

**SANTA ROSA CITY COUNCIL MEETING MINUTES
TUESDAY, JUNE 2, 2009
COUNCIL CHAMBER, CITY HALL, 100 SANTA ROSA AVENUE
REGULAR MEETING**

3:00 P.M. (MAYOR'S CONFERENCE ROOM)

1. CALL TO ORDER AND ROLL CALL

Mayor Gorin called the meeting to order at 3:00 p.m. in the Mayor's Conference Room. Councilmembers present: Mayor Gorin; Vice Mayor Vas Dupre, Councilmembers Bender, Jacobi, Olivares, and Sawyer. Absent: Councilmember Wysocky.

2. STUDY SESSION -- NONE

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

PUBLIC COMMENT

Duane DeWitt, Berkeley, asked for and received clarification on item 3.3 and recommended that labor contracts be modified to cut employee salaries in view of the economy.

3.1 CONFERENCE WITH LABOR NEGOTIATORS

3.2 CONFERENCE WITH LEGAL COUNSEL: EXISTING LITIGATION

(Subdivision (a) of Government Code section 54956.9) Name of Case: City of Santa Rosa v. Gus A. Bertoli, et al., Sonoma County Superior Court Case No. SCV 242001

3.3 CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 2300 Santa Rosa Avenue
Agency Negotiator: Josh Maresca, Right-of-Way Agent
Negotiating Parties: George and Karen Dib
Under Negotiation: Price and terms of payment

Property: 2400 Santa Rosa Avenue
Agency Negotiator: Josh Maresca, Right-of-Way Agent
Negotiating Parties: Jas 4 Ray Properties
Under Negotiation: Price and terms of payment

Property: 2450 Santa Rosa Avenue
Agency Negotiator: Josh Maresca, Right-of-Way Agent

Negotiating Parties: Glass Properties
Under Negotiation: Price and terms of payment

Property: 2510 Santa Rosa Avenue
Agency Negotiator: Josh Maresca, Right-of-Way Agent

Negotiating Parties: Fox Partners
Under Negotiation: Price and terms of payment

Property: 2532 Santa Rosa Avenue
Agency Negotiator: Josh Maresca, Right-of-Way Agent

Negotiating Parties: Hulsman Transportation Company
Under Negotiation: Price and terms of payment

Property: 2612 Santa Rosa Avenue
Agency Negotiator: Josh Maresca, Right-of-Way Agent

Negotiating Parties: Philip and Lisa Natoli
Under Negotiation: Price and terms of payment

Property: 2620 Santa Rosa Avenue
Agency Negotiator: Josh Maresca, Right-of-Way Agent

Negotiating Parties: Philip and Lisa Natoli
Under Negotiation: Price and terms of payment

Property: 2642 Santa Rosa Avenue
Agency Negotiator: Josh Maresca, Right-of-Way Agent

Negotiating Parties: Archland Property II
Under Negotiation: Price and terms of payment

Property: 2549 Santa Rosa Avenue
Agency Negotiator: Josh Maresca, Right-of-Way Agent

Negotiating Parties: Gus & Mary Kotsaris
Under Negotiation: Price and terms of payment

3.4 ADJOURN CLOSED SESSION(S) AND RECONVENE TO OPEN SESSION IN THE COUNCIL CHAMBER

4:00 P.M. (CITY COUNCIL CHAMBER) [4:06:26 PM](#)

4. ANNOUNCEMENT OF ROLL CALL

Members of the Council were present as noted above. Teen Council member Nicholas Carerra was also in attendance.

5. REPORT, IF ANY, ON STUDY AND CLOSED SESSION(S) [4:06:51 PM](#)

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. She announced that Items 3.2 and 3.3 would be taken up at the conclusion of open session.

6. PROCLAMATIONS/PRESENTATIONS

6.1 PROCLAMATION/PERFORMANCE – SANTA ROSA SYMPHONY – YOUTH ORCHESTRA [4:07:57 PM](#)

Vice Mayor Vas Dupre presented the proclamation in honor of the 50th Anniversary of the Santa Rosa Symphony Youth Orchestra to Richard Loheyde, Conductor. Mr. Loheyde announced the Orchestra's upcoming European trip and June 7 Bon Voyage Concert.

Tayla Nebesky of the Santa Rosa Youth Symphony performed a trumpet solo.

6.2 PROCLAMATION/PRESENTATION – IWALK HEALTH ACTION [4:12:45 PM](#)

Councilmember Bender presented the iWalk Health Action Proclamation to Dr. Mary Maddux-Gonzales, Sonoma County Health Officer, who made a presentation on iWalk and the 2020 Vision Health Action Report. Dr. Maddux-Gonzales presented each Councilmember with a pedometer.

PUBLIC COMMENT

Duane DeWitt supported a built environment to promote physical activity, using parks and open space.

Peter Tcherneff spoke in favor of vegetarianism.

6.3 PROCLAMATION -- JEFF FOSTER RETIREMENT [4:30:17 PM](#)

Councilmember Sawyer presented the Jeff Foster Day proclamation in honor of 20+ years of service to the Public Works Department Engineering Division to Mr. Foster on the occasion of his retirement.

6.4 PRESENTATION -- BLANCHARD PORTRAIT PRESENTATION/CINCO DE MAYO UPDATE [4:36:58 PM](#)

Rolf Nelson, on behalf of the Roseland Cinco de Mayo event organizers, thanked the Council for its support of the event and, along with Rena Meza of Redwood Credit Union, presented a portrait of the late Mayor Bob Blanchard, signed by each of the event organizers, in recognition of Mr. Blanchard's contributions to the event. Councilmember Sawyer introduced Angela Blanchard, who was present in

the audience. Mayor Gorin accepted the portrait on behalf of the City, saying it would be displayed at City Hall and then be given to Mrs. Blanchard.

6.5 PROCLAMATION – THANK YOU TO THE FIRE DEPARTMENT FROM THE POLICE DEPARTMENT [4:42:22 PM](#)

Police Lieutenant Steve Bair publicly commended Fire Captain Roy Keegan, Fire Engine Paramedic Anthony Alcocer, Firefighter Travis Berg, Fire Engineer Dean Bourdage, Firefighter Corrine Reynolds, and Firefighter Robert Santos, who saved the life of Officer Frances Foo (who was also present) when he experienced a full cardiac arrest during one of their monthly defensive tactics trainings.

7.1 REVIEW OF CRIME STATISTICS FOR SANTA ROSA [4:47:48 PM](#)

Police Chief Tom Schwedhelm and Research and Program Coordinator Colin Close briefed the Council on recent crime statistics for Santa Rosa as they compare to other communities of similar size, including comparison data for previous years. The data showed Santa Rosa's crime rate to be decreasing and over time, with the rates now at 4% below average. Chief Schwedhelm summarized the conclusions to be derived from the study results, crediting community programs and involvement with having helped to achieve this success.

PUBLIC COMMENT

Peter Tcherneff questioned the accuracy of the statistics.

8. APPROVAL OF MINUTES – APRIL 21, 2009 REGULAR MEETING MINUTES [5:05:59 PM](#)

The minutes of the April 21, 2009 regular meeting were approved as submitted.

9. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS [5:06:13 PM](#)

Councilmember Jacobi stated she would abstain from Item 10.2 due to the location of her residence and Councilmember Sawyer stated he would abstain from Item 11.2 due to the location of his business within the Arts District.

10. CONSENT ITEMS [5:06:42 PM](#)

PUBLIC COMMENT [5:08:38 PM](#)

Duane DeWitt asked for and received clarification on Item 10.2, and encouraged landscaping and design under the underpasses.

Anne Seeley, Concerned Citizens for Santa Rosa, asked that on Item 10.3 the City consider homeowners and business owners may not have the information needed to comply with the responsibilities imposed by the policy, particularly tree removal which can be expensive.

Peter Tcherneff spoke in support of using funds saved by Item 10.1 to fund cactus dryscaping and a marijuana demonstration garden.

Traffic Engineer Rob Sprinkle responded that on Item 10.2 the two-lane road configuration would not require acquisition of right-of-way that would result in the loss of dwelling units.

City Manager Kolin responded on Item 10.3 that an extensive presentation had previously been made before the Council and subsequent public outreach efforts, such as the downtown market, and street corner workshops had taken place and are continuing.

MOVED by Vice Mayor Vas Dupre, seconded by Councilmember Sawyer, carried 6-0-1 (Councilmember Wysocky absent), to adopt and waive reading of the text of the motion in item 10.1 and the resolutions in items 10.3 and 10.4 as follows:

10.1 MOTION -- SUPPORT FOR AB 715 - PUBLICATION OF ORDINANCES

MOTION: AUTHORIZING CITY SUPPORT OF AB 715

10.3 RESOLUTION -- AMENDMENT TO COUNCIL POLICY 100-04 SIDEWALK REPAIR PROGRAM TO COINCIDE WITH CHAPTER 13-32 OF THE CITY CODE

RESOLUTION NO. 27391 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING COUNCIL POLICY 100-04 SIDEWALK REPAIR PROGRAM TO COINCIDE WITH CITY CODE CHAPTER 13-32.

10.4 RESOLUTION -- ACCEPTANCE OF SALARY CONCESSIONS PRESENTED BY THE SANTA ROSA FIREFIGHTERS, LOCAL 1401, ON BEHALF OF EMPLOYEES IN THE CITY'S UNIT 2 -- FIREFIGHTING

RESOLUTION NO. 27392 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA TO ACCEPT SALARY CONCESSIONS PRESENTED BY THE SANTA ROSA FIREFIGHTERS, LOCAL 1401, ON

BEHALF OF EMPLOYEES IN THE CITY'S UNIT 2 -- FIREFIGHTING

MOVED by Vice Mayor Vas Dupre, seconded by Councilmember Sawyer, carried 5-0-1-1 (Councilmember Jacobi abstaining; Councilmember Wysocky absent), to adopt and waive reading of the text of the resolution in item 10.2 as follows:

10.2 RESOLUTION -- APPROVAL OF FUNDING AGREEMENT AND BENEFIT FINDINGS FOR THE SIXTH STREET UNDERCROSSING PROJECT

RESOLUTION NO. 27393 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AND AUTHORIZING EXECUTION OF A FUNDING AGREEMENT WITH THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA ROSA FOR THE DESIGN AND CONSTRUCTION OF THE SIXTH STREET UNDERCROSSING

11. REPORT ITEMS

****11.1 REPORT -- APPEAL OF PUBLIC CONVENIENCE OR NECESSITY (PCN) DETERMINATIONS FOR "OFF SALE" ALCOHOL LICENSES FOR TOWER MARKET #5 -- 1300 FARMERS LANE**
[5:19:11 PM](#)

No members of the Council had any ex parte contacts to disclose.

Gillian Hayes made the staff presentation for the appeal filed by Tower Energy Group of the City's determination that the Public Convenience and Necessity for beer and wine spirits would not be served based on the proposed location being within a high crime reporting district. On January 24, 2008 a Public Convenience or Necessity (PCN) application was filed by Tower Energy Group for an 'off-sale' alcohol license for beer and wine sales at the proposed gas station at 1300 Farmers Lane. On August 11, 2008, the Director of Community Development determined the PCN would not be served based on the fact that the proposed location is within a high crime reporting district. On February 18, 2009 a second PCN application was filed in order to apply for an 'off-sale' alcohol license for distilled spirits. On March 25, 2009, the Director of Community Development determined the PCN for distilled spirits again would not be served based on the fact that the proposed location is within a high crime reporting district. On October 3, 2008 and April 2, 2009 the applicant

filed appeals of the Director's determination that the PCN would not be served.

PUBLIC COMMENT

Jack Osborne disputed the finding that Farmers Lane is a high crime area.

Nick Battaglia, General Manager of Tower Mart stores in northern California, explained that these are not a convenience store, they are much larger and do not operate 24 hour stores. He said they run clean, bright stores and are owned and operated by the biggest gas marketer in the U.S. He said they are in design review for the current site and are working to improve the site from what it was and create a 4,000 square foot store.

In response to a question by Councilmember Olivares, Montgomery High School Resource Officer McDonald said there never has been alcohol at that location but in general they do have better success with licensees that are chain outlets because employees tend to be better trained; but that crime rises slightly when alcohol outlets come in.

Vice Mayor Vas Dupre commented that she would like to provide the appellant with the conditional opportunity and see how they do; Councilmember Sawyer noted the availability of spirits and beer across the street which has not been a threat to the neighborhood. Councilmembers Jacobi, Olivares and Bender and Mayor Gorin expressed concern about the proximity to the school.

MOVED by Councilmember Jacobi, seconded by Councilmember Sawyer, carried 5-1-1 (Vice Mayor Vas Dupre voting NO; Councilmember Wysocky absent), to adopt and waive reading of the text of the resolution in item 11.1 as follows:

RESOLUTION NO. 27394 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DETERMINING THAT THE PUBLIC CONVENIENCE OR NECESSITY WOULD NOT BE SERVED BY THE ISSUANCE OF AN "OFF SALE" ALCOHOL LICENSE FOR DISTILLED SPIRITS AT TOWER MARKET #5 AT 1300 FARMERS LANE-PCN09-002

MOVED by Councilmember Jacobi, seconded by Councilmember Bender, carried 4-2-1 (Vice Mayor Vas Dupre and Councilmember Sawyer voting NO; Councilmember Wysocky absent), to adopt and waive reading of the text of the resolution in item 11.1 as follows:

RESOLUTION NO. 27395 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY

OF SANTA ROSA DETERMINING THAT THE PUBLIC CONVENIENCE OR NECESSITY WOULD NOT BE SERVED BY THE ISSUANCE OF AN "OFF SALE" ALCOHOL LICENSE FOR BEER AND WINE AT TOWER MARKET #5 AT 1300 FARMERS LANE-PCN09-002

11.2 REPORT -- SANTA ROSA ARTS DISTRICT BUSINESS PLAN [5:45:11 PM](#)

Councilmember Sawyer Js recused himself from items 11.2 and 11.3 and left the Council Chamber.

Marc Richardson, Assistant City Manager – Director of Recreation and Parks presented and recommended Council adoption of the Santa Rosa Art in Public Places Committee's Arts District Business Plan, which identified and assessed Santa Rosa's current art and cultural assets and mapped out steps to develop a rich and vibrant Arts District in downtown Santa Rosa. The Plan addressed how the Arts District could support itself in the coming years and provided steps for meeting those goals.

The Plan also recommended revisions to the Public Art Policy in order to be consistent with the City's more current Public Art Ordinance and to honor the City's cultural assets, events, performances and other activities.

PUBLIC COMMENT

Jack Osborne said there was not popular support for the Courthouse Square plan.

Duane DeWitt supported arts and entertainment in the downtown area and wanted to include youth; but thought the coordinator's salary was not reasonable and suggested using a youth volunteer or philanthropic funding.

Peter Tcherneff read a poem about art.

Terry Hilton, South and West Area Business Association member representing Empire Sales Promotion and Empire Entertainment and Sports Promotion offered his services and asked that Southwest Santa Rosa and Roseland be involved. He asked to serve on a task force.

MOVED by Councilmember Bender, seconded by Councilmember Olivares, carried 5-0-1-1 (Councilmember Sawyer abstaining; Councilmember Wysocky absent), to adopt and waive reading of the text of the resolution in item 11.2 as follows:

RESOLUTION NO. 27396 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY

OF SANTA ROSA ADOPTING THE SANTA ROSA ARTS DISTRICT BUSINESS PLAN

11.3 REPORT -- ART POLICY AMENDMENT

[6:08:54 PM](#)

Marc Richardson, Assistant City Manager – Director of Recreation and Parks presented and recommended amending Council Policy 000-42, to support a broader range of public art.

On March 3, 2009, as part of the “List 3 Budget Reduction Strategies” for the Recreation and Parks Department, the Council had approved the strategy of amending Council Policy 000-42 on Public Art to include cultural programming as a method of reducing expenditures from the General Fund. He explained that the proposed policy amendment would allow utilization of the 1% for Public Art funding to cover salary and benefit costs for a 1.0 FTE Recreation Coordinator (\$73,102) and one Temporary Recreation specialist (\$12,500) to administer the City’s Art in Public Places program, provide Art District staffing and coordinate City art exhibitions. He said that Public Art Ordinance 3805 permits the use of the 1% for Public Art funding for this purpose but Council Policy 000-42 does not, but the proposed policy change would allow the Public Art Fund to be used for a broader range of public art and the staffing necessary to produce or support it.

PUBLIC COMMENT

Jack Osborne opposed using art funds to provide other services, and asked what assurance there was that 100% of staff time would be spent on Art in Public Places without supplanting existing positions.

Peter Tcherneff, read a poem about disregarding art and overlooking downtrodden artists.

Mr. Richardson responded that the positions would be dedicated entirely to public art.

MOVED by Councilmember Jacobi, seconded by Councilmember Olivares, carried 5-0-1-1 (Councilmember Sawyer abstaining; Councilmember Wysocky absent), to adopt and waive reading of the text of the resolution in item 11.3 as follows:

RESOLUTION NO. 27397 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING SANTA ROSA’S PUBLIC ART POLICY NUMBER 000-42 BE AMENDED TO INCLUDE SUPPORT OF A BROADER RANGE OF PUBLIC ART, INCLUDING PHYSICAL ARTWORK, CULTURAL

PROGRAMMING AND FACILITATION OF THE ART IN PUBLIC PLACES PROGRAM

11.4 REPORT -- COURTSIDE VILLAGE PARK

[6:21:03 PM](#)

Councilmember Sawyer returned to the Council Chamber.

Marc Richardson, Assistant City Manager – Director of Recreation and Parks and Molly Dillon, Assistant City Attorney, made the staff presentation for the proposed purchase of tax defaulted park property from the County of Sonoma at Courtside Village and recommended entering into an agreement conveying the property to Sonoma Courtside Village Master Association for the purpose of maintaining the Courtside Village Neighborhood Park in perpetuity. The deed to the association would reserve a public use easement to the City for public use of the park. Mr. Richardson explained that 14 years ago the City entered into an agreement with the developer to build a park and maintain it in perpetuity through the homeowners association.

Barbara Zimmerman, Attorney for the Sonoma Courtside Village Master Association, explained that the original development plan called for numerous common areas, including this park. In 2006 it was learned that the developer had not deeded these over to the association and the tax classification had not been changed to public use and were therefore being taxes, and back taxes were owed. Because in 2003 the developer’s limited liability company that held title to the parcels filed bankruptcy. In 2007 the association did get the tax classification error collected, however it only eliminated the tax liability for that year and therefore back taxes remained. She said there is a clause in the tax code that allows a City to object to a tax lien sale because the property is for public use and allows its purchase for the amount of taxes owed, which was the request before the Council.

Mr. Richardson recommended using park development fees in the approximate amount of \$9,000 for this purpose.

PUBLIC COMMENT [6:31:19 PM](#)

Jack Osborne spoke regarding agreements signed by Alan Strachan as an LLP and then as an LLC which ultimately went bankrupt, and questioned why the City had not confirmed that all its agreements had been met.

Duane DeWitt, Roseland, advocated that the City hold title to the park and maintain it as a City park open to everyone.

Terry Hilton said their organization and various area clubs could maintain the park, but that it should not stay in the hands of the association.

Peter Tcherneff said he would like to purchase the property for \$9,000.

MOVED by Councilmember Olivares, seconded by Councilmember Sawyer, carried 5-0-1-1 (Vice Mayor Vas Dupre abstaining; Councilmember Wysocky absent), to adopt and waive reading of the text of the resolution in item 11.4 as follows:

RESOLUTION NO. 27398 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING SUBMITTAL OF APPLICATION TO SONOMA COUNTY TAX COLLECTOR PROTESTING TAX SALE OF PARCEL KNOWN AS VILLAGE GREEN PARK (APN 035-700-076); ACQUISITION OF THE PARCEL; AND CONVEYANCE OF THE PARCEL TO SONOMA COURTSIDE VILLAGE MASTER HOMEOWNERS' ASSOCIATION, SUBJECT TO AN EASEMENT FOR PUBLIC RECREATIONAL USE.

11.5 REPORT -- ADOPTION OF PRIORITIES FOR DEPARTMENT OF ENERGY BLOCK GRANT [6:52:02 PM](#)

Chuck Regalia, CD director, made the staff presentation for the proposed adoption of priorities for the Department of Energy block grant program. He said that on March 27, 2009, The Department of Energy (DOE) identified \$1,509,000 for release to the City of Santa Rosa for planning and implementing specific energy saving, GHG-reducing, and job-creating projects as part of the American Recovery and Reinvestment Act of 2009. He said the City must first develop an Energy Efficiency Conservation Strategy, for which up-front funding was available, and that the City was very well positioned to receive these funds. He outlined various project proposals, suggesting that they move toward a regional building retrofit program and infrastructure for electric vehicles.

He said that applications must be submitted by June 25 and funds obligated within 18 months and expended within 36 months. He recommended that the Council select the Regional approach and delegate authority to the City Manager to apply for and accept Department of Energy Block Grant funding.

Dell Tredinnick, Utility Project Development Manager, explained that as part of a larger organized network which includes the City, the County and the Climate Protection Campaign that has developed a regional funding strategy, it has enabled them to go after these larger funding sources which can leverage even greater resources.

PUBLIC COMMENT [7:16:01 PM](#)

Duane DeWitt suggested using funding for intelligent transportation systems and supported retrofitting buildings.

John Jenkel, Graton, cautioned that stimulus funds may not be available due to the national debt.

Jack Osborne said this is all taxpayer money.

MOVED by Vice Mayor Vas Dupre, seconded by Councilmember Sawyer, carried 6-0-1 (Councilmember Wysocky absent), to adopt and waive reading of the text of the resolution and the motion in item 11.5 as follows:

RESOLUTION NO. 27399 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE FILING OF AN APPLICATION FOR U.S. DEPARTMENT OF ENERGY'S EFFICIENCY AND CONSERVATION BLOCK GRANT FUNDING

MOTION: SELECTING THE REGIONAL APPROACH AND DELEGATING AUTHORITY TO STAFF TO APPLY FOR AND ACCEPT DEPARTMENT OF ENERGY BLOCK GRANT FUNDING.

12. PUBLIC COMMENTS ON NON-AGENDA MATTERS [7:26:10 PM](#)

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

Duane DeWitt, Roseland, thanked Councilmember Olivares for attending the Memorial Day commemoration.

Jack Osborne asked that information be given on why the City is discussing property on Santa Rosa Avenue and about the basis for water conservation being based on irrigation.

Peter Tcherneff said he would propose a program for gardening and job creation and creating homes for the homeless and seniors next week.

Elizabeth Neylon, Oakmont, spoke against war.

John Jenkel, spoke against war.

13. WRITTEN COMMUNICATIONS (AND

POSSIBLE COUNCIL ACTION)

**13.1 LOCAL GOVERNMENT COMMISSION
REPORTS – APRIL 2009**

13.2 LIVABLE PLACES UPDATE -- APRIL 2009

**14. MAYOR'S/COUNCILMEMBERS' REPORTS
[7:43:02 PM](#)**

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

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

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

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

Mayor Gorin recessed the meeting to closed session to take up items 3.2 and 3.3 as listed on the agenda at 8:00 p.m. The Council reconvened in the Mayors Conference Room at 8:02 with all members present except Councilmember Wysocky and adjourned to Closed Session.

The Council reconvened in Open Session at 8:37 p.m. City Attorney Caroline Fowler reported that the Council had met in closed session regarding Item 3.3 as listed on the agenda and there was no action taken and no announcement to be made. She further reported that the Council had met with legal counsel regarding Item 3.2 as listed on the agenda and that the Council had approved a settlement agreement by 6-0-1 vote (Councilmember Wysocky absent) to pay the sum of \$120,000 to the defendants for a right-of-way acquisition and release of the claims asserted in their cross complaint for inverse condemnation and pre-condemnation damages.

17. ADJOURNMENT OF MEETING

Hearing no further business, Mayor Gorin adjourned the meeting at 8:38 p.m. The next regularly scheduled meeting will take place on June 9, 2009, at a time to be set by the Mayor.

Approved on June 30, 2009.

Susan Stoneman
City Clerk