith Jr., Argonaut Constructors, supported certification of the FEIR on that basis that it would create local jobs in construction.

Bill Mabry spoke in support of certification of the FEIR, noting mitigation measures that would be taken to address many of the concerns raised during the hearing.

John Gladstein, member of Fountaingrove Lodge, said that since their initial August, 2005 application, supported certification as issues raised by opponents have been satisfactorily addressed repeatedly.

David Grabill, Housing Advocacy Group, spoke in support of certification, noting the projects green building points.

Hearing no further testimony, Vice Mayor Vas Dupre closed the public hearing at [7:34:53 PM](#)

Councilmember Sawyer disclosed that he had served on the Fountaingrove Lodge Board of Directors and the Advisory Board during project inception, but has not served in either capacity for well over a year and therefore would deliberate on the matter.

Vice Mayor Vas Dupre said that despite the project being superior in many ways, she would vote in support of the appellants based on adverse impacts to the environment.

MOVED by Councilmember Bender, seconded by Councilmember Olivares, carried 5-1-1 (Vice Mayor Vas Dupre voting NO; Mayor Gorin absent), to deny the appeal and adopt and waive reading of the text of the resolution in item 12.2 as follows:

RESOLUTION NO. 27295 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA CERTIFYING THE FOUNTAINGROVE LODGE FINAL ENVIRONMENTAL IMPACT REPORT

13. PUBLIC COMMENTS ON NON-AGENDA MATTERS [7:59:12 PM](#)

The following people made comments before the Council regarding items not on the agenda:

Judy Kennedy, Neighborhood Alliance, voiced strong support for keeping Advance Planning fully funded and intact.

Karen Macken concurred with Ms. Kennedy's comments in support of fully funding Advance Planning.

14. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)

15. MAYOR'S/COUNCILMEMBERS' REPORTS [8:03:59 PM](#)

15.1 INTERVIEW(S)/APPOINTMENT(S)/RE-APPOINTMENT(S) OF APPLICANT(S) AND INCUMBENT(S) TO BOARD OF BUILDING REGULATIONS APPEALS [8:04:11 PM](#)

MOVED by Councilmember Bender, seconded by Councilmember Wysocky, carried 6-0-1 (Mayor Gorin absent) to appoint John Sutter to the Board of Building Regulation Appeals.

MAYOR AND COUNCILMEMBER REPORTS [8:04:38 PM](#)

The Mayor and members of the Council made announcements and reported on items of interest to the Council.

16. CITY MANAGER'S/CITY ATTORNEY'S

REPORTS [8:17:26 PM](#)

The City Manager and City Attorney made further announcements and reported on items of interest to the Council.

17. [IF NEEDED] – ANNOUNCEMENT OF ADDITIONAL CLOSED SESSION ITEMS(S), ADJOURNMENT TO CLOSED SESSION(S), RECONVENE TO OPEN SESSION, AND ANNOUNCEMENTS, IF ANY

18. ADJOURNMENT OF MEETING [8:19:55 PM](#)

Hearing no further business, Vice Mayor Vas Dupre adjourned the meeting at 8:15 p.m. The next regularly scheduled meeting will take place on February 10, 2009, at a time to be set by the Mayor.

Approved on March 10, 2009.

Susan Stoneman
City Clerk