

**SANTA ROSA CITY COUNCIL MEETING MINUTES
TUESDAY, MAY 12, 2009
COUNCIL CHAMBER, CITY HALL, 100 SANTA ROSA AVENUE
REGULAR MEETING**

2:00 P.M. (COUNCIL CHAMBER) [2:05:09 PM](#)

1. CALL TO ORDER AND ROLL CALL

Mayor Gorin called the meeting to order at 2:05 p.m. in the Council Chamber. Councilmembers present: Mayor Gorin; Vice Mayor Vas Dupre, Councilmembers Bender, Jacobi, Olivares, and Wysocky. Absent: Councilmember Sawyer (arrived at approximately 2:20 p.m.)

2. STUDY SESSION

2.1 RAINWATER HARVESTING AND GRAY WATER SYSTEMS REGULATIONS

Jennifer Burke, Senior Water Resources Planner, provided an introduction and overview of the regulations surrounding rainwater harvesting, available rainwater harvesting systems and low and moderate water use landscaping, and rainwater harvesting programs currently offered by the City, including a rebate program.

Michael Enright, Supervising Engineer, discussed the gray water systems as they pertain to California Department of Public Health regulatory requirements for domestic water systems.

Janice Oakley with the California Department of Public Health spoke regarding cross-connection controls and other regulations that apply to both gray water and rainwater systems.

Peter Fulkerson, Water Quality Supervisor, spoke about the Utilities Water Quality Program and why backflow prevention is required.

Eric Hawk, Marin-Sonoma Mosquito and Vector Control District, spoke about concerns around rainwater harvesting and gray water systems and how to prevent mosquito propagation.

PUBLIC COMMENT [3:05:24 PM](#)

Duane DeWitt, suggested the use of rainwater harvesting fences on City property.

2.2 CITY COUNCIL GOALS 2009-2010 [3:07:49 PM](#)

City Manager Jeff Kolin made the staff presentation for the Council goals for the current year, which had been developed at a goal setting session held March 6 and 7, 2009. At that session, the Council

reviewed the existing Council Goals and created a revised set of Goals based on the Santa Rosa 2030 visioning process and its strategic framework and initiatives.

Mr. Kolin outlined the statements and priorities for inclusion in a Council Goals Work Plan. The Council provided input on priorities for the finalized work plan, and established Council liaisons for each of the workgroups as follows:

Goal 1: *Continue the City focus on creating and sustaining a vital downtown, a strong economic base and an effective transportation system for the future. Create a positive business model for a sustainable carbon neutral community that points out the advantages of living, working and doing business in Santa Rosa*

Council Liaisons: Jane Bender, John Sawyer, and Gary Wysocky

Goal 2: *Develop and sustain a regional gang prevention effort in Sonoma County*

Council Liaisons: Jane Bender, Ernesto Olivares, and Gary Wysocky

Goal 3: *Develop a sustainable organization that is able to maintain high morale, productivity, and effectiveness in difficult times*

Council Liaisons: Ernesto Olivares and John Sawyer

Goal 4: *Sustain our efforts to make Santa Rosa a more Inclusive Community*

Council Liaisons: John Sawyer and Marsha Vas Dupre

Goal 5: *Sustain City leadership in environmental initiatives and make an impact on greenhouse gas reduction strategies. Provide direction, leadership, and examples for the citizens, businesses, and schools of Santa Rosa to reduce greenhouse gas emissions, improve energy efficiency, move toward becoming a carbon neutral City, and consider how the transportation system must change. Evaluate the options for renewable energy, manage City facilities and operations, and help the public understand, accept, and embrace these challenges*

Council Liaisons: Susan Gorin, Veronica Jacobi, and Marsha Vas Dupre

Goal 6: *Continuing our Focus on Seniors and Youth*

Council Liaisons: Susan Gorin, Veronica Jacobi, and Marsha Vas Dupre

Goal 7: *Sustain thriving diverse neighborhoods and expanded open space and multi-service parks. Provide programs and support to sustain safe neighborhoods and resources to help citizens be in control of their neighborhood environment and maintain family oriented neighborhoods*

Council Liaisons: Susan Gorin, Veronica Jacobi, and Gary Wysocky

PUBLIC COMMENT [3:51:02 PM](#)

Duane DeWitt spoke regarding the importance of Council direction to its Boards and Commissions.

3. ANNOUNCEMENT OF CLOSED SESSION ITEM(S) AND ADJOURNMENT TO CLOSED SESSION(S) IN MAYOR'S CONFERENCE ROOM (ROOM 10, CITY HALL) [3:52:42 PM](#)

Mayor Gorin announced the Council would adjourn to closed session in the Mayor's Conference Room to take up Item 3.1 as listed on the agenda. The meeting was reconvened in Closed Session in the Mayors Conference Room at 3:55 p.m. with all members of the Council present.

3.1 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b)(1) of Government Code section 54956.9. One potential case.

3.2 ADJOURN CLOSED SESSION(S) AND RECONVENE TO REGULAR SESSION IN THE COUNCIL CHAMBER

4:00 P.M. (CITY COUNCIL CHAMBER) [4:11:49 PM](#)

4. ANNOUNCEMENT OF ROLL CALL

Mayor Gorin reconvened the meeting in the Council Chamber at 4:11 p.m. All members of the Council were present.

5. REPORT, IF ANY, ON STUDY AND CLOSED SESSION(S) [4:13:08 PM](#)

City Manager Kolin reported that the Council had previously met in Study Session to discuss Items 2.1 and 2.2 as listed on the agenda.

City Attorney Caroline Fowler reported that the Council had met in closed session regarding item

3.1 as listed on the agenda and that there was no action taken or announcement to be made.

6. PROCLAMATIONS/PRESENTATIONS

6.1 PROCLAMATION – BIKE OR WALK TO WORK DAY [4:14:59 PM](#)

Councilmember Jacobi presented the Bike or Walk to Work Day proclamation, which was accepted by Sandra Lupien, Event Coordinator for the Sonoma County Bicycle Coalition and Joy Gipson, Transit and Parking Marketing and Outreach Coordinator.

6.2 PROCLAMATION – NATIONAL LAW ENFORCEMENT MEMORIAL WEEK [4:21:30 PM](#)

Councilmember Olivares presented the National Law Enforcement Memorial Week proclamation which was accepted by Sergeant Steve Fraga, Officer Ken Johnson, and Police Chief Tom Schwedhelm.

6.3 PROCLAMATION – BRUSH CREEK NURSERY SCHOOL'S 50TH ANNIVERSARY [4:24:42 PM](#)

Councilmember Vas Dupre presented the proclamation in honor of Brush Creek Nursery School's 50th Anniversary which was accepted by Julie MacDonald, Director and Cindy Philips, Chairperson of the school's Board of Directors.

6.4 PROCLAMATION – PARKINSON'S DISEASE AWARENESS

This item was taken up later in the meeting, upon the arrival of Steve Elliott.

7. STAFF BRIEFINGS – NONE

8. APPROVAL OF MINUTES -- APRIL 14, 2009 REGULAR MEETING MINUTES [4:28:46 PM](#)

MOVED by Vice Mayor Vas Dupre, seconded by Councilmember Jacobi, carried 6-0-1 (Councilmember Sawyer abstaining) to approve the minutes of the April 14, 2009 Regular Meeting as submitted.

9. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS [4:29:17 PM](#)

Councilmember Jacobi stated she would abstain from Item 11.2; Councilmember Sawyer stated he would also abstain from Item 11.2 due to location of his business in the downtown area.

10. CONSENT ITEMS [4:29:43 PM](#)

Item 10.2 was removed from the Consent Calendar for further discussion.

MOVED by Vice Mayor Vas Dupre, seconded by Councilmember Wysocky, carried 6-0-1 (Councilmember Jacobi abstaining), to adopt and waive reading of the text of the motion in item 10.1 as follows:

10.1 MOTION – AMENDMENT #1 TO TRANSIT MALL DESIGN CONTRACT

MOTION: APPROVING AMENDMENT #1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC, FOR DESIGN AND ENGINEERING SERVICES, AND CONSTRUCTION SUPPORT TOTALING \$214,394, FOR A CONTRACT TOTAL OF \$441,394, WITH A 10% CONTINGENCY ALLOWANCE, FOR THE TRANSIT MALL REVITALIZATION AND WAYFINDING PROJECT. FUNDING IS APPROPRIATED IN FUND 0651-7749, UTILIZING A TRANSIT DEVELOPMENT ACT, ARTICLE IV CAPITAL GRANT

MOVED by Vice Mayor Vas Dupre, seconded by Councilmember Wysocky, carried unanimously, to adopt and waive reading of the text of the ordinances in items 10.3 through 10.5 as follows:

10.3 ORDINANCE ADOPTION – REZONING - KOCALIS TRUST - 2100 SEBASTOPOL ROAD

ORDINANCE NO. 3911 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE – RECLASSIFICATION OF PROPERTY LOCATED AT 2100 Sebastopol Road – FILE NUMBER REZ08-014

10.4 ORDINANCE ADOPTION – REZONING 1212 LANCE DRIVE

ORDINANCE NO. 3912 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE – RECLASSIFICATION OF PROPERTIES LOCATED AT 1154, 1156, 1172, 1174, 1182, 1184, 1210 & 1212 LANCE DRIVE – FILE NUMBER REZ09-011

10.5 ORDINANCE ADOPTION – REZONING CALVARY CATHOLIC CEMETERY - 2930 BENNETT VALLEY ROAD

ORDINANCE NO. 3913 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE – RECLASSIFICATION OF

PORTIONS OF THE PROPERTY LOCATED AT 2930 BENNETT VALLEY ROAD TO THE PI (PUBLIC INSTITUTIONAL) DISTRICT – FILE NUMBER GPAM 09-009

10.2 RESOLUTION -- AMENDMENT TO THE CITY CLASSIFICATION AND SALARY PLAN TO CREATE THE CLASSIFICATION OF DEPUTY DIRECTOR - NEIGHBORHOOD SERVICES

Marc Richardson, Assistant City Manager – Director of Recreation and Parks, and Jami Ross, Human Resources Analyst, reported to the Council on the process used in reaching staff's recommendation to create the position of Deputy Director – Neighborhood Services. It was also explained that the salary range represented a decrease as the position, presently classified as a recreation superintendent, had previously been "overfilled" by a police lieutenant, which was at a higher salary range than that of the recreation superintendent.

Ed Scheffield, Chair of the Measure O Oversight Committee, gave some background of the committee's review and recommendation to support the reclassification as the duties and responsibilities no longer adequately represented in the recreation superintendent classification due to the expansion of those duties.

PUBLIC COMMENT

Duane DeWitt spoke in opposition to the proposed reclassification and its use of Measure O funds.

Jack Osborne, also spoke in opposition to the reclassification when parks are being closed.

Lisa Maldonado, Executive Director of North Bay Labor Council, was also opposed as front line workers had given concessions and some Measure O proposals had been rejected.

MOVED by Councilmember Sawyer, seconded by Councilmember Bender, motion failed 3-4 (Mayor Gorin, Vice Mayor Vas Dupre and Councilmembers Jacobi and Wysocky voting NO), to adopt and waive reading of the text of the resolution in item 10.2 as follows:

RESOLUTION ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA TO AMEND THE CITY CLASSIFICATION AND SALARY PLAN TO CREATE THE JOB CLASS OF DEPUTY DIRECTOR- NEIGHBORHOOD SERVICES

Mayor Gorin reordered the agenda as follows:

6.4 PRESENTATION – PARKINSON’S DISEASE AWARENESS [5:22:13 PM](#)

Steve Elliott made a brief presentation to raise awareness of Parkinson’s Disease, noting April had been Parkinson’s Disease Awareness Month. He gave some of the statistics on Parkinson’s in the US and some of the symptoms of this disease with no known cure.

11. REPORT ITEMS

11.1 REPORT -- NEW SUTTER MEDICAL CENTER OF SANTA ROSA FACILITY ON MARK WEST SPRINGS ROAD [5:26:56 PM](#)

Danielle Surdin, Economic Development Manager, introduced Mike Cohill, CEO of Santa Rosa Sutter Medical Center, who outlined their future relocation and expansion plans for a new state-of-the-art hospital campus, including an acute care physicians’ medical center and a medical office building to be located next to the Wells Fargo Center for the Arts.

PUBLIC COMMENT

Duane DeWitt, respiratory therapist, requested locating where the Sonoma County Human Services Building was once proposed as that offered better transit options.

Jack Osborne suggested saving money by bringing Warrick Hospital back into operation and eliminating the state requirement for a seismic update of Sutter Hospital.

Steve Birdlebough, Transportation and Land Use Coalition, objected to the location outside of the UGB due to inadequate public transportation.

John Jenkel, Graton, suggested retrofitting the existing building to save money.

Peter Tcherneff, supported healthy eating as a preventative measure.

There was no action taken on this item.

Mr. Cohill discussed the process which had culminated in the selection of this site, based chiefly on the freeway access and parking uses compatible with the arts center. He also detailed the economics of the business decision to close Warrick Hospital. He said transportation issues would be examined further in the project’s Environmental Impact Report.

This item was informational only. No Council action was taken.

11.2 REPORT -- DOWNTOWN STATION AREA SPECIFIC PLAN (DSASP) CONSISTENCY AMENDMENTS & REZONINGS WORK PLAN [6:10:27 PM](#)

Councilmembers Sawyer and Jacobi recused themselves from this item.

Supervising Planner Clare Hartman made the staff presentation for the Downtown Station Area Specific Plan consistency amendments and rezonings. On October 9, 2007 the City Council adopted the Downtown Station Area Specific Plan (DSASP), which guides the transition to higher density, pedestrian and transit-oriented development in the core downtown areas of Santa Rosa. The DSASP included many new policies including: General Plan land use designations Transit Village Medium and Transit Village Mixed Use, distinct Sub-Areas, land use Goals and Policies, and new Development Guidelines and Streetscape Standards. Chapter 8, Section B(1) of the DSASP requires the City to coordinate Zoning Code and Design Guidelines consistency amendments to implement the vision and policies of the plan.

Staff had prepared a work plan to address those technical amendments as well as to rezone properties consistent with the DSASP, which were expected to provide clear expectations for land use and development proposals in the core area and to ease implementation of the DSASP vision. She presented the work plan objectives and tasks and displayed a map of the plan boundaries and referenced the tentative schedule as detailed in the staff report.

She recommended that the Council move to accept the proposed the Downtown Station Area Specific Plan Consistency Amendments and Rezonings Work Plan, and authorize Community Development to conduct the work utilizing existing staff resources.

PUBLIC COMMENT [6:24:27 PM](#)

Marlene Dehlinger, Director of the Accountable Development Coalition, spoke in support, and requested the Council direct staff to closely match zoning to community direction and other community supported plan components such as green building and the housing element.

Judy Kennedy requested that only proposals consistent with the Station Area Plan be approved until the plan comes into effect.

Steve Birdlebough, Friends of SMART, spoke in support, and echoed Ms. Kennedy’s request to

adhere to the plan, and suggested a Fourth Street pass-through at Mervyns in order to connect Railroad Square and Downtown.

Jack Osborne asked for and received information about the plan's cost and whether this could override the General Plan, and what input the public would have.

Peter Tcherneff supported public input, cactus fences and urban gardens.

MOVED by Councilmember Wysocky, seconded by Councilmember Bender, carried 5-0-2 (Councilmembers Sawyer and Jacobi abstaining), to adopt and waive reading of the text of the motion in item 11.2 as follows:

MOTION: TO ACCEPT THE PROPOSED THE DOWNTOWN STATION AREA SPECIFIC PLAN (DSASP) CONSISTENCY AMENDMENTS AND REZONINGS WORK PLAN, AND AUTHORIZE COMMUNITY DEVELOPMENT TO CONDUCT THE WORK UTILIZING EXISTING STAFF RESOURCES.

11.3 REPORT -- PROFESSIONAL SERVICES AGREEMENTS FOR ENGINEERING SERVICES [6:36:41 PM](#)

Colleen Ferguson, Deputy Director – Public Works, made the staff presentation. She explained that unfunded Master Professional Services Agreements for engineering services had been used successfully by the City since 2001 as a means of saving time by prequalifying consultants for future work and establishing the legal framework for utilizing consultant services; and that funds were only encumbered when project-specific Project Work Orders were issued. The Master PSAs have five-year terms. She described the review process used to select those being recommended, and explained there is a need for additional PSAs to do work on the books now. Most have a contract value of \$100,000 to \$500,000. She recommended the award of Master Professional Services Agreements to various consultants designated in the staff report for performing consultant services for engineering staff.

PUBLIC COMMENT

Peter Tcherneff recommended saving money by hiring students and retired consultants.

MOVED by Councilmember Jacobi, seconded by Vice Mayor Vas Dupre, carried unanimously, to adopt and waive reading of the text of the resolution in item 11.3 as follows:

RESOLUTION NO. 27376 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING PROFESSIONAL SERVICES AGREEMENTS FOR ENGINEERING SERVICES

Mayor Gorin recessed the meeting from [6:47:43 PM](#). She reconvened the meeting in the Council Chamber at [7:20:53 PM](#) with all members of the Council present.

11.4 REPORT -- CERTIFICATION OF LOWE'S HOME IMPROVEMENT WAREHOUSE PROJECT FINAL ENVIRONMENTAL IMPACT REPORT (EIR) [7:21:01 PM](#)

Supervising Planner Clare Hartman made the staff presentation. The Lowe's Home Improvement Warehouse Project Final Environmental Impact Report (EIR), comprised of the Draft EIR, Response to Comments, and an Addendum to the Final EIR, addressed the proposed Lowe's Home Improvement Project located at 2532, 2612 and 2620 Santa Rosa, and 325 Yolanda Avenue. Ms. Hartman described the site and its surrounding uses, and outlined the scope of the proposed use which would include a new shopping center with Lowe's Home Improvement Center and Garden Center as the anchor store and smaller retail buildings along Santa Rosa Avenue. She said the project entitlements would be a two-part General Plan Amendment; conditional use permits for the shopping center and for a 22.5% on-site parking reduction; and design review. She also described the public review process which had been undertaken in the development of the EIR and the addendum. On April 9, 2009, the Planning Commission adopted a resolution (5-1-1) recommending that the Council not certify the Final EIR on the basis of its inadequacy as cited in the findings set forth in the Commission's resolution. Certification of the Final EIR requires that the Council find that it adequately identifies and analyzes the environmental effects of the project and the alternatives, and was completed in compliance with the requirements of CEQA and the Santa Rosa City Code.

Grant Gruber, Michael Brandman Associates, outlined the analysis, alternatives, mitigation measures and significant unavoidable impacts described in the Draft and Final Environmental Impact Report. He summarized the comments received and the Planning Commission Resolution.

Jason Brandman, Michael Brandman Associates, spoke further regarding the March 26 Planning Commission action and April 9 Resolution which

contained 15 points identifying specific flaws in the EIR. He provided details about each point which related to alternatives, adequacy of the Urban Decay Study and issues surrounding Yolanda Avenue, as well as other issues.

Amy Herman, CBRE Consulting, addressed the points in the Planning Commission Resolution concerning the urban decay analysis and related economic issues.

Mr. Brandman concluded that all relevant environmental issues had been studied, that the conclusions were supported by substantial evidence, that all concerns had been responded to and that the document would provide a sound basis for consideration of the entitlement decisions.

Vickie Duggan, Chair of the Planning Commission, highlighted points contained in her May 11, 2009 letter to the Council which provided some explanatory background for the findings contained in the Planning Commission's resolution recommending against Council certification of the EIR.

Mr. Gruber provided some clarification regarding what was included in the EIR concerning affordable housing, which was difficult due to the constraints imposed by buffering requirements. Regarding traffic and urban decay, he said there is no evidence to suggest that high traffic volume or congestion causes businesses to fail, in fact high volume is viewed as a business attribute.

PUBLIC COMMENT [8:17:42 PM](#)

Steve Urago, Landscape Architect with Kimley-Horn and Associates, representing Lowe's, spoke regarding greenhouse gas emissions related to the project. He said the issue is more citywide than project specific; however he said the green building design does address it, as well as Lowe's efficient distribution system.

Mark Wolfe, CEQA/Land Use Attorney, speaking on behalf of the Accountable Development Coalition, outlined the contents of his fax transmittal in which they evaluated some of the inadequacies, adding that the consultant did not adequately address the merits of the deficiencies they identified. They contacted a traffic engineer and air quality experts and submitted a letter detailing those deficiencies based on this expert review. Their experts disputed the accuracy of the trips generated by the use and the economic data used in the analysis.

Marlene Dehlinger, Director of the Accountable Development Coalition (ADC), urged the Council to

uphold the Planning Commission Resolution based on inadequacy and send the EIR back to the Planning Commission to further analyze the commission's concerns as well as emergency response times due to traffic gridlock.

Gary Sciford also spoke in support of upholding the Planning Commission's recommendation, particularly due to concerns about streets and traffic.

Phil Wyatt, Yolanda Avenue business owner, said the EIR fails to adequately address traffic or the ultimate widening of Yolanda Avenue.

Joanne Brion, Urban Economist, supported upholding the Planning Commission, saying the responses had not been adequate. She was opposed due traffic and disputed the methodology used in the market area analysis, saying that growth had been overstated.

Tanya Narath, Leadership Institute for Ecology and Economy, also spoke in favor of upholding the Planning Commission due to concerns about greenhouse gases.

David Grabill, Housing Advocacy Group and ADC member, supported upholding the Planning Commission for revisions which state more clearly why a vertical mixed use project with housing over retail or other commercial on the site couldn't be required.

Jerry Bassinger, Bassinger Partners Architecture, a Portland firm specializing in planning and design of mixed use, described the characteristics of the current land use, saying large format retail is the highest and best use of the site. In order to get the higher density sought by the ADC they need to structure parking which would not be economically feasible.

Dan Monte, San Rafael, supported the Planning Commission decision due to negative impacts on climate and independent businesses.

Arlie Haig asked that the Council uphold the Planning Commission in order to better prepare for a future with scarce natural resources.

David Moyer, Architect, agreed with Mr. Bassinger's comments.

John Bly, Windsor, spoke in support of certifying the EIR, noting it would bring needed jobs and the guidelines had been properly followed in preparing the final report.

Jessica Diaz, speaking on behalf of Supervisor Shirley Zane, opposed certification of the EIR as id

did not adequately address economic and fiscal impacts.

Scot Stegeman spoke in opposition to certifying the EIR on the basis that there is no discussion of blighting factors in the area; the reduced density alternative being inconsistency with the General Plan policy against placing a big parking lot between the building and the street; the traffic analysis projections which he felt were incorrectly based on existing patterns.

Terry Hilton spoke in support of the certifying the EIR, referencing a letter from the ADC, signed by Planning Commission members Michael Allen and Nick Caston stating their opposition. He said they should have abstained from voting. He stated that the use would alleviate blight and reduce traffic by having a Lowe's in Santa Rosa. He added that housing was not appropriate in the area due to conflicting neighboring uses.

Mayor Gorin recessed the meeting at 9:03, reconvening at [9:12:58 PM](#) with all members of the Council present.

Steve Birdlebough, Friends of the Homeless, opposed certification of the EIR as it would give up 40 housing units and have a negative impact on greenhouse gas emission targets.

Judy Kennedy, Secretary of the Neighborhood Alliance, asked the Council to uphold the Planning Commission's decision due to the EIR's failure to address the housing needs of the area.

Duane DeWitt also supported the Planning Commission decision due to inadequacies concerning traffic, emergency vehicle access and housing unit replacement.

Peter Tcherneff opposed certification due to adverse impacts on the middle class and labor.

Colleen Fernald, consultant for green building and sustainable property development, opposed certification for the reasons stated by the ADC and others.

Matt Kowta, consultant, explained how their firm had conducted the feasibility of study to evaluate the suitability of the site for residential use, partial or complete, and a mixed use scheme for the site.

Paul Krupka, Kimley-Horn and Associates, displayed a slide regarding major traffic-related benefits. He discussed the EIR's finding of significant unavoidable impacts.

Alexis Pelosi, Sheppard Mullin law firm representing Lowe's, said the EIR achieves the

legal standards necessary as it contains substantial evidence of the project's environmental impacts and indicates good faith effort at full disclosure. He advised that the City is not required to address everything asked for by a commenter or to answer disputes; that they can choose between conflicting expert opinion as long as the choice is based on substantial expert evidence.

Mayor Gorin recessed the meeting at [9:35:31 PM](#) and reconvened at [9:56:14 PM](#) with all members of the Council present.

Staff and the EIR consultants responded to the list of issues raised during public comment; followed by Council comments on the EIR.

Councilmember Sawyer stated he would not be in support due to traffic issues; Councilmember Jacobi stated she would not support due to traffic and because the urban decay and blight impacts were not sufficiently addressed; Councilmember Wysocky also felt traffic was not sufficiently addressed, nor was the current economic downturn.

MOVED by Councilmember Bender, seconded by Vice Mayor Vas Dupre, carried 4-3 (Councilmembers Sawyer, Jacobi and Wysocky voting NO), to adopt and waive reading of the text of the resolution in item 11.4 as follows:

RESOLUTION NO. 27377 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DETERMINING THAT THE LOWE'S HOME IMPROVEMENT WAREHOUSE PROJECT'S PROPOSED FINAL ENVIRONMENTAL IMPACT REPORT IS ADEQUATE AND WAS COMPLETED IN ACCORDANCE WITH CEQA – FILE NUMBER STO6-009

12. PUBLIC COMMENTS ON NON-AGENDA MATTERS [11:13:07 PM](#)

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

Colleen Fernald, Sebastopol, wanted public comment at a time certain and wanted the Council to follow up on her requests to contact the administration.

Duane DeWitt, Roseland, commented on urban sprawl, better transportation planning, brownfields, and invited the public to the Veterans Day ceremony.

Elizabeth Neylon, spoke against the war.

John Jenke spoke against the war.

Peter Tcherneff commented on the war memorial and a person imprisoned in Germany.

13. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)

13.1 LOCAL GOVERNMENT COMMISSION REPORTS – MARCH 2009

13.2 LIVABLE PLACES UPDATE – MARCH 2009

14. MAYOR'S/COUNCILMEMBERS' REPORTS
[11:32:00 PM](#)

Councilmember Wysocky announced his appointment of Dave Chicotti to the Luther Burbank Home and Gardens Board of Directors.

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

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

17. ADJOURNMENT OF MEETING

Hearing no further business, Mayor Gorin adjourned the meeting at 11:33 p.m. The next regularly scheduled meeting will take place on May 19, 2009, at a time to be set by the Mayor.

Approved on June 16, 2009:

Susan Stoneman
City Clerk