

**SANTA ROSA CITY COUNCIL MEETING MINUTES
TUESDAY, NOVEMBER 3, 2009
COUNCIL CHAMBER, CITY HALL, 100 SANTA ROSA AVENUE
REGULAR MEETING**

**2:15 P.M. (MAYORS CONFERENCE ROOM,
ROOM 10)**

1. CALL TO ORDER AND ROLL CALL

Mayor Gorin called the meeting to order at 2:15 p.m. Councilmembers present: Mayor Gorin, Vice Mayor Vas Dupre, Councilmembers Bender, Sawyer, Jacobi, Wysocky and Olivares.

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: 160 Alice Street, Santa Rosa (APN 181-160-002)

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

Negotiating Parties: Sanford K. Thollaug Trust
Under Negotiation: Price and terms of payment

2.2 CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 730 Third Street APN: 009072044

Agency Negotiators: Cheryl Woodward, Deputy Director – Parking; David Gouin, Director of Economic Development and Housing

Negotiating Parties: Metro Pacific
Under Negotiation: Price and terms of payment

2.3 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

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

3:00 P.M. (CITY COUNCIL CHAMBER) [3:07:44 PM](#)

3. STUDY SESSION

3.1 FALL FINANCIAL UPDATE AND REVISED FIVE-YEAR FORECAST [3:07:50 PM](#)

City Manager Jeff Kolin and the City's budget team staff members Brian Cochran and Jean Gill and Finance Director David Heath updated the Council on General Fund results for the first quarter of Fiscal Year 2009/10 and to provide a revised five-year forecast. The budget projections made in September had been adjusted downward due to declines in development revenue necessitating current year reductions to address the \$6 million projected shortfall for the current fiscal year and projected average \$9.2 annual deficit from 2011/12 forward. There was no Council action taken on this item.

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

4. ANNOUNCEMENT OF ROLL CALL

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) [4:08:28 PM](#)

City Manager Kolin reported on the budget information presented in the Study Session.

City Attorney Fowler reported that the Council had met in closed session regarding Items 2.1, 2.2 and 2.3 as listed on the agenda with Councilmember Sawyer abstaining from Items 2.2 and 2.3 due to location of his business within 500 feet of the subject properties. There were no actions taken and no announcements to be made.

6. PROCLAMATIONS/PRESENTATIONS

6.1 PROCLAMATION – RUN TO STOP HUNGER [4:09:25 PM](#)

Vice Mayor Vas Dupre presented the "Run to Stop Hunger" proclamation to race organizer Rhonda Roman of Fleet Feet Sports, who presented the Councilmembers with race tee shirts.

6.2 PROCLAMATION – GREAT WEST END AND RAILROAD SQUARE HAND-CAR REGATTA [4:13:48 PM](#)

Mayor Gorin presented the "Great West End and Railroad Square Hand-Car Regatta" proclamation to even organizers Ty Jones and Spring Maxfield.

6.3 PROCLAMATION – THANKING CARLOS PEREZ OF BIKE MONKEY FOR SPONSORING THE GRANFONDO [4:20:03 PM](#)

Councilmember Wysocky presented a proclamation to *Bike Monkey* magazine Editor-in-Chief Carlos Perez for sponsoring the Levi Leipheimer King Ridge GranFondo. After screening a video of race highlights, race co-organizer Levi Leipheimer reported that the event had raised \$64,000 for the Santa Rosa portion of the Tour of California race; \$25,000 for Forget- Me-Not Farm; and \$12,000 for the Lance Armstrong Foundation.

7. STAFF BRIEFINGS

8. APPROVAL OF MINUTES – NONE

9. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS [4:39:11 PM](#)

Vice Mayor Vas Dupre stated she would abstain from Item 10.3.

10. CONSENT ITEMS [4:39:44 PM](#)

Mayor Gorin acknowledged a request for a continuation of Item 10.1 by the property owner. Senior Building Inspector Mike Reynolds briefed the Council on the history of the zoning code and building code violations on the property which had been scheduled for administrative hearing five times and continued four times at the owner's requested based upon the owner's promises to correct the violations which were never fulfilled. There was no motion brought forward on the property owner's request.

MOVED by Vice Mayor Vas Dupre, seconded by Councilmember Wysocky, carried unanimously, to adopt and waive reading of the text of the resolution in item 10.1 and introduce and waive reading of the text of the ordinance in item 10.2 as follows:

10.1 RESOLUTION -- ASSESSMENT LIEN AGAINST THE REAL PROPERTY LOCATED AT 1850 WEST 3RD STREET

RESOLUTION NO. 27506 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 1850 WEST 3RD STREET, SANTA ROSA, A.P.N. 146-100-071, AND ORDERING THE ASSESSMENT BE COLLECTED ON THE TAX ROLL BY THE SONOMA COUNTY TAX COLLECTOR

10.2 ORDINANCE INTRODUCTION -- ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 14-04 (POTABLE WATER AND RECYCLED WATER SERVICE) OF THE SANTA ROSA CITY CODE TO ADD PROVISIONS FOR RECYCLED WATER RATES FOR USERS SERVED BY INTERRUPTIBLE SUPPLY

ORDINANCE ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING CERTAIN SECTIONS OF CHAPTER 14-04 (POTABLE WATER AND RECYCLED WATER SERVICE) OF THE SANTA ROSA CITY CODE TO ADD PROVISIONS FOR RECYCLED WATER RATES FOR USERS SERVED BY INTERRUPTIBLE SUPPLY

MOVED by Councilmember Wysocky, seconded by, carried 5-1-1 (Councilmember Bender voting NO; Vice Mayor Vas Dupre abstaining), to adopt and waive reading of the text of the resolution in item 10.3 as follows:

10.3 RESOLUTION – UPHOLDING APPEAL OF PUBLIC CONVENIENCE OR NECESSITY (PCN) DETERMINATION FOR "OFF SALE" ALCOHOL LICENSES FOR A TYPE 20 (BEER AND WINE) FOR ARCO AM/PM MARKET AT 136 COLLEGE AVENUE

RESOLUTION NO. 27507 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA UPHOLDING THE APPEAL AND REVERSING THE DECISION OF THE COMMUNITY DEVELOPMENT DIRECTOR'S DETERMINATION THAT THE PUBLIC CONVENIENCE AND NECESSITY WOULD NOT BE SERVED BY THE ISSUANCE OF A NEW OFF-SALE ALCOHOL LICENSE FOR BEER AND WINE SALES AT 136 COLLEGE AVENUE, SANTA ROSA

Mayor Gorin reordered the agenda as follows:

15. CITY MANAGER'S/CITY ATTORNEY'S REPORTS [4:54:59 PM](#)

City Manager Kolin announced he had been selected as a finalist for the Beverly Hills City Manager position.

14. MAYOR'S/COUNCILMEMBERS' REPORTS

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

11. REPORT ITEMS

11.1 PUBLIC HEARING – REQUEST FROM PETALUMA ECUMENICAL PROPERTIES (PEP HOUSING) THAT THE CITY DECLARE ITS INTENTION TO ISSUE TAX-EXEMPT MULTIFAMILY HOUSING REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$11,000,000 TO ASSIST THE FINANCING OF THE CONSTRUCTION AND DEVELOPMENT OF ACACIA LANE SENIOR APARTMENTS (4711 SONOMA HIGHWAY) [5:05:21 PM](#)

Marjorie Jackson, Housing Program Specialist, made the staff presentation for the Petaluma Ecumenical Properties' requested that the City declare its intention to issue tax-exempt multifamily housing revenue bonds to assist the financing of the construction and development of Acacia Lane Senior Apartments, a 44-unit affordable rental housing development located at 4711 Sonoma Highway in northeast Santa. She the multifamily housing revenue bond financing is structured so that the City has no financial liability to the bondholders, and that the project owner is responsible for payment of all costs of bond issuance. This project has HUD approval to construct with Section 202 Senior Housing funds for very low income housing for the elderly, which will also provide project rental assistance. She recommended adoption of a resolution declaring the City's intention to issue tax-exempt multifamily housing revenue bonds to assist the financing of the construction and development of Acacia Lane Senior Apartments and authorize City staff to apply to the California Debt Limit Allocation Committee (CDLAC) for a bond allocation in an amount not to exceed \$11,000,000.

PUBLIC HEARING

Hearing no public testimony, Mayor Gorin closed the public hearing at [5:12:32 PM](#).

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

RESOLUTION NO. 27508 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DECLARING INTENTION TO REIMBURSE EXPENDITURES FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS AND DIRECTING CERTAIN ACTIONS

11.2 PUBLIC HEARING – DRAFT SANTA ROSA GENERAL PLAN 2035 (CONTINUED FROM SEPTEMBER 22, 2009) [5:14:32 PM](#)

Lisa Kranz, Supervising Planner, made the staff presentation for the certification of the Final Environmental Impact Report for Santa Rosa General Plan 2035 and amending the Downtown Station Area Plan, and adoption Santa Rosa General Plan 2035. This item was continued from the September 22, 2009 Council meeting, at which time the Council received public testimony and closed the public hearing which was continued to this date to allow time to incorporate changes as directed by Council for further consideration. Ms. Kranz reviewed the Housing Allocation Plan policy and alternatives and the comments from the Planning Commission and Housing Authority. She presented alternatives as follows:

“Alternative 1. Consider amending the Housing Allocation Plan, the city's inclusionary housing ordinance, to eliminate the exemption for mixed use developments and to change the trigger for provision of affordable units from acres to units. Establish a unit trigger which will allow for a balanced program of on site production and fee payment. Ensure that the Housing Allocation Plan is a mechanism to meet ABAG's Regional Housing Needs Allocation.

Alternative 2. Evaluate the recommendation of the Mayor's Housing Allocation Plan Committee, appointed in summer 2009 to review the components of the plan, and consider amending the Housing Allocation Plan Ordinance. The committee's charge is to review elimination of the exemption for mixed use developments, changing the trigger for provision of affordable units from acres to units, the relationship of on site production to in lieu fee payment, the percentage of affordable housing required, and offsite affordable housing development and other alternatives.”

Ms. Kranz also discussed the concept of a designation category for complete neighborhoods and the Housing Element revisions as detailed in the staff report. She also discussed the water supply assessment for the General Plan, stating that recent Sonoma County Water Agency actions

had not changed the water supply and demand projections contained in the plan or the sufficiency determination of the water supply assessment and they city should receive the full entitlement of 29,100 acre feet of water per year.

PUBLIC COMMENT [5:37:16 PM](#)

Anne Seeley, Concerned Citizens for Santa Rosa, spoke in support of the suggested language for zoning for complete neighborhoods and Policy H-C-1 as modified by the Planning Commission. She suggested an in-lieu fee for very low income housing but incorporating low income housing in each development as it requires only half the subsidy. She also requested that income levels be stated.

David Grabill, Housing Advocacy Group and Accountable Development Coalition, supported moving from an acreage-based system to a unit based inclusionary housing system.

Marlene Dehlinger, Accountable Development Coalition, supported the proposed changes to Policy H-C-1 and Downtown Station Area Plan, and recommended incentives and concessions to developers for on-site units, as well as a jobs-housing linkage fee. She also recommended an increase in redevelopment funds dedicated to affordable housing.

Hugh Futrell said the committee has been working to reach consensus on the goal of providing affordable housing, and requested that the committee be permitted to continue to work toward a recommendation after reaching consensus that don't create excessive rigidity, and recommended the most flexible possible General Plan language that ensures the work of the committee is appropriately recognized. He suggested that the second alternative be strengthened to state they will take action to approve or modify as the Council deems appropriate.

Lois Fisher spoke regarding the 'complete neighborhoods' concept and recommended keeping the language as staff has recommended or adding "upon applicant's request or to implement a mixed use General Plan designation". She explained 'complete neighborhoods' is form based zoning designation to create a walkable character.

City Attorney Caroline Fowler briefed the Council on a recent Supreme Court decisions striking down inclusionary housing ordinances in two cities, one of those requiring rental based housing. She

suggested the changes be as flexible as possible and identified Alternative 2 as being the most flexible.

Mayor Gorin recessed the meeting from [5:55:09 PM](#) until [6:40:27 PM](#), when the Council reconvened with all members of the Council present except Vice Mayor Vas Dupre who rejoined the Council [6:42:49 PM](#).

Council discussion ensued with respect to language for Policy H-C-1. Councilmembers Sawyer and Olivares objected to including the commercial linkage fee language in Alternative 1 as it may influence the Committee's or the Planning Commission's deliberations.

MOVED by Councilmember Wysocky, seconded by Councilmember Jacobi, carried 5-2 (Councilmembers Sawyer and Olivares voting NO) to adopt Policy H-C-1 with the following amended language: "Amend the Housing Allocation Plan, the City's Inclusionary Housing Ordinance, to change the trigger for provision of affordable units from acres to units and to consider elimination of the exemption for mixed use developments and a commercial linkage fee, establish a unit trigger which will allow for a more balanced program of on-site production and fee payment..."

MOVED by Councilmember Jacobi, seconded by Councilmember Wysocky, carried 6-1 (Councilmember Sawyer voting NO) to include the Planning Commission's recommendation as follows: "Include a new policy, H-C-4, consider a commercial linkage fee for non-residential development to increase funds available for the development of housing units affordable to very low- and low-income households."

Ms. Kranz reviewed comments from the Cultural Heritage Board and the North Bay Association of Realtors on Green Building and energy efficiency.

It was the Council consensus to accept the recommendations put forth by the Cultural Heritage Board and to include the following sentence: "The City may also develop its own program or consider participation in a county-wide program which will establish parameters for retrofit of existing buildings."

MOVED by Councilmember Jacobi, seconded by Vice Mayor Vas Dupre, carried 4-3 (Councilmembers Bender, Sawyer and Olivares voting NO) to develop a zoning category to implement the complete neighborhoods concept to allow the development of compact, walkable, mixed use neighborhoods including various

housing types, non-residential job generating uses, services, and public facilities which center on a square or green and which include a transit stop. Include criteria for the district's application in developed and undeveloped sites, such as ideal size, and consider the use of form-based regulations.

MOVED by Councilmember Wysocky, seconded by Councilmember Bender, carried unanimously, to adopt the Medium Density definition amended as follows: "New single family detached housing is not permitted except in historic preservation districts and historic neighborhoods where single family detached units are allowed."

MOVED by Councilmember Bender, seconded by Councilmember Jacobi, carried unanimously, to approve the recommended housing element revisions as outlined in the attachment with numerous and detailed recommendations regarding the Housing Element.

By Council consensus, the mapping error appropriately designating private roads was corrected and the "Resort" designation was reinstated on the General Plan.

MOVED by Vice Mayor Vas Dupre, seconded by Councilmember Jacobi, carried unanimously, to add the following language regarding the Water Supply Assessment in General Plan section 2.24: "Encourage commercial properties to be retrofitted for energy efficiency and water conservation."

MOVED by Councilmember Jacobi, seconded by Vice Mayor Vas Dupre, motion failed (Mayor Gorin and Councilmembers Bender, Sawyer, Olivares and Wysocky voting NO) to add a policy under section OSC-B to encourage development to incorporate open space in its design. Councilmember Jacobi had amended the motion, with the seconder's consent, to add "and consider preserving special features".

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

RESOLUTION NO. 27509 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR SANTA ROSA GENERAL PLAN 2035

MOVED by Councilmember Wysocky, seconded by Vice Mayor Vas Dupre, carried unanimously, to adopt and waive reading of the text of the

resolution in item 11.2 as amended to modify Exhibit A as voted on by Council, as follows:

RESOLUTION NO. 27510 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING SANTA ROSA GENERAL PLAN 2035, MAKING FINDINGS AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS WITH REGARD TO THE SIGNIFICANT ENVIRONMENTAL EFFECTS IDENTIFIED IN THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE REVISED GENERAL PLAN

MOVED by Councilmember Wysocky, seconded by Vice Mayor Vas Dupre, carried 5-0-2 (Councilmembers Sawyer and Jacobi abstaining), to adopt and waive reading of the text of the resolution in item 11.2 as amended by Council direction, as follows:

RESOLUTION NO. 27511 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING DOWNTOWN STATION AREA PROVISION OF THE SANTA ROSA GENERAL PLAN 2035, MAKING FINDINGS AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS WITH REGARD TO THE SIGNIFICANT ENVIRONMENTAL EFFECTS IDENTIFIED IN THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE REVISED GENERAL PLAN

MOVED by Councilmember Wysocky, seconded by Vice Mayor Vas Dupre, carried 6-0-1 (Councilmember Sawyer abstaining), to adopt and waive reading of the text of the resolutions in item 11.2 as amended to reflect Council direction, as follows:

RESOLUTION NO. 27512 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING DOWNTOWN PROVISION OF THE SANTA ROSA GENERAL PLAN 2035, MAKING FINDINGS AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS WITH REGARD TO THE SIGNIFICANT ENVIRONMENTAL EFFECTS IDENTIFIED IN THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE REVISED GENERAL PLAN

MOVED by Councilmember Wysocky, seconded by Vice Mayor Vas Dupre, carried 5-0-2 (Councilmembers Sawyer and Jacobi abstaining), to adopt and waive reading of the text of the resolutions in item 11.2 with Exhibit A as amended by Council direction, as follows:

RESOLUTION NO. 27513 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING THE DOWNTOWN STATION AREA SPECIFIC PLAN FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL FOR A PORTION OF PROPERTY AT 691 WEST THIRD STREET

11.3 PUBLIC HEARING -- REZONING FOR GENERAL PLAN CONSISTENCY- 2363 HARDIES LANE AND 691 WEST THIRD STREET (CONTINUED FROM SEPTEMBER 22, 2009) [8:49:28 PM](#)

Troy Eggleston, City Planner, made the staff presentation for the rezoning of 3.25 acres at 2363 Hardies Lane from RR-20 (Rural Residential) to R-3-18 (Multi-Family Residential) and 2.87 acres at 691 West Third Street from R-1-6 (Single Family Residential) to R-3-18 (Multi-Family Residential). He displayed a map of the surrounding land uses.

PUBLIC HEARING

Hearing no testimony, Mayor Gorin closed the public hearing at [8:54:19 PM](#).

MOVED by Councilmember Bender, seconded by Councilmember Olivares, carried 6-1 (Councilmember Jacobi voting NO), to introduce and waive reading of the text of the ordinance in item 11.3 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 2363 HARDIES LANE TO THE R-3-18 DISTRICT

MOVED by Councilmember Bender, seconded by Councilmember Olivares, carried 6-1 (Councilmember Jacobi voting NO), to adopt and waive reading of the text of the resolution in item 11.3 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 691 WEST THIRD STREET TO THE R-3-18 DISTRICT

12. PUBLIC COMMENTS ON NON-AGENDA MATTERS [8:55:38 PM](#)

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

Colleen Fernald spoke in memory of musician Norton Buffalo and in favor of peace.

Mary Morrison spoke about a property dispute involving John Jenkel.

John Jenkel regarding a sheriff's sale of his property.

13. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)

13.1 BOARD OF PUBLIC UTILITIES ATTENDANCE REPORT - THIRD QUARTER, 2009

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 [9:06:07 PM](#)

Hearing no further business, Mayor Gorin adjourned the meeting at 9:06 p.m. The next regularly scheduled meeting will take place on November 10, 2009, at a time to be set by the Mayor.

Approved on: December 1, 2009

Susan Stoneman
City Clerk