

**SANTA ROSA CITY COUNCIL MEETING MINUTES  
TUESDAY, JULY 14, 2009  
COUNCIL CHAMBER, CITY HALL, 100 SANTA ROSA AVENUE  
REGULAR MEETING**

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

**1. CALL TO ORDER AND ROLL CALL**

Mayor Gorin called the meeting to order at 2:00 p.m. Councilmembers present: Mayor Gorin, Vice Mayor Vas Dupre, Councilmembers Bender, Sawyer, Jacobi, Olivares and Wysocky.

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

**2.1 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).

**2.2 PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Title: City Manager

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

**3:00 P.M. (CITY COUNCIL CHAMBER)**

**3. STUDY SESSION**

**3.1 SOUTHERN SANTA ROSA CIRCULATION AND TRANSPORTATION IMPROVEMENT PROJECTS [3:10:31 PM](#)**

The Council had recently taken action on several transportation projects in southern Santa Rosa designed to improve the level of service on congested roadways and provide equity among all modes of transportation, particularly pedestrians and bicyclists. Staff presented the current status and interrelationship of those transportation improvement projects and the impacts on circulation. Staff outlined the approved development projects in the area, economic sustainability, traffic circulation, and the status and funding of the specific Capital Improvement Projects in southern Santa Rosa that are part of a larger regional circulation plan.

**PUBLIC COMMENT**

Duane DeWitt said the Roseland Creek Plan addressed alternative transportation and also spoke in support of alternative modes of transportation.

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

**4. ANNOUNCEMENT OF ROLL CALL [4:27:50 PM](#)**

Members of the Council were present as noted above.

**5. REPORT, IF ANY, ON STUDY AND CLOSED SESSION(S)**

**6. PROCLAMATIONS/PRESENTATIONS**

**6.1 PRESENTATION – VOICES (VOICE OUR INDEPENDENT CHOICES FOR EMANCIPATION SUPPORT-FOSTER KIDS AGING OUT OF THE SYSTEM) [4:28:48 PM](#)**

Mitch Findley and staff of VOICES presented information about the program services the organization provides. [4:29:42 PM](#)

**PUBLIC COMMENT**

Duane DeWitt thanked the members of VOICES.

By consensus, the following proclamation was added to the agenda.

**6.2 PROCLAMATION – HONORING BRUCE LEAVITT** [4:37:24 PM](#)

Mayor Gorin presented the proclamation in honor and in memory of Bruce Leavitt, who had provided 31 years of exemplary service to the City, the state, and the nation over the course of his distinguished legal career. She expressed heartfelt condolences and appreciation to the family on behalf of the City.

Mayor Gorin recessed the meeting from 4:45 until [4:58:17 PM](#).

**7. STAFF BRIEFINGS -- NONE**

**8. APPROVAL OF MINUTES – JUNE 16-18, 2009 REGULAR MEETING MINUTES** [4:58:59 PM](#)

The minutes of the June 16, 17 and 18, 2009 regular meeting were approved as submitted.

**9. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS** [5:00:21 PM](#)

Councilmember Sawyer stated he would abstain from Item 10.1 due to the location of his business downtown.

**10. CONSENT ITEMS** [5:00:54 PM](#)

MOVED by Councilmember Wysocky, seconded by Mayor Gorin, carried unanimously, to add item 10.11 to the agenda as an urgency that came to the attention of the city subsequent to the two week agenda posting.

Councilmember Wysocky requested that Item 10.8 be considered separately.

**PUBLIC COMMENT** [5:12:31 PM](#)

Jack Osborne, opposed providing grant matching funds due to the budget shortfall.

Duane DeWitt, spoke regarding the need for community planning for better transit oriented development and requested more community involvement.

Judy Kennedy, spoke in support of Item 10.9, noting that it stems from their neighborhood association's Park and Gardens Report which eventually led to the Santa Rosa Avenue Corridor Study, with much community involvement.

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 10.2 through 10.4 and the resolutions in items 10.5 through 10.7 and 10.9 through 10.11 as follows:

**10.2 MOTION -- AUTHORIZATION TO SUBMIT AN APPLICATION FOR THE DEPARTMENT OF ENERGY RECOVERY ACT SOLAR MARKET TRANSFORMATION GRANT**

**MOTION:** AUTHORIZING THE DEVELOPMENT AND SUBMITTAL OF AN APPLICATION FOR A DEPARTMENT OF ENERGY, SOLAR MARKETS TRANSFORMATION GRANT, WHICH IS AN OPPORTUNITY FOR FUNDING AND ONGOING SUPPORT OF SOLAR SONOMA COUNTY.

**10.3 MOTION – CONTRACT AWARD - 2009 FEDERAL OVERLAY AT VARIOUS LOCATIONS - BROOKWOOD AVENUE, COFFEY LANE, AND NORTH DUTTON AVENUE**

**MOTION:** AWARDING CONSTRUCTION CONTRACT NO. 2009-009, 2009 FEDERAL OVERLAY AT VARIOUS LOCATIONS - BROOKWOOD AVENUE, COFFEY LANE, AND NORTH DUTTON AVENUE IN THE TOTAL AMOUNT OF \$1,988,819.20 TO THE LOWEST RESPONSIBLE BIDDER, GHILOTTI CONSTRUCTION COMPANY OF SANTA ROSA, CALIFORNIA, AND ESTABLISHING A TOTAL CONTRACT ACCOUNT OF \$2,187,701 (THE ORIGINAL CONTRACT AMOUNT PLUS 10% CONTINGENCY). FUNDING FOR THIS PROJECT HAS BEEN APPROPRIATED TO ACCOUNT NO. 5113 AS PART OF THE FISCAL YEAR 2008-09 CAPITAL BUDGET. THE SOURCE OF FUNDS ARE FEDERAL GRANTS FROM THE TRANSPORTATION EQUITY ACT, WITH A REQUIRED LOCAL MATCH OF 11.47%.

**10.4 MOTION -- CONTRACT AWARD - 2009 - 10 WHEEL CAB & CHASSIS WITH HYDRAULIC HOOK AND ROLL OFF SYSTEM AND DUMP BODY**

**MOTION:** AUTHORIZING THE AWARD AND ISSUANCE OF A PURCHASE ORDER FOR ONE 2009 INTERNATIONAL CAB & CHASSIS WITH SWAPLOADER HOOK AND ROLL OFF SYSTEM AND WILLIAMSON DUMP BODY TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, BAYSHORE INTERNATIONAL,

ROHNERT PARK, CA, IN THE AMOUNT OF \$136,364.

**10.5 RESOLUTION -- CONTRACT AWARD - UTILITY BILL PRINTING AND MAILING SERVICES**

**RESOLUTION NO. 27440 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING AWARD OF CONTRACT FOR UTILITY BILL PRINTING AND MAILING SERVICES TO INFOSEND, INC., FULLERTON, CALIFORNIA

**10.6 RESOLUTION -- ASSESSMENT LIEN AGAINST THE REAL PROPERTY LOCATED AT 1515 PLUMERIA DRIVE**

**RESOLUTION NO. 27441 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 1515 PLUMERIA DRIVE, SANTA ROSA, A.P.N. 015-065-015, AND ORDERING THE ASSESSMENT BE COLLECTED ON THE TAX ROLL BY THE SONOMA COUNTY TAX COLLECTOR

**10.7 RESOLUTION -- ASSESSMENT LIEN AGAINST THE REAL PROPERTY LOCATED AT 5976 YERBA BUENA ROAD**

**RESOLUTION NO. 27442 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 5976 YERBA BUENA ROAD, SANTA ROSA, A.P.N. 153-012-009, AND ORDERING THE ASSESSMENT BE COLLECTED ON THE TAX ROLL BY THE SONOMA COUNTY TAX COLLECTOR

**10.9 RESOLUTION -- CONTRACT AWARD - PROFESSIONAL SERVICES AGREEMENT - DESIGN, COMMUNITY AND ENVIRONMENT - SANTA ROSA AVENUE CORRIDOR PLAN -- HIGHWAY 12 TO**

**SONOMA AVENUE**

**RESOLUTION NO. 27443 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE MAYOR TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH DESIGN, COMMUNITY & ENVIRONMENT TO CONDUCT THE SANTA ROSA AVENUE CORRIDOR PLAN FOR AN AMOUNT NOT TO EXCEED \$85,000

**10.10 RESOLUTION -- SIXTH STREET UNDERCROSSING APPROPRIATION**

**RESOLUTION NO. 27444 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROPRIATING \$100,000 REDEVELOPMENT AGENCY FUNDS TO ACCOUNT 5076 FOR THE DESIGN AND CONSTRUCTION OF THE SIXTH STREET UNDERCROSSING

**\*10.11 RESOLUTION -- AUTHORIZATION TO SUBMIT AN APPLICATION FOR THE ENVIRONMENTAL PROTECTION AGENCY GRANT**

**RESOLUTION NO. 27445 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA GRANTING AUTHORIZATION TO SUBMIT AN APPLICATION FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY CLIMATE SHOWCASE COMMUNITIES GRANT

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

**10.1 MOTION -- CONTRACT AWARD -- DOWNTOWN STREET AND TRAFFIC SIGNAL IMPROVEMENTS**

**MOTION:** AWARDING CONSTRUCTION CONTRACT NO. 2008-017, COURTHOUSE SQUARE STREET AND TRAFFIC SIGNAL IMPROVEMENTS IN THE TOTAL AMOUNT OF \$688,985.25 TO THE LOWEST RESPONSIBLE BIDDER, RICHARD A. HEAPS ELECTRICAL CONTRACTOR INC. OF SACRAMENTO, CALIFORNIA, AND ESTABLISHING A TOTAL CONTRACT ACCOUNT OF \$757,883 (THE ORIGINAL CONTRACT AMOUNT PLUS A 10% CONTINGENCY). FUNDING FOR THIS PROJECT HAS BEEN APPROPRIATED TO ACCOUNT NO. 5038 COUNCIL RESOLUTION

NO. 26914. THE SOURCE OF FUNDS ARE FEDERAL GRANTS FROM THE TRANSPORTATION EQUITY ACT, WITH A REQUIRED LOCAL MATCH OF 11.47%.

MOVED by Vice Mayor Vas Dupre, seconded by Councilmember Bender, carried 5-2 (Councilmembers Wysocky and Jacobi voting NO), to adopt and waive reading of the text of the resolution in item 10.8 as follows:

**10.8 RESOLUTION -- FUNDING AGREEMENT AND BENEFIT FINDINGS FOR HEARN AVENUE OVERCROSSING – PHASES 1 AND 2**

**RESOLUTION NO. 27446 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A FUNDING AGREEMENT WITH THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA ROSA AND MAKING CERTAIN BENEFIT FINDINGS FOR PHASES 1 AND 2 OF THE HEARN AVENUE OVERCROSSING PROJECT

**11. REPORT ITEMS**

**11.1 PUBLIC HEARING – ANNUAL WEED AND RUBBISH ABATEMENT PROGRAM**  
[5:30:13 PM](#)

Toby Rey, Fire Inspector, made the staff presentation for the public hearing to receive and consider any objections to program recovery and physical abatement charges which were billed to property owners that failed to abate weeds and/or rubbish on their property by May 15, 2008 as reflected in the report on the Annual Weed and Rubbish Abatement Program that had been mailed to each Council member. Last year, 1219 parcels were found to be in violation. Of those, 344 were not abated by the property owners after being notified by the Fire Department and were subsequently billed for the abatement work performed by the City contractor. The aggregate total remaining unpaid balance was \$61,655.85 at the time of the hearing, based on an hourly rate including the direct cost for the contractor's abatement, inspections, responding to complaints, and notification of the contractor to perform physical abatement and program support costs.

PUBLIC HEARING [5:34:38 PM](#)

Peter Tcherneff suggested the use prisoners or goats for weed abatement.

Hearing no further testimony, Mayor Gorin closed the public hearing at [5:37:29 PM](#).

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

**RESOLUTION NO. 27447 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA CONFIRMING THE ITEMIZED REPORT OF THE SANTA ROSA FIRE DEPARTMENT OF THE COST OF REMOVING WEEDS AND/OR RUBBISH FROM, UPON, OR IN FRONT OF CERTAIN LOTS OR PARCELS OF LAND WITHIN THE CITY OF SANTA ROSA

**11.2 PUBLIC HEARING -- REVIEW THE CITY OF SANTA ROSA'S PARTICIPATION IN THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'S NEIGHBORHOOD STABILIZATION PROGRAM 2 FOR \$80 MILLION FOR THE ACQUISITION AND REDEVELOPMENT OF FORECLOSED AND ABANDONED RESIDENTIAL PROPERTIES** [5:42:42 PM](#)

Megan Bassinger, Program Specialist, outlined the City's participation in the above referenced neighborhood stabilization program. On February 17, 2009, the American Recovery and Reinvestment Act of 2009 (ARRA) was signed into law. As part of the ARRA, the U.S. Department of Housing and Urban Development (HUD) issued the Neighborhood Stabilization Program 2 (NSP2) Notice of Funding Availability (NOFA) for a competitive grant program that addresses home foreclosure and property abandonment. The purpose of NSP2 was to provide states, local governments, and nonprofit organizations with funding to acquire abandoned and foreclosed residences and residential properties in order to stabilize neighborhoods. The minimum grant request was \$5 million affecting a minimum of 100 units. Eligible properties must be foreclosed or abandoned, and HUD had identified nine eligible census tracts in Santa Rosa. Staff reviewed the NOFA and eligible areas and determined that an application should be submitted to acquire and redevelop residential properties within five census tracts in Santa Rosa.

Staff was working with local banks, lenders, and real estate professionals to ascertain properties that meet HUD's requirements of foreclosure or default. Three potential sites had been identified

that meet the NSP2 program requirements and the City's multifamily, affordable housing funding guidelines. Village Gardens, Kawana Terrace and Sundance Village were the selected due to their size, infrastructure, and ability to compete for tax credits. Sites that are acquired and redeveloped would be subject to income and rent restrictions for households at 30, 50 and 60% of area median income for a 55-year term. The City application was for \$80 million to address the above purpose.

PUBLIC HEARING [5:55:37 PM](#)

Jack Osborne stated his opposition to the program, and asked for and received more information about the three proposed sites.

Duane DeWitt opposed bailing out developers, requesting that the money go to a non-profit instead. He requested it be transit oriented development.

Peter Tcherneff thoughts facts were being concealed, suggesting the property be acquired instead through eminent domain.

Elizabeth Neylon suggested that the City begin building very small houses to create affordable housing.

Hearing no further testimony, Mayor Gorin closed the public hearing at [6:07:00 PM](#).

Councilmember Bender disclosed that she serves as Chair of the Habitat for Humanity Board of Directors, and that she would vote on this item but would abstain from any future actions on the grant award.

MOVED by Councilmember Wysocky, seconded by Councilmember Bender, carried unanimously, to adopt and waive reading of the text of the resolution in item 11.2 as follows:

**RESOLUTION NO. 27448 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE SUBMITTAL OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'S NEIGHBORHOOD STABILIZATION PROGRAM 2 FOR \$80 MILLION FOR THE ACQUISITION AND REDEVELOPMENT OF FORECLOSED AND ABANDONED RESIDENTIAL PROPERTIES

**11.3 PUBLIC HEARING -- PROPERTY OWNER HEARING -- ACQUISITION OF REAL PROPERTY -- SANTA ROSA AVENUE ROAD-WIDENING PROJECT (continued)**

**from the June 30, 2009 Regular Council Meeting) [6:12:22 PM](#)**

Colleen Ferguson, Deputy Director – Engineering; Lori Urbanek, Assistant Engineer; and Josh Maresca, Right of Way Agent, made the staff presentation for the continuation of the property owner hearing, which had been closed but was continued to allow for further Council deliberations. Staff outlined the Santa Rosa Avenue Road-Widening Project, which widens Santa Rosa Avenue by adding turn lanes, bike lanes and sidewalks from Yolanda Avenue north to Kawana Springs Road. The project required 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 also required the relocation of the PG&E overhead electrical transmission poles and lines and various other underground utilities. This was to be the first phase of a multi-phase regional transportation network identified in the General Plan. All property owners had received offers to purchase the project-required portions of their property but, at the time of the meeting, there had been no completed transactions. In order to keep the project on schedule and to accommodate the pre-construction relocation requirements of PG&E, staff indicated it was essential that acquisition proceedings move forward and recommended adoption of a Resolution of Necessity authorizing the acquisition of the subject properties by eminent domain.

PUBLIC COMMENT [6:50:03 PM](#)

Peter Tcherneff, agreed that the lane should shift in order to use land across the street.

Karen Dib spoke in opposition, questioned the need for the relocation of utilities underground, and requested that it wait. She said the property was being acquired for planter strips, not bike lanes.

George Dib said no offer had been made until recently and that two Santa Rosa Avenue properties had come into the market, one listed at \$1.1 million and the other \$1.575 million. He said that if he were to accept close to the City's offer he would need another mortgage to purchase either of those replacement properties which would have ruinous financial consequences.

Glen Smith, representing the Dibs', asked whether the project has been reviewed for alternatives such as reconfiguring the intersection. He said traffic

congestion is lighter using data in the mitigated negative declaration, and submitted a drawing of an alternative layout.

Justin Dib, suggested looking at the stoplight timing as the quickest and easiest fix for congestion.

Eric Gustauson, representing a shop that does business with the Dibs, spoke in opposition due to the cumulative effects on businesses that work with the Dibs.

John Jenkel, spoke about treason.

Mary Morrison complained of having to wait to speak about supporting the Constitution.

Shannon Dib spoke in opposition to exercising eminent domain, and recommended reconfiguring the use land from the property on the other side of the street instead, or developing Colgan Avenue instead.

Duane DeWitt, questioned the assertion that safety would be improved by widening the intersection, saying the road is already too wide.

MOVED by Councilmember Bender, seconded by Councilmember Sawyer, carried 5-2 (Councilmembers Jacobi and Wysocky voting NO), to adopt and waive reading of the text of the resolution in item 11.3 as follows:

**RESOLUTION NO. 27449 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING A RESOLUTION OF NECESSITY TO ACQUIRE PROPERTY INTERESTS FOR THE SANTA ROSA AVENUE ROAD-WIDENING PROJECT

**12. PUBLIC COMMENTS ON NON-AGENDA MATTERS [8:19:22 PM](#)**

The following people made comments concerning items not listed on the agenda.

Duane DeWitt, member of the Housing Advocacy Group, asked that the Brookwood shelter be used for veterans.

City Manager Kolin suggested that Mr. DeWitt work with the Housing Authority concerning the homeless shelter request.

Mayor Gorin referenced a letter from Bill Pisenti, who had been at the meeting earlier, which had been distributed to the Council.

Elizabeth Neylon, 911 Truth Campaign, spoke against war.

Peter Tcherneff, spoke regarding recent news articles.

John Jenkel, requested that the Council discuss national issues and spoke against the war.

Mary Morrison, spoke against war.

**13. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)**

**14. MAYOR'S/COUNCILMEMBERS' REPORTS [8:40:50 PM](#)**

Councilmember Jacobi announced her appointment of Julie Combs to the Design Review Board.

The Mayor and members of the Council made further announcements and reports of interest to the Council.

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

The City Manager and City Attorney made further announcements and reports 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**

The Council adjourned to closed session in the Mayors Conference Room at 9:09 p.m. Mayor Gorin announced the meeting would be adjourned in the memory of Bruce Leavitt.

**17. ADJOURNMENT OF MEETING**

Hearing no further business, Mayor Gorin adjourned the meeting at 9:25 p.m. in the memory of Bruce Leavitt. The next regularly scheduled meeting will take place on July 28, 2009, at a time to be set by the Mayor.

Approved on: August 18, 2009

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Susan Stoneman  
City Clerk