

**SANTA ROSA CITY COUNCIL MEETING MINUTES
TUESDAY, SEPTEMBER 1, 2009
COUNCIL CHAMBER, CITY HALL, 100 SANTA ROSA AVENUE
REGULAR MEETING**

2:00 P.M. (COUNCIL CHAMBER)

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.

PUBLIC COMMENT

Duane DeWitt spoke in support of park acquisition and presented a letter to the Council on that topic.

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 REAL PROPERTY NEGOTIATOR

Property: 400 Burbank Avenue, Santa Rosa, CA (APN 125-331-001)

Agency Negotiator: Josh Maresca, Right-of-Way Agent

Negotiating Parties: Schellinger Brothers

Under Negotiation: Price and terms of payment

2.2 ADJOURN CLOSED SESSION(S) AND RECONVENCE TO OPEN SESSION IN THE COUNCIL CHAMBER

2:15 P.M. (CITY COUNCIL CHAMBER) [2:18:24 PM](#)

3. STUDY SESSION

3.1 FINANCIAL UPDATE [2:18:28 PM](#)

The City's budget team updated the Council on its most recently revised budget projections adjusted for variable factors which had changed since the last update.

Finance Director David Heath reported on declines in the PERS equity portfolio of about 23.4% down for the year as a preliminary estimate, which equates to a 4-6% increase in the City's contribution rates, impacting the budget by \$4.4 million. He also updated the Council regarding the

state budget impacts to the city's revenues. Sales tax receipts were down 12.4% which was lower than projected.

Principal Financial Analyst Jean Gill made a limited forecast update—with an analysis of the impacts of the state budget, sales tax, and PERS rate on the five year forecast-- resulting in a revised projection of just over \$3 million under the previously forecast revenues, with the four year deficit average adjusted up to \$10.6 million.

**3.2 LANDFILL DIVESTITURE [2:41:11 PM](#)
[2:42:20 PM](#)**

Phil Demery, Sonoma County Director of Public Works, introduced Susan Klassen, Cheryl Bratton and Laurie Morton, County staffers on the Divestiture Team and Mike Caprio and Don Gamblin from Republic Services. He reviewed the County's divestiture efforts to date, including a study which prompted a recommendation for long-term outhaul of solid waste. Eight RFQ responses were received by service providers resulting in a short list consisting of Republic Services, Allied Waste, USA Waste, Waste Management and Waste Connections. The subsequent RFP process resulted in proposals from USA Waste and Allied Waste, which later was acquired by Republic Waste Services. The County selected Allied/Republic and has been negotiating the divestiture agreement. They were at the point of recommending the approval of the 20-year term purchase and sales agreement to the County Board of Supervisors. He summarized the deal points and divestiture goals, and the content of the purchase and sales agreement.

Tipping fees, under the terms of the agreement, would range from \$95.15 (if all cities are part of the flow commitment) to \$106.33 (without Petaluma's waste flow) as opposed to the \$100.50 currently charged which does not include the necessary \$14 for closure/ post-closure obligations not currently collected. He said the agreement would be for a 20-year term requiring a flow commitment from the cities and the county for that period of time, with the tipping fees indexed to inflation with a cap at 5%.

He said the tipping fee included a \$9 royalty which they expect to return \$2.7 million annually to the County as long as the facilities are open, as well as \$5 to 10 million for insurance or residual risk. Republic will also build new facilities including a new material recovery facility, and will assume closure and post-closure obligations of upwards of \$40 to \$50 million. Republic has not proposed to purchase the Guerneville or Healdsburg transfer station sites due to liabilities associated with waste underneath the transfer station. The asset transfer only occurs upon successful close of escrow.

He further detailed the terms of the agreement.
2:57 pm

PUBLIC COMMENT [4:05:31 PM](#)

Jessica Jones, Manager of Redwood Landfill and Recycling Center (owned by USA Waste) said there are other options available concerning the purchase and sale agreement, and that the agreement was substantially different from the RFP and Waste Management and others would like to be able to submit a proposal similar to this. She asked that they consider how this purchase and sale agreement can promote sustainability goals, reduced disposal and competitive tipping fees and diversion.

Donna Gallagher, Rohnert Park, stated concerns about the short time frame for the decision, the impacts on cities, and the contract provisions which protect Republic at the expense of the public. She asked that the landfill be recognized as a valuable public asset.

Steve Birdlebough stated concern about the rushed time frame and encouraged first obtaining consensus from the cities, noting the operating agreement which accompanies the sale agreement. He suggested October or November as a County decision date.

Peter Tcherneff, spoke in opposition, saying that sustainable processing would eliminate the need for the liner, and asked that consideration be given to impacts on local firms.

There was no Council action taken on this item.

4:00 P.M. (CITY COUNCIL CHAMBER) [4:21:57 PM](#)

4. ANNOUNCEMENT OF ROLL CALL

Mayor Gorin reconvened the meeting in the Council Chamber at 4:21 p.m. Members of the

Council were present as noted above. Teen Council member Rena Wang was also in attendance.

5. REPORT, IF ANY, ON STUDY AND CLOSED SESSION(S) [4:22:19 PM](#)

City Manager Kolin announced the Council had previously met in study session to receive a financial update from the City's budget team and for a presentation by the County's Landfill Divestiture Team.

City Attorney Fowler announced that the Council had met in closed session regarding Item 2.1 as listed on the agenda and that there was no action taken and no announcements to be made.

6. PROCLAMATIONS/PRESENTATIONS

6.1 PROCLAMATION – RECOGNIZING WAYNE GOLDBERG [4:23:09 PM](#)

Mayor Gorin presented a proclamation to Wayne Goldberg on the occasion of his retirement after 26 years of distinguished service to the City of Santa Rosa as Community Development Director and Director of the Office of Advance Planning and Public Policy.

Michael Allen, District Director for Senator Pat Wiggins, presented a proclamation to Mr. Goldberg signed by Senator Wiggins and Assembly Member Noreen Evans recognizing his achievements, particularly noting his work with community involvement.

PUBLIC COMMENT

Sonia Taylor thanked him for a job well done and credited him with increasing the level of involvement by herself and others in local government.

Anne Seeley also thanked Mr. Goldberg for mentoring citizen participants in government.

Rue Furch praised Mr. Goldberg's leadership in fostering collaboration and how well he represented Sonoma County and Santa Rosa throughout the state.

Nels Michael Langenberg related his experience when, as newcomers to Santa Rosa in 1995, his eight-year-old son Skyler had written a letter to Mr. Goldberg which was responded to with a telephone call and an invitation to meet. He spoke of the positive impression that had created for his

son, himself and his family of both Mr. Goldberg and the City of Santa Rosa.

Terry Hilton spoke of the assistance and support he had received from Mr. Goldberg over the years.

Steve Rabinowitsh spoke of Mr. Goldberg's honesty and dedication to the City over the years, and the access afforded to the average person to be involved.

Jessica Diaz, speaking on behalf of Supervisor Shirley Zane, conveyed appreciation for his work on behalf of the community over the years.

Each of the Councilmembers and staff at the dais spoke of their appreciation for Mr. Goldberg's contributions to the City and the community over the years.

Mayor Gorin recessed the meeting at 4:59 p.m. and reconvened at 5:11 p.m. with all members of the Council present.

7. **STAFF BRIEFINGS – NONE** [5:12:05 PM](#)
8. **APPROVAL OF MINUTES – AUGUST 11, 2009, AUGUST 18, 2009 AND AUGUST 25, 2009 REGULAR MEETING MINUTES**
[5:12:24 PM](#) [5:12:07 PM](#)

The minutes were approved as submitted.

9. **STATEMENTS OF ABSTENTION BY COUNCILMEMBERS** [5:13:51 PM](#)

There were no statements of abstention made.

10. **CONSENT ITEMS** [5:14:12 PM](#)

MOVED by Councilmember Wysocky, seconded by Vice Mayor Vas Dupre, carried unanimously, to add item 10.2 to the agenda due to time constraints.

PUBLIC COMMENT

Jack Osborne, asked for and received clarification on Items 10.1 and 10.2.

MOVED by Vice Mayor Vas Dupre, seconded by Councilmember, carried unanimously, to adopt and waive reading of the text of the resolutions in items 10.1 and 10.2.

- 10.1 **RESOLUTION -- AMENDMENT TO THE CITY CLASSIFICATION AND SALARY PLAN TO CREATE THE CLASSIFICATION OF FINANCIAL REPORTING MANAGER**

RESOLUTION NO. 27469 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 FINANCIAL REPORTING MANAGER

- *10.2 **AUTHORIZATION TO SUBMIT AN APPLICATION FOR THE ENVIRONMENTAL PROTECTION AGENCY INDOOR ENVIRONMENTS GRANT**

RESOLUTION NO. 27470 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA GRANTING AUTHORIZATION TO SUBMIT AN APPLICATION FOR THE ENVIRONMENTAL PROTECTION AGENCY INDOOR ENVIRONMENTS GRANT

11. REPORT ITEMS

- 11.1 **REPORT -- RECYCLED WATER PILOT PROJECT** [5:19:47 PM](#)

Jennifer Burke, Senior Water Resources Planner, made the staff presentation. In December 2007, the Board of Public Utilities and City Council approved Phase 1 West of the Santa Rosa Urban Reuse Project with the condition that construction of the project would not occur unless the North Coast Regional Water Quality Control Board (Regional Board) amended its Basin Plan to exempt incidental runoff of recycled water from the seasonal discharge prohibition. On July 23, 2009, the Regional Board adopted an amendment to its Basin Plan that exempts incidental runoff of recycled water from the seasonal discharge prohibition. She recommended approval of a resolution directing staff to proceed with the construction of Phase 1 West of the Santa Rosa Urban Reuse Project.

PUBLIC COMMENT

Jack Osborne, suggested that recycled water be provided to users at no charge once they have paid to install the water system.

Brenda Adelman, Russian River Watershed Protection Committee, generally supports the plan, but expressed her concern about over-irrigation, incidental runoff or other incidents of escaping wastewater as a potential public health hazard.

Ms. Burke responded that there are costs associated with delivery of recycled water and

hence the charge; and spoke regarding the best management practices.

Dan Carlson explained that the Rohnert Park system has irrigated over six billion gallons of recycled water since its inception, outlined some of the rules such as irrigating at night, and noted the regulatory finding that the environmental benefits of irrigating six billion gallons outweigh the risks of limited incidental runoff. He also described the level of monitoring that takes place.

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

RESOLUTION NO. 27471 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DIRECTING STAFF TO PROCEED WITH THE CONSTRUCTION OF PHASE 1 WEST OF THE SANTA ROSA URBAN REUSE PROJECT

11.2 PUBLIC HEARING – FALL 2009 GENERAL PLAN AMENDMENT PACKAGE: 930 FRESNO AVENUE GENERAL PLAN AMENDMENT AND REZONING, AND LOWE’S HOME IMPROVEMENT WAREHOUSE GENERAL PLAN AMENDMENT AND APPEAL OF CONDITIONAL USE PERMIT DENIAL
[5:55:31 PM](#)

A. 930 FRESNO AVENUE GENERAL PLAN AMENDMENT AND REZONING

Lori MacNab, City Planner, presented the first proposed General Plan Amendment (GPA). This proposal included a request to change the General Plan land use designation of 6.6 acres located at 930 Fresno Avenue from Low Density Residential (2.0 to 8.0 units per acre) to Medium Low Density Residential (8.0 to 13.0 units per acre), and to rezone from PD Planned Development to R-1-6 Single Family Residential. She displayed a map of the subject site near Sebastopol Road and its surrounding uses. The Planning Commission had recommended adoption of the Negative Declaration and approval of the General Plan Amendment and Rezoning.

PUBLIC COMMENT [5:59:33 PM](#)

Bruce Aspinall, provided some additional details concerning the site, which was currently vacant with a valid development plan for Cherry Ranch,

approved in late 2006, which called for 39 single family homes with granny units. Due to changed economic conditions and establishment of CTS mitigation requirements the proposed density modification was necessary in order to maintain project feasibility.

John Jenke spoke against Lowe’s.

Hearing no further testimony, Mayor Gorin closed the public hearing at [6:10:17 PM](#).

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. 27472 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING A NEGATIVE DECLARATION FOR A GENERAL PLAN AMENDMENT AND REZONING FOR PROPERTY LOCATED AT 930 FRESNO AVENUE (APN: 035-101-004)

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. 27473 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A GENERAL PLAN AMENDMENT FOR 930 FRESNO AVENUE FROM LOW DENSITY RESIDENTIAL (2.0 TO 8.0 UNITS PER ACRE) TO MEDIUM LOW DENSITY RESIDENTIAL (8.0 TO 13.0 UNITS PER ACRE) – FILE NUMBER GPAM09-001

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

ORDINANCE 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 930 FRESNO AVENUE – FILE NUMBER REZ09-004

Mayor Gorin recessed the meeting at [6:12:22 PM](#), reconvening at [6:44:58 PM](#)

B. LOWE’S HOME IMPROVEMENT WAREHOUSE GENERAL PLAN AMENDMENT AND APPEAL OF CONDITIONAL USE PERMIT DENIAL

Councilmembers disclosed ex parte contacts as follows: Councilmember Olivares had contact with the applicant and members of the public with no new information; Councilmember Jacobi, Mayor Gorin, Vice Mayor Vas Dupre and Councilmembers Bender and Wysocky all made the same disclosure.

Jessica Jones, City Planner, made the staff presentation for the Lowe's Home Improvement Warehouse General Plan Amendment and Appeal of the Conditional Use Permit Denial. She explained this was a General Plan Amendment to amend the land use designation of approximately 2.7 acres from Medium Density Residential to Retail and Business Services and to amend approximately 5.5 acres from Light Industry to Retail and Business Services, and an Appeal of the Planning Commission's denial (4-1-2) of a Conditional Use Permit to construct a new shopping center, allow for outdoor display and sales, and to allow for a 22.5% reduction in required on-site parking, for the property located at 2532, 2612 and 2620 Santa Rosa Avenue and 325 Yolanda Avenue. On July 9, 2009, the Planning Commission adopted resolutions (4-1-2) recommending that the City Council not adopt a Statement of Overriding Considerations and not approve the General Plan Amendment, and denying the Conditional Use Permit. Ms. Jones outlined the requirements of the Conditional Use Permit and the requested parking reduction. 658 spaces were required, however the applicant was proposing 510 spaces, a reduction of 22.5%. She said that findings must be made in order to approve the reduction. She detailed the Planning Commission's findings related to their recommended denial of the Statement of Overriding Considerations and the General Plan Amendment; which included loss of medium density residential land, loss of light industrial land and traffic impacts that were not outweighed by the potential benefits.

Jason Nutt, Deputy Director of Public Works – Traffic, reviewed the proposed and approved residential development in the vicinity since 1994 and the related traffic impacts, and outlined the General Plan's designated roadway network to accommodate the future buildout in this part of town.

Amy Herman, Senior Managing Director of CBRA Consulting, outlined projected sales tax revenues which would be generated by Lowe's, estimating

an annual benefit of \$520,000 to the City, not including benefits from new jobs or secondary revenue generation.

APPLICANT PRESENTATION [7:20:28 PM](#)

Steven Arago, Planner and Landscape Architect with Kimley Horn and Associates, spoke regarding the condition of the site, which is bordered by the Redwood Oil facility with a lot of barrel storage up against the property line and trucks parked against the fence on the site. He also outlined the request to amend the General Plan regarding the 2.7 acre parcel currently identified as an affordable housing site despite its proximity to the Redwood Oil industrial site which has some plumes migrating toward the property and for which remediation requirements differ based upon the eventual zoning of the site. He also discussed the economic benefits Lowe's would bring to the community including at least 175 new jobs and \$350,000 to \$500,000 in local sales tax, saying that Cotati averages at least \$400,000 in sales tax revenue annually. He noted Lowe's is investing its own funds and the property would remain locally owned. He also discussed the pay and benefits Lowe's provides to its employees.

Jerry Bassinger, project architect, spoke regarding the store's green design and the sustainability program. He discussed innovations in parking lot shape, skylights, and other passive solar features qualifying the project for 26 LEED points and resulting in an annual reduction of 720,000 pounds of CO2 emissions, as well as their commitment to purchase green power for 75% of its energy consumption, qualifying the store for 36 LEED points. He stated that competition creates better competitors, refuting earlier arguments that they would have a detrimental effect on existing retailers.

Vickie Duggan, Planning Commission Chair, concurred with the summary already made by staff and offered to answer any questions regarding the Planning Commission's findings.

PUBLIC HEARING [7:59:25 PM](#)

Mike Runyan spoke in opposition due to the market saturation and urged support of local businesses.

Art Bach was opposed due to traffic congestion and negative impacts on local business, and environmental impacts.

Lauren Foster also opposed due to market saturation and support for local businesses.

Terry Hilton, South and West Area Business Association, supported approval for Lowe's due to their positive contributions to the community and jobs.

Terry Garrett, Sonoma County Go Local Cooperative, was opposed as more than the estimated 11% would be diverted from existing business.

Gale deLong was opposed due to traffic.

Ben Boyce, Sonoma, Director of the Living Wage Coalition, was opposed due to the corporate strategy for market dominance and the lack of data provided by the applicant concerning wages.

William Schraeder, Exchange Bank, was opposed due to long-term damage inflicted by national chains and the dilution of local market opportunities, and the impacts on local businesses like Friedman's Hardware.

Marcus Benedetti, President of Clover Stornetta Farms, was opposed due to the negative impacts on family owned local businesses that do so much to support the community.

Bill Friedman, owner and President of Friedman's Home Improvement, was opposed because of the threat it would impose to their 63 year old business and 350 employees. He listed the local charities Friedman's supports.

Randy Destruel, co-owner of Mead Clark Lumber, was opposed due to traffic and impact on local stores.

Carlos Tamayo, was opposed and supported buying local instead. He spoke of their restaurant and tortilla business's support of the local community through job creation and reinvestment to the community.

Corrick Brown, Corrick's, spoke of their long-term commitment to the community and was opposed to Lowe's and in favor of supporting local business.

Sam Jones agreed with most of the speakers in opposition and in support of local business.

Marlene Dehlinger, Director of the Accountable Development Coalition, spoke in opposition due to the big box design, instead supporting a smaller store with a mixed use format. She displayed a

photograph of a Vancouver Home Depot that they had suggested to Lowe's.

Brian Cole, Lowe's employee, spoke in support, saying his family has been in the community for 100 years and has never had a better retail employer than Lowe's, with better benefits. He said it would complement rather than destroy local business.

Ronni Sullivan, lives just down the road from the proposed Lowe's, was opposed due to traffic.

Mike Montague, said that his parents founded TeeVax, and over the years the business had to change their business strategy due to large businesses coming in. He was opposed, as there were only so many retail outlets a community could support.

Denny Russetti, Director of Sonoma County Conservation Action, spoke in opposition due to issues with the site, economic impacts, housing and poor site design.

Eunice Valentine, Director of the Volunteer Center, also was opposed due to the need to support local non-profits and local independent businesses, noting in particular the support they receive from Friedman's.

Ken Pedersen, fourth generation of their family to own and operate Pedersen's Furniture Store, was also opposed to the proposal.

Tom Scott, co-owner of Oliver's Markets, also was opposed and urged support of local retailers who support the local community. He spoke of the ripple effect to the economy created by local firms.

Jody Lav, whose family owns and operates G and G Supermarkets, was opposed and asked the Council to support local family owned businesses.

David Goodman, Director of Redwood Empire Food Bank, was opposed and asked the Council to support local family owned businesses as they support local charitable organizations.

Susan Baritell was also opposed based on the changes in economic conditions and impacts on local established stores.

Bobbi Senften, Vice President and member of Friedman's Board of Directors, said he had been employed by Friedman's since he was 15, spoke of his rewarding career and volunteer activities, and urged denial of Lowe's appeal and application.

Scott Carston, second generation business owner in Santa Rosa, also spoke in opposition and spoke regarding local business and contributions to local causes.

Maureen Pape, General Manager of Sonoma kitchen and Bath, urged denial of the Lowe's request due to market saturation and traffic, and the loss of smaller and highly skilled businesses in the community.

Jim Landa, President of Simpson Sheet Metal, also spoke in opposition due to difficult economic times, with many businesses struggling to keep their doors open.

Barry Friedman, Vice President of Friedman's Home Improvement, spoke in opposition as the market is already well served, with Orchard Supply Hardware also coming in soon, and due to the loss of the strength of local businesses.

Lois Fisher spoke in opposition due to increased trip generation, requesting instead complete neighborhoods conducive to walking to nearby stores.

Anthony Gilardi, Lowe's employee for the past three years, spoke of the 1400 hours of community service he had contributed by the time he graduated from high school, saying Lowe's and its employees gives back to the community, and also praised Lowe's as an employer and a company.

Gary Seiford also spoke in opposition.

David Grabill, Housing Advocacy Group, spoke in opposition as they want to maintain the affordable housing designation on the proposed site.

Edmundo Feria also spoke in opposition, questioning the number of jobs created and whether or not the store would remain viable, and due to traffic and parking.

Peter Tcherneff, was opposed due to greed and oppression, and called for a general strike.

Jerry Nelson, Friedman Brothers employee and employee association, also spoke in opposition due to the threat of possible job loss.

Lisa Moldenado, Director of the Labor Council, also spoke in opposition as Lowe's is not a healthy model for workers.

Katie Elmore was opposed to the project for many of the previous comments.

Joanne Brion, disputed the validity of some of the data used in the EIR, and stated opposition based on flawed findings and the lack of review of the sales tax data and traffic impacts.

Donna Norton was also opposed based on questions regarding whether projected retail capacity would ever be achieved.

Phil Wyatt, Wyatt Irrigation Supply, in business on Yolanda Ave for about 30 years, spoke in opposition and listed businesses closed due to big box stores.

Colleen Fernald was also opposed in favor of supporting existing businesses.

Robert Young, Santa Rosa, spoke in support of Lowe's, saying he supports the community through service on non-profit boards, and said he currently drives to Cotati to go to Lowe's, and that cost and convenience are necessary, especially for limited income residents.

David James said he lives in the area and traffic is not that bad. He supported Lowe's because of the availability of goods at a lower price.

Doug Millar requested public comments first on the agenda.

Kate Moore spoke in support of Lowe's, and that the property owner should have the right to decide what is built on their property. She said Lowe's would drive prices down and bring needed jobs, and as a nearby resident it would be convenient for residents of her apartment complex.

David Moyer supported Lowe's and adding competition to the home improvement market, noting that the impartial staff analysis resulted in support of Lowe's proposal. He supported local business but not protectionism.

Zulla Haile, Kawana Springs Road, spoke in support of Lowe's and the needed jobs it would bring.

Tom Wilson, Lowe's District Manager, spoke of Lowe's commitment to its employees and its communities, including excellent wages and benefit packages which exceed average Sonoma County retail wages. He also described the Lowe's Heroes program which does volunteer projects in their communities.

Matt Kowta, principal with Bay Area Economics, summarized the alternative use evaluation they had prepared for Lowe's relative to this site,

looking at examples of mixed uses suggested earlier, but said the site lacks the characteristics those sites had which would make mixed uses successful.

Steve Birdlebough, Friends of the Homeless, also opposed Lowe's based on the loss of a site which could accommodate 75 units of affordable housing. He said the alternative analysis had been limited to the parcel to which those 75 units were attached, but the units could have moved anywhere on the site.

Scott Stegeman opposed adoption of the carb manual setbacks due to the ripple effect it would have on the construction of affordable housing units, saying it could potentially impact 843 affordable units throughout the city.

Mark Wolfe, land use and environmental attorney representing the Accountable Development Coalition, urged support of the Planning Commission's recommendation as they have the right to insist that the projects benefits outweigh the costs substantially.

Al Shaghagi spoke in support of the project, and described plans for the state of the art water runoff treatment before returning to the public system. He also spoke of road and other public improvements Lowe's would make beyond what is required.

Dave Berlin Store Manager at the Cotati Lowe's, spoke in support of Lowe's, speaking regarding the excellent opportunities provided to Lowe's employees and their support of the community and its businesses.

Rick Theis, Leadership Institute for Ecology and the Economy, spoke in opposition, saying his research shows Lowe's median wage is \$14 per hour, and said that the Cotati store contributes less than 1/2 of 1% of revenues for charity.

Paul Krupka, traffic engineer with Kimley Horn and Associates, provided information about the source data and empirical surveys used for the parking analysis, saying their belief is that it is a conservative estimate with plenty of parking supply to cover for surplus with some regional peaks and a conservative snapshot of the estimated traffic conditions in the future.

David Proctor disputed the claim of 175 new jobs due to market saturation, saying the jobs will move to Lowe's away from other business, and that tax

revenues would be come from reductions in revenue from existing local merchants.

John Jenkel questioned why Lowe's leases and invests its own money, and spoke against war spending.

Hearing no further testimony, Mayor Gorin closed the public hearing at [10:00:25 PM](#).

Dennis Linville, Lowe's Associate responsible for new store development in this area, provided the applicant rebuttal comments. He recapped their community outreach efforts and found widespread community support for the project, including those residing near the site. He noted these were the mainstream members of the community without resources to mount a campaign of their own. He said this would be the best Lowe's store in the state of California with many green design and architectural attributes. He said there is a vast market here that is not being served, and in some cases customers are driving by four other large stores to reach their Cotati store.

Council discussion ensued, with Councilmember Jacobi stating she would uphold the Planning Commission; Vice Mayor Vas Dupre stated she wanted to retain the site for affordable housing; Councilmember Sawyer stated he would uphold the Planning Commission due to the potential negative impacts to Santa Rosa businesses. Councilmember Olivares stated he would uphold the appeal due to the need for jobs and revenues. Councilmember Bender stated she would also uphold the appeal due to the needed jobs and revenues in light of the City's structural deficit. Councilmember Wysocky suggested using an existing big box shell, citing the traffic congestion as another factor in upholding the Planning Commission decision. Mayor Gorin stated she would also uphold the Planning Commission's decision, suggesting that another site be evaluated.

MOVED by Councilmember Wysocky, seconded by Vice Mayor Vas Dupre, carried 5-2 (Councilmembers Bender and Olivares voting NO), to adopt and waive reading of the text of the resolution in item 11.2 as follows:

RESOLUTION NO. 27474 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DENYING A GENERAL PLAN AMENDMENT FOR APPROXIMATELY 2.7 ACRES FROM MEDIUM DENSITY RESIDENTIAL

TO RETAIL AND BUSINESS SERVICES FOR THE PROPERTY LOCATED AT 2532 SANTA ROSA AVENUE, AND DENYING A GENERAL PLAN AMENDMENT FOR APPROXIMATELY 5.5 ACRES FROM LIGHT INDUSTRY TO RETAIL AND BUSINESS SERVICES FOR THE PROPERTY LOCATED AT 325 YOLANDA AVENUE – FILE NUMBER GPAM08-002

MOVED by Councilmember Bender, seconded by Vice Mayor Vas Dupre, carried 5-2 (Councilmembers Bender and Olivares voting NO), to adopt and waive reading of the text of the resolution in item 11.2 as follows:

RESOLUTION NO. 27475 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DENIAL OF A CONDITIONAL USE PERMIT FOR THE LOWE'S HOME IMPROVEMENT WAREHOUSE PROJECT, LOCATED AT 2532, 2612 AND 2620 SANTA ROSA AVENUE AND 325 YOLANDA AVENUE – FILE NUMBER CUP08-025

Mayor Gorin recessed the meeting at [10:53:04 PM](#) recess, reconvening at 11:00 p.m. with all members of the Council present.

12. PUBLIC COMMENTS ON NON-AGENDA MATTERS [11:00:07 PM](#)

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

John Jenke spoke against war and requested a discussion be placed on the Council agenda.

Colleen Fernald, reported on the health care forum, spoke against war and requested a Council resolution against war.

Doug Millar said he investigates crimes against children covered up by law enforcement.

Peter Tcherneff spoke regarding labor unions.

Duane DeWitt, encouraged good land use planning as a means of conserving water and revitalizing brownfields.

City Attorney Fowler submitted a letter from Heidi Chriten regarding increased graffiti and the need for street lighting in her area.

13. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)

13.1 LIVABLE PLACES UPDATE – JULY 2009

13.2 LOCAL GOVERNMENT COMMISSION REPORT – JULY 2009

14. MAYOR'S/COUNCILMEMBERS' REPORTS [11:19:17 PM](#)

There were no reports made. Mayor Gorin announced there would be no Council meeting held the next week.

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

There were no reports made.

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 11:21 p.m. in the memory of Michele Pinola. The next regularly scheduled meeting will take place on September 15, 2009, at a time to be set by the Mayor.

Approved on: September 15, 2009

Susan Stoneman
City Clerk