

**SANTA ROSA CITY COUNCIL MEETING MINUTES
TUESDAY, JUNE 30, 2009
COUNCIL CHAMBER, CITY HALL, 100 SANTA ROSA AVENUE
REGULAR MEETING**

**2:30 P.M. (MAYORS CONFERENCE ROOM,
ROOM 10)**

CALL TO ORDER AND ROLL CALL

Mayor Gorin called the meeting to order at 2:30 p.m. in the Mayor's Conference Room. Councilmembers present: Mayor Gorin; Vice Mayor Vas Dupre, Councilmembers Bender, Sawyer, Jacobi, Wysocky and Olivares.

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)

3.1 CONFERENCE WITH LABOR NEGOTIATORS

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

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 Association (Employee Unit 9); Santa Rosa City Attorneys' Association (Employee Unit 17), Santa Rosa Management Association (Employee Unit 18).

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

3.2 PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Manager

3.3 ADJOURN CLOSED SESSION(S) AND

**RECONVENE TO OPEN SESSION IN THE
COUNCIL CHAMBER**

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

4. ANNOUNCEMENT OF ROLL CALL

Members of the Council were present as noted above.

**5. REPORT, IF ANY, ON STUDY AND
CLOSED SESSION(S) [4:09:36 PM](#)**

City Attorney Fowler announced that the Council had met in closed session to discuss Items 3.1 through 3.3 as listed on the agenda and that no action had been taken and there were no announcements to be made.

6. PROCLAMATIONS/PRESENTATIONS

7. STAFF BRIEFINGS

**7.1 MONTGOMERY DRIVE TRAFFIC
CALMING ACTION PLAN [4:09:53 PM](#)**

Jason Nutt, Deputy Director – Traffic, updated the Council on a neighborhood traffic calming action plan that was started in 2006 in the Hahman, Frankquette, Yulupa, Summerfield and Highway 12 areas in which travel speeds and collisions were successfully reduced through various traffic calming measures.

PUBLIC COMMENT

Duane DeWitt, wanted neighborhood traffic calming in Roseland as well.

Mr. Nutt responded that despite having mailed out over 400 letters in Bellevue only six people showed up without much interest in traffic calming other than increased police enforcement. He also described what traffic calming measures were already in place in the area.

**8. APPROVAL OF MINUTES – JUNE 2, 2009
AND JUNE 9, 2009 REGULAR MEETING
MINUTES [4:23:35 PM](#)**

The minutes of the June 2, 2009 and June 9, 2009 regular meeting were approved as submitted.

9. STATEMENTS OF ABSTENTION BY

COUNCILMEMBERS [4:24:27 PM](#)

Councilmember Jacobi stated she would abstain from Item 11.3 due to the location of her residence; Councilmember Sawyer stated he would abstain from Item 10.6 due to the location of his business within the parking district.

10. CONSENT ITEMS [4:25:08 PM](#)

PUBLIC COMMENT

Jack Osborne, suggested that the services being contracted for in Item 10.1 be performed in-house.

Duane DeWitt concurred with Mr. Osborne's suggestion, and requested bus shelters in Roseland.

Bill Barone, former Mayor of Santa Rosa, spoke in support of Item 10.5.

Sandra Kaufman, member of Bennett Valley Women's Golf Club, also spoke in support of Item 10.5.

Ann Hancock, Climate Protection Campaign, requested that Item 10.6 be delayed until after August 11 when the Council would receive information from parking expert Dr. Donald Shoup.

Item 10.6 was removed from the consent calendar for discussion. [4:45:57 PM](#)

MOVED by Vice Mayor Vas Dupre, seconded by Councilmember Sawyer, carried unanimously, to adopt and waive reading of the text of the motions in items 10.1 and 10.2 and the resolutions in items 10.3 through 10.5, and Item 10.7, as follows:

10.1 MOTION -- PROFESSIONAL SERVICES AGREEMENT FOR PREPARATION OF A FEASIBILITY STUDY FOR CAPACITY ENHANCEMENTS AT THE INTERSECTION OF FARMERS LANE AND STATE ROUTE 12 / FOURTH STREET

MOTION: AWARDING A PROFESSIONAL SERVICES AGREEMENT TO BKF ENGINEERS IN AN AMOUNT NOT TO EXCEED \$139,500 FOR THE PREPARATION OF A FEASIBILITY STUDY FOR CAPACITY ENHANCEMENTS AT THE INTERSECTION OF FARMERS LANE AND STATE ROUTE 12 / FOURTH STREET

10.2 MOTION -- BID AWARD -- ANNUAL SLURRY SEAL 2009

MOTION: AWARDING CONSTRUCTION CONTRACT NO. 2009-010, ANNUAL SLURRY

SEAL 2009, IN THE TOTAL AMOUNT OF \$259,997.48 TO THE LOWEST RESPONSIBLE BIDDER, GRAHAM CONTRACTORS, INC. OF SAN JOSE, CALIFORNIA, EFFECTIVE JULY 1, 2009, AND ESTABLISHING A TOTAL CONTRACT ACCOUNT OF \$285,997.29 (THE ORIGINAL CONTRACT AMOUNT PLUS A 10% CONTINGENCY)

10.3 RESOLUTION -- ASSESSMENT LIEN AGAINST THE REAL PROPERTY LOCATED AT 528 JACK LONDON DRIVE

RESOLUTION NO. 27433 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA CONFIRMING THE AMOUNT OF A SPECIAL ASSESSMENT, CONFIRMING AND ORDERING THE RECOVERY OF PENALTIES AND COSTS ASSESSED AND IMPOSED BY THE ADMINISTRATIVE HEARING OFFICER FOR VIOLATIONS OF CITY CODE PROVISIONS OCCURRING ON THE PROPERTY AT 528 JACK LONDON DRIVE, SANTA ROSA, A.P.N. 183-310-003, AND ORDERING THE ASSESSMENT BE COLLECTED ON THE TAX ROLL BY THE SONOMA COUNTY TAX COLLECTOR

10.4 RESOLUTION -- ASSESSMENT LIEN AGAINST THE REAL PROPERTY LOCATED AT 537 COURTYARD CIRCLE

RESOLUTION NO. 27434 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA CONFIRMING THE AMOUNT OF A SPECIAL ASSESSMENT, CONFIRMING AND ORDERING THE RECOVERY OF PENALTIES AND COSTS ASSESSED AND IMPOSED BY THE ADMINISTRATIVE HEARING OFFICER FOR VIOLATIONS OF CITY CODE PROVISIONS OCCURRING ON THE PROPERTY AT 537 COURTYARD CIRCLE, SANTA ROSA, A.P.N. 044-260-023, AND ORDERING THE ASSESSMENT BE COLLECTED ON THE TAX ROLL BY THE SONOMA COUNTY TAX COLLECTOR

10.5 RESOLUTION -- BENNETT VALLEY GOLF COURSE MANAGEMENT AND OPERATIONS AGREEMENT EXTENSION

RESOLUTION NO. 27435 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA RESCINDING THE CURRENT AGREEMENTS BETWEEN THE CITY OF SANTA ROSA AND ROBERT BOROWICZ AND

AUTHORIZING A NEW AGREEMENT FOR THE MANAGEMENT AND OPERATION OF THE BENNETT VALLEY GOLF COURSE

10.7 RESOLUTION -- AUTHORIZATION FOR FILING APPLICATIONS FOR FEDERAL TRANSIT GRANT FUNDING

RESOLUTION NO. 27436 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE FILING OF AN APPLICATION FOR FTA SECTION 5307 PROGRAM FUNDING FOR OPERATING ASSISTANCE, PREVENTIVE MAINTENANCE, BUS PURCHASES AND BUS STOP ENHANCEMENTS

10.6 RESOLUTION --DISCOUNTED PARKING VALIDATION PROGRAM EXTENSION

Cheryl Woodward, Deputy Director – Parking, explained that the parking district has, at the merchants’ request, had a parking validation program in place for the past ten years which enables merchants to validate parking for their customers. She explained the program would end that day if not extended by the Council.

Councilmember Wysocky suggested the discounted parking validation program be extended only through the end of the calendar year, which would take merchants through the holiday shopping period, so the Council may revisit this item after that time.

MOVED by Councilmember Wysocky, seconded by Councilmember Bender, carried 6-0-1 (Councilmember Sawyer abstaining) to adopt and waive the reading of the text of the resolution in Item 10.6 as amended to extend the downtown parking validation program through December 31, 2009.

10.6 RESOLUTION --DISCOUNTED PARKING VALIDATION PROGRAM EXTENSION

RESOLUTION NO. 27437 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING EXTENSION OF THE DISCOUNTED PARKING VALIDATION PROGRAM THROUGH CALENDAR YEAR 2009

11. REPORT ITEMS

11.1 REPORT -- APPROVAL OF FUNDING RECOMMENDATIONS FOR MEASURE O CHOICE GRANT PROGRAM FUNDED

AGENCIES FOR CYCLE III FISCAL YEAR 2009-10 4:51:43 PM

Ellen Bailey, Recreation Supervisor, presented the funding recommendations for the Measure O CHOICE Gang Prevention Grants. She gave an overview of City’s gang prevention and intervention efforts. She also outlined the review and funding agreement negotiation process for Cycle III for Fiscal Year 2009-10.

Police Chief Tom Schwedhelm spoke regarding the levels of gang violence in the community and the Grant Review Team that prepared the recommendation.

Ms. Bailey outlined the program funding recommendations by program category as follows:

Youth Activities and Support Groups

Agency	Program
Community Action Partnership	Project Safe \$34,957
Double PUNCHES Boxing Club	Youth Character and Fitness \$20,680
Martial Arts Youth Institute	Martial Arts for Youth \$44,650
Roseland Charter School	Roseland University Prep After School Program \$42,926
United Against Sexual Assault	Youth Empowerment \$14,098

Parent/Family Support

Agency	Program
Community Action Partnership	Padres Unidos \$24,510

Job Readiness Training/Placement

Agency	Program
Hope Works Santa Rosa	Employment \$52,454
Social Advocates for Youth	Youth Employment \$59,370

Gang Mediation and Intervention Services

California Youth Outreach	Gang Mediation and Intervention Services \$125,391
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Gail Ahlas, Superintendent of Roseland University Prep accompanied by three students who were new to the United States, spoke regarding the value of the after-school program in helping students to speak and study in English.

Steve Velasquez, California Youth Outreach, noted that the next day would be the organization's one year anniversary and thanked the Council for helping them keep youth out of gangs and prison.

PUBLIC COMMENT

Duane DeWitt, Roseland, spoke in support, suggesting employment as well as education programs.

Peter Tcherneff spoke in favor of vegetarianism and urban gardens employing youth.

John Jenkel, blamed war as a factor in the increase in gang violence.

Colleen Fernald asked that a resolution be passed against war.

MOVED by Councilmember Olivares, seconded by Councilmember Bender, carried unanimously, to adopt and waive reading of the text of the motion in item 11.1 as follows:

RESOLUTION NO. 27438 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ACCEPTING THE FUNDING RECOMMENDATIONS FOR CYCLE III OF THE CHOICE GANG PREVENTION/INTERVENTION GRANT PROGRAM FOR FISCAL YEAR 2009-10 AND APPROVING THE FUNDING AGREEMENT WITH CALIFORNIA YOUTH OUTREACH IN THE AMOUNT OF \$125,391

11.2 REPORT -- REPORT OF GREENHOUSE GAS WORK GROUP [5:54:42 PM](#)

Gillian Hayes, City Planner, presented the report and recommendations prepared by the Greenhouse Gas (GHG) Work Group, which was formed in September 2008 and tasked with developing expertise on GHG issues and a strategy to address current GHG reduction mandates and long-term Citywide GHG reduction strategies. The Group's report included analysis of the reduction efforts in which the city was already involved, such as maximizing energy efficiency, maximizing water efficiency, green buildings, smart transit and land use, investing in renewable energy, conservation and recycling.

PUBLIC COMMENT [6:15:25 PM](#)

Ann Hancock, Climate Protection Campaign, spoke in support of the City's comprehensive and coordinated regional approach.

Christine Culver, Sonoma County Bicycle Coalition, thanked the Council for making climate protection a priority, noting especially completed bicycle projects, and supported continued efforts to implement the projects in the Bike Plan.

Brant Arthur, Climate Protection Campaign, spoke in support, and asked that the goals and plans be made into policy.

Steve Birdlebough, Friends of SMART, said the SCTA's Comprehensive Transportation Plan Draft EIR indicates the 2015 emissions goal won't be reached until 2035, which underscores the need for speedy implementation of the report's recommendations.

Ken Wells spoke in support, urging that the City's climate protection goals be reflected in all the City's and county's plans and projects, and suggested Council updates every six months.

Duane DeWitt supported the previous speakers, suggested more trees and fewer cars, encouraged the political will to implement the best policies and wanted more public involvement.

Jenny Bard, American Lung Association, spoke in support of the previous comments and of the significant health impacts of air pollution. She submitted a letter from the American Lung Association and the Sonoma County Asthma Coalition. She recommended that the City look at the SCTA Transportation Plan and how to achieve the significant reductions that are needed and identify alternatives, particularly bicycle and pedestrian infrastructure.

Colleen Fernald recommended that the community choice aggregation be a priority but did not support increased operations at Calpine due to the dangers of earthquakes.

Peter Tcherneff spoke regarding the shrinking polar ice and other environmental concerns related to greenhouse gases.

John Jenkel, noted that the report ignored war's contribution to greenhouse gas.

No council action was taken on this item.

****11.3 PUBLIC HEARING – APPEAL OF
PLANNING COMMISSION DECISION -
DETURK ROUND BARN-- 819 DONAHUE
STREET [6:46:43 PM](#)**

Ex parte contacts were disclosed as follows: Mayor Gorin had spoken with Allen Thomas but had no new information to report; Councilmember Wysocky had spoken with three residents in the vicinity and had no new information to report; Councilmembers Sawyer and Bender had the same disclosure. Vice Mayor Vas Dupre hadn't spoken with anyone but had watched the hearing before the Planning Commission.

Councilmember Jacobi recused herself on this item.

Clare Hartman, Supervising Planner, made the staff presentation for the appeal of the Planning Commission's approval of a conditional use permit (CUP) to allow use of the DeTurk Round Barn as a community center building. The appeal had been filed on behalf of the West End Neighborhood Association by Lea-Barron-Thomas. Ms. Hartman described the characteristics of the site and surrounding locations, which are zoned OSR-H (Open Space Recreation in an historic combining zone and residential, respectively). She also displayed an aerial photo of the round barn, which is an historic landmark, and the adjacent uses. She said that the neighbors' concerns included parking, noise, alcohol, and the dog park and outlined the staff's responses as contained in the staff report.

PUBLIC HEARING [7:00:55 PM](#)

Lea Barron-Thomas, West End Neighborhood Association, said there was great community support for this appeal and that they have nine governing board members that act on behalf of the membership.

Allen Thomas presented the issues forming the basis of the appeal, which included noise, loss of street parking, alcohol-related issues tied to events held at the round barn, and the dog park. He said the site differs from other community centers in that it doesn't have adequate parking, and that the area may potentially have a parking district. He suggested biannual meetings with a neighborhood liaison; installation of crosswalks at key intersections; a parking district plan with neighborhood input; limits on alcohol, and a parking plan including off site parking. He asked

that the resolution be amended to include a clause that alcohol service should end one hour prior to the end of the event; a commitment to meet twice each year with a neighborhood representative; and a commitment to deal with their neighborhood association if a parking district is formed.

Peter Gonis, spoke in opposition to the CUP due to the impacts to residents created by events at the community center, particularly loud music and alcohol.

Kay Marquet, Director of the Chop's DeMeo Teen Club, said she had toured the round barn facility and suggested that they make sure the kitchen is adequately equipped for the space. She supported the use of the restored structure as a community center as it would enhance the neighborhood.

Sher Ennis, member of the West End Neighborhood Association, stated her concerns related to amplified music, noting that the Police Department doesn't have the noise monitoring equipment necessary to determine whether a violation has occurred.

Craig Lawson, Board of Community Services Chair, said the plans and permit for the use of the DeTurk Round Barn was a completely open process with much community involvement. He also pointed out the use would be monitored to minimize neighborhood impacts and that the use of the facility would offset the operational and maintenance costs.

Peter Tcherneff suggested expanding Chop's to include the round barn for community dinners and meetings. He said that alcohol laws should be applied to everyone as they are to the homeless.

Hearing no further testimony, Mayor Gorin closed the public hearing at [7:24:00 PM](#).

Vickie Duggan, Planning Commission Chair, spoke regarding the Planning Commission's deliberations and unanimous approval. She was encouraged to find the appellants were not totally against the use.

With regard to the requested sidewalks, Ms. Hartman said crosswalks were not a condition of approval for the project and City Traffic Engineer Jason Nutt added that they don't typically install crosswalks where there are no pedestrian facilities, noting that pedestrians will most likely cross in the middle of the street due to low traffic volumes.

Marc Richardson, Director of Recreation and Parks, explained the process an applicant goes

through to rent City facilities and the conditions related to alcohol which already include a provision to cease serving at least an hour prior to the end of the event. He said staff is on duty during the event. He noted that agreeing by signature to the alcohol provision in the permit would be more effective than placing the provision in the resolution which the renter doesn't see.

Council consensus was to support the neighborhood requests regarding the subcommittee and alcohol limitations as outlined in the City Manager's letter, relying on the letter to memorialize the City's support rather than the resolution.

MOVED by Councilmember Wysocky, seconded by Councilmember Bender, carried 6-0-1 (Councilmember Jacobi abstaining), to adopt and waive reading of the text of the resolution in item 11.3 as follows:

RESOLUTION NO. 27439 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF A CONDITIONAL USE PERMIT FOR THE DE TURK ROUND BARN LOCATED AT 819 DONAHUE STREET, SANTA ROSA

11.4 PUBLIC HEARING -- PROPERTY OWNER HEARING -- ACQUISITION OF REAL PROPERTY -- SANTA ROSA AVENUE ROAD-WIDENING PROJECT 8:02:06 PM

Josh Maresca, Right-of-Way Agent, made the staff presentation for the proposed Resolution of Necessity authorizing acquisition of the subject properties by eminent domain for the purpose of widening Santa Rosa Avenue by adding turn lanes, bike lanes and sidewalks from Yolanda Avenue north to Kawana Springs Road. He said this segment of the project would require right-of-way acquisition of an eleven-foot wide strip from eight separate parcels, temporary construction easements and the complete acquisition of the parcel located at 2300 Santa Rosa Avenue (Dib's Auto Sales). The widening would also require the relocation of the PG&E overhead electrical transmission poles and lines and various other underground utilities. The area between Kawana Springs Road and Colgan Avenue was proposed to undergo a lane re-striping program to improve traffic circulation by adding a third south bound through lane. The project also included installation of a 12-inch water main, upgrading the system to

meet current fire flow requirements, and replacement of an existing 6-inch sewer main from Yolanda Avenue to Colgan Avenue.

He noted Exhibit A of the resolution was changed from nine to eight properties as listed below:

**George and Karen Dib
2300 Santa Rosa Avenue
APN 044-041-099**

Acquisition type: Fee ownership of entire parcel (including an uneconomic remainder)

On Santa Rosa Avenue: Construct bike lanes and a new right-hand turn lane on east-bound Kawana Springs Road. Widen the existing roadway by 12.5 feet. Increase Right-of-Way by 11 feet. Construct new 8' wide sidewalk. Relocate existing joint trench utilities (PUE) in sidewalk. Reconstruct overhead electrical lines at the back of the new sidewalk.

On Kawana Springs Road: Widen roadway to accommodate a new left-turn lane onto southbound Santa Rosa Avenue.

**Jas 4 Ray Properties
2400 Santa Rosa Avenue
APN 044-041-066**

Acquisition type: Strip easement

On Santa Rosa Avenue: Construct bike lanes. Widen the existing roadway by 12.5 feet. Increase Right-of-Way by 11 feet. Construct new 8' wide sidewalk. Relocate existing joint trench utilities (PUE) in sidewalk. Reconstruct overhead electrical lines at the back of the new sidewalk.

**Glass Properties
2450 Santa Rosa Avenue
APN 044-041-061**

Acquisition type: Strip easement

On Santa Rosa Avenue: Construct bike lanes. Widen the existing roadway by 12.5 feet. Increase Right-of-Way by 11 feet. Construct new 8' wide sidewalk. Relocate existing joint trench utilities (PUE) in sidewalk. Reconstruct overhead electrical lines at the back of the new sidewalk.

**Fox Partners
2510 Santa Rosa Avenue
APN 044-041-089**

Acquisition type: Fee easement

On Santa Rosa Avenue: Construct bike lanes. Widen the existing roadway by 12.5 feet. Increase Right-of-Way by 11 feet. Construct new 8' wide sidewalk. Relocate existing joint trench utilities

(PUE) in sidewalk. Reconstruct overhead electrical lines at the back of the new sidewalk.

**Hulsman Transportation Company
2532 Santa Rosa Avenue**

APN 044-041-010

Acquisition type: Strip easement

On Santa Rosa Avenue: Construct bike lanes.

Widen the existing roadway by 12.5 feet. Increase Right-of-Way by 11 feet. Construct new 8' wide sidewalk. Relocate existing joint trench utilities (PUE) in sidewalk. Reconstruct overhead electrical lines at the back of the new sidewalk.

**Philip and Lisa Natoli
2612 Santa Rosa Avenue**

APN 044-071-001

Acquisition type: Strip easement

On Santa Rosa Avenue: Construct bike lanes.

Widen the existing roadway by 12.5 feet. Increase Right-of-Way by 11 feet. Construct new 8' wide sidewalk. Relocate existing joint trench utilities (PUE) in sidewalk. Reconstruct overhead electrical lines at the back of the new sidewalk.

**Philip and Lisa Natoli
2620 Santa Rosa Avenue**

APN 044-071-004

Acquisition type: Strip easement

On Santa Rosa Avenue: Construct bike lanes.

Widen the existing roadway by 12.5 feet. Increase Right-of-Way by 11 feet. Construct new 8' wide sidewalk. Relocate existing joint trench utilities (PUE) in sidewalk. Reconstruct overhead electrical lines at the back of the new sidewalk.

**Archland Property II
2642 Santa Rosa Avenue**

APN 044-071-007

Acquisition type: Strip easement

On Santa Rosa Avenue: Construct bike lanes.

Widen the existing roadway by 12.5 feet. Increase Right-of-Way by 11 feet. Construct new 8' wide sidewalk. Relocate existing joint trench utilities (PUE) in sidewalk. Reconstruct overhead electrical lines at the back of the new sidewalk.

Mr. Maresca said the following findings were necessary for acquisition of property under eminent domain: the public interest and necessity require the proposed project; the proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; the property sought to be

acquired is necessary for the proposed project; the offer required by the State Code has been made to the owner or owners of record; and the City has complied with all conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the needed property.

PUBLIC HEARING [8:11:04 PM](#)

George Dib, owner of Dib's Auto Sales, disputed the necessity of the intersection improvements which would take from him the property upon which their successful 25 year old family business was built.

Karen Dib said this location is their sixth move onto their own property after occupying a series of rented lots, and that this property was intended to fund their retirement through its rental income. She also disputed the need for a right hand turn lane as there is already a sidewalk and a bike lane. She discussed the impacts of new development in the area and sees this as a temporary benefit without providing the needed long-term solutions. She suggested as a better alternative the extension of Farmers Lane to Bellevue, and also recommended against new development when water supplies are inadequate.

Glen Smith, attorney representing the Dibs, recommended rerouting the street to take property from the other side of the street in order to save the Dibs' property and business. He said he was concerned that the City had not met the requirements set forth in section 1240.30 of the Code of Civil Procedure as there are other ways to configure the roadway to ease traffic. He referenced his June 24 letter outlining those concerns. He said there was confusion about what amount the Offer of Fair Consideration submitted in February provided for relocation and for the business. He said they hadn't found out until the day before what was being offered, and that 24 hours was not enough time to negotiate this expeditiously. He had met with the relocation expert for the first time they day before, and they hadn't yet identified any properties which may be suitable to relocate on; and the variances that had been grandfathered in at the present site would be excessively costly to replicate on a relocation site. He requested more time as they hadn't received the offer until yesterday and needed more time to negotiate with the City.

Peter Tcherneff alleged Mr. Dib was the victim of prejudice and suggested he get a Zap dealership.

Duane DeWitt opposed adoption of the resolution of necessity as it would create too wide a roadway, and advocated instead reducing traffic.

Hearing no further testimony, Mayor Gorin closed the public hearing at [8:44:34 PM](#).

Staff responded to questions by outlining negotiations with the Dibs over the last year and a half during which the Dibs' had been encouraged to obtain an independent appraisal at the City's expense and that all requirements of the Code of Civil Procedure had been complied with. Staff had not evaluated an alignment using right-of-way on the opposite side of the street as it would cause a jag in the roadway, and said that there was an equal distribution of impacts affecting owners on both side of the road.

MOVED by Councilmember Bender, seconded by Councilmember Jacobi, carried unanimously, to continue this item to the July 14, 2009 Council meeting.

12. PUBLIC COMMENT [9:33:13 PM](#)

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

Colleen Fernald requested a Council resolution against the war.

Duane DeWitt asked that the Brookwood homeless shelter be opened for veterans.

Peter Tcherneff suggested a police and firefighter calendar as a fundraiser.

Elizabeth Neylon, spoke against war.

13. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)

14. MAYOR'S/COUNCILMEMBERS' REPORTS [9:48:00 PM](#)

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

Councilmember Sawyer was authorized to send a letter on Council letterhead supporting the Social Advocates for Youth grant funding for operation of an emergency teen shelter.

14.1 BAY AREA TOLL AUTHORITY – HOT LANE PROPOSAL

16. [IF NEEDED] – ANNOUNCEMENT OF ADDITIONAL CLOSED SESSION

ITEMS(S), ADJOURNMENT TO CLOSED SESSION(S), RECONVENE TO OPEN SESSION, AND ANNOUNCEMENTS, IF ANY

There were no further announcements made.

15. CITY MANAGER'S/CITY ATTORNEY'S REPORTS [9:52:43 PM](#)

The 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

17. ADJOURNMENT OF MEETING

Hearing no further business, Mayor Gorin adjourned the meeting at 10:00 p.m. The next regularly scheduled meeting will take place on July 14, 2009, at a time to be set by the Mayor.

Approved on: August 18, 2009

Susan Stoneman
City Clerk