

**SANTA ROSA CITY COUNCIL MEETING MINUTES  
TUESDAY, APRIL 6, 2010  
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 2:30 p.m. in the Mayors Conference Room. Councilmembers present: Mayor Gorin, Vice Mayor Wysocky, Councilmembers Bender, Sawyer, Jacobi, Vas Dupre and Olivares.

**PUBLIC COMMENT**

Duane DeWitt suggested the City not indemnify the current real property owners from any costs of cleanup and noted property values are going down.

**3.1 CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Property: 1400 Burbank Avenue, Santa Rosa, CA 95407 APN 125-331-001

Agency Negotiator: Marc Richardson, Director of Recreation, Parks and Community Services

Negotiating Parties: SBRI 1400 Burbank, LLC

Under Negotiations: Price and terms of payment

**3.2 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

(Subdivision (a) of Government Code section 54956.9)

City of Santa Rosa v. Helen Baum, et al.

Sonoma County Superior Court No. SCV 245886

**3.3 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

(Subdivision (a) of Government Code section 54956.9)

City of Santa Rosa v. Natoli, et al.

Sonoma County Superior Court Case No. SCV-245895

**3.4 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 1021, (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).

**4:00 P.M. (CITY COUNCIL CHAMBER) [4:21:13 PM](#)**

**4. ANNOUNCEMENT OF ROLL CALL [4:21:28 PM](#)**

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

**5. REPORT, IF ANY, ON STUDY AND CLOSED SESSION(S) [4:22:23 PM](#)**

City Attorney Fowler announced that the Council had met in closed session to discuss Items 3.1 through 3.4 as listed on the agenda and that no action had been taken and there were no announcements to be made.

**6. PROCLAMATIONS/PRESENTATIONS [4:23:05 PM](#)**

**6.1 PROCLAMATION -- THE WEEK OF THE YOUNG CHILD [4:23:31 PM](#)**

Councilmember Vas Dupre presented the Week of the Child proclamation to Carol Simmons, Child Care Planning Council Coordinator, who was accompanied by Child Care Planning Council members Melanie Dodson, Katie Sanchez, and Ed Sheffield. Ms. Simmons spoke of the services the organization provides and activities planned for the Week of the Young Child.

**6.2 PROCLAMATION -- MOVES - CHILDREN'S MEMORIAL DAY** [4:29:53 PM](#)

Gig Hitao and Katie Sanchez presented the Minimizing Occurrences of Violence in Everyday Society (MOVES) flag to the Council. Vice Mayor Wysocky presented the Children's Memorial Day Proclamation proclaiming Friday, April 23 to be Children's Memorial Day in Santa Rosa.

**6.3 PRESENTATION – MARIA CARRILLO JAZZ CHOIR** [4:35:45 PM](#)

The Maria Carrillo High School Jazz Choir, who had recently traveled with Mayor Gorin to Sister City Jeju, South Korea, performed two songs a cappella, one in Korean.

**6.4 PROCLAMATION – PETER SUK & AIRPORT EXPRESS** [4:45:17 PM](#)

Peter and Eunice Suk were honored by the Council for their leadership in making arrangements, trip logistics and fostering the sister City's relationship since 1996.

**6.5 AIRPORT EXPRESS PROCLAMATION** [4:48:51 PM](#)

The Council also recognized Airport Express for their contribution of buses for the Sister City delegations with a proclamation which was accepted by Operations Manager Anthony Gerald, who said it was their 30<sup>th</sup> anniversary of serving Sonoma County. Councilmember Sawyer then presented a commemorative trophy from the Santa Rosa Jeju Sister City Committee to Sonoma County Airport Express for their contribution. Mayor Gorin presented a model of a traditional Jeju house to Choir Director Gail Bowers of Maria Carrillo High School as part of a cultural exchange between sister city high schools.

**6.6 PROCLAMATION RECOGNIZING PAT FRUIHT**

Mayor Gorin presented a proclamation recognizing Pat Fruht, who had facilitated many of the Sister City exchanges, for her important contribution to that and so many other achievements of significance to the City over the course of her 33 year career.

**7. STAFF BRIEFINGS -- NONE**

**8. APPROVAL OF MINUTES – MARCH 16, 2010 REGULAR MEETING MINUTES** [4:55:49 PM](#)

The minutes of the March 16, 2010 regular meeting were approved as submitted.

**9. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS** [4:56:20 PM](#)

Mayor Gorin stated she would abstain from Item 11.3 due to her membership on the Fountaingrove Homeowners Association and due to the location common area within 500 feet of the proposed project.

**10. CONSENT ITEMS** [4:57:02 PM](#)

Vice Mayor Wysocky requested item 10.2 be pulled from the consent agenda.

**PUBLIC COMMENT** [4:59:25 PM](#)

Jack Osborne, asked for and received clarification on items 10.2 and 10.3. He suggested that the contract for item 10.2 be made effective in July.

MOVED by Vice Mayor Wysocky, seconded by Councilmember Sawyer, carried unanimously, to adopt and waive reading of the text of the resolutions in items 10.1, 10.3 and 10.4 as follows:

**10.1 RESOLUTION -- SPEED LIMITS ON ARMORY DRIVE, MONTGOMERY DRIVE AND RIDGWAY AVENUE**

**RESOLUTION NO. 27605 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ESTABLISHING RADAR-ENFORCEABLE SPEED LIMITS ON ARMORY DRIVE, COLLEGE AVENUE, MONTGOMERY DRIVE, AND RIDGWAY AVENUE

**10.3 RESOLUTION -- FY 2009-10 MIDYEAR BUDGET REVISION FOR THE SOUTHWEST REDEVELOPMENT PROJECT AREA**

**RESOLUTION NO. 27606 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A MIDYEAR FY 2009-10 BUDGET CHANGE FOR THE SOUTHWEST REDEVELOPMENT PROJECT AREA

**10.4 RESOLUTION -- TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE III GRANT APPLICATION FOR FISCAL YEAR 2010/2011**

**RESOLUTION NO. 27607 ENTITLED:**  
RESOLUTION OF THE CITY OF SANTA ROSA REQUESTING THE ALLOCATION OF FISCAL YEAR 2010-11 TRANSPORTATION DEVELOPMENT ACT, ARTICLE 3

PEDESTRIAN/BICYCLE PROJECT FUNDING  
FROM THE METROPOLITAN  
TRANSPORTATION COMMISSION

MOVED by Vice Mayor Wysocky, seconded by Councilmember Sawyer, carried unanimously, to adopt and waive reading of the text of the ordinances in items 10.5 and 10.6 as follows:

**10.5 ORDINANCE ADOPTION – REVISION TO CHAPTER 11-08 OF THE CITY CODE RELATING TO STAFF DELEGATIONS**

**ORDINANCE NO. 3940 ENTITLED:** AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING STAFF DELEGATIONS IDENTIFIED IN CHAPTER 11-08 OF THE SANTA ROSA CITY CODE

**10.6 ORDINANCE ADOPTION – REZONING 1846 AND 1865 MEDA AVENUE – VISTAS AT KAWANA SPRINGS**

**ORDINANCE NO. 3941 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 1846 AND 1865 MEDA AVENUE TO THE R-1-6 SINGLE FAMILY RESIDENTIAL DISTRICT – FILE NUMBER REZ08-025

**10.2 RESOLUTION -- FUNDING AGREEMENT AND BENEFIT FINDINGS FOR THE GRAFFITI ABATEMENT PROGRAM - SOUTHWEST REDEVELOPMENT PROJECT AREA 5:03:13 PM**

In response to a question by Vice Mayor Wysocky, Police Department staff responded that they have been looking into hiring laid off employees for this work.

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

**RESOLUTION NO. 27608 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 THE GRAFFITI ABATEMENT PROGRAM TO BENEFIT THE SOUTHWEST REDEVELOPMENT PROJECT AREA

**11. REPORT ITEMS**

**11.1 REPORT -- EXTENSION OF MEASURE O FISCAL CRISIS AND REVIEW OF THE MEASURE O IMPLEMENTATION PLAN FOR GANG PREVENTION AND INTERVENTION PROGRAMS 5:06:34 PM**

Alan Alton, Administrative Services Officer, made the staff presentation. On Tuesday, March 16, 2010, Finance staff presented a report item to the Council on the extension of the finding of Fiscal Crisis as it relates to Measure O funds through the end of FY 2010/11 after which the Council more information relating to the programs impacted by the city's fiscal crisis, particularly in regard the use of Measure O funds for Gang Prevention/ Intervention programs and reductions to those programs over the same period.

Ellen Bailey, Recreation Superintendent, and Serena Lienau, Administrative Technician provided a comparison of those Measure O Gang Prevention/Intervention programs with similar programs in the General Fund and outlined the history of the programs and their respective funding sources. She noted the next year's funding provides 16 general fund sites and 7.0 FTE and 60 temporary staff to support the programs.

Ed Sheffield, Measure O Oversight Committee Chair, reported the Committee maintains its recommendation to extend the fiscal crisis and also supports the Council's request for more substantial reporting of Measure O programs on a quarterly, rather than annual, basis.

Mayor Gorin directed City Manager Goldberg to set a meeting with the Chair of the Measure O Oversight Committee and other appropriate people to determine the Committee's role in assisting the Council oversee the expenditure of Measure O funding and the level of reporting related to that oversight and report back to the Council. Council discussion regarding the content and quality of the reporting ensued. Ms. Bailey recapped the six indicators of community success which had been adopted from the San Jose effort.

**PUBLIC COMMENT 5:45:37 PM**

Rev. Curtis Byrd, said extending the fiscal crisis ignores the promise and faith that the public placed in developing these needed programs to improve our city and diminishes the gang intervention and prevention efforts, noting this provides only temporary relief to what may be a continuing general fund problem. He opposed extending the fiscal crisis.

Duane DeWitt, said that in addition to the Sorenos and Nortenos is the Los Zetas gang, which is stronger connection to gang activity and merits further attention.

Mr. Alton noted that a declaration of fiscal crisis may be a factor considered by LAFCO in deciding whether to approve annexations during the fiscal crisis as adequate City services can be a required finding for annexation approval. He also noted staff is not recommending any changes to the Implementation Plan at this time, but will bring it back possibly as part of the budget hearings, after the Oversight Committee review in May.

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. 27609 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA EXTENDING THE PERIOD OF "FISCAL CRISIS" UNDER CITY CODE SECTION 3-26.120 (D) AND CONDITIONALLY AUTHORIZING THE USE OF SPECIAL TAX REVENUES TO REPLACE PREVIOUSLY BUDGETED FUNDS UNTIL JUNE 30, 2011

**11.2 RESOLUTION -- ACCEPTANCE AND APPROPRIATION OF THE DEPARTMENT OF ENERGY, SOLAR AMERICA CITIES SPECIAL PROJECTS GRANT; APPROVAL OF TWO LIMITED TERM STAFF POSITIONS; AND APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH SOLAR SONOMA COUNTY** [6:13:40 PM](#)

Dell Tredinnick, Utility Project Development Manager, and Tasha Wright, Administrative Analyst, made the staff presentation for Council approval of the Assistance Agreement with the Department of Energy (DOE), accepting a Solar America Cities Special Projects grant for \$667,180, and increase the appropriation of funds to account 4030 "Special Projects Grant" in the amount of \$667,180 from the DOE grant, authorize the Director of Utilities to sign any additional grant documents; approve the development and recruitment of two limited term staff positions funded by the grant to oversee the project; and approve a Professional Services Agreement with Solar Sonoma County in the amount of \$250,000 to assist in the development and implementation of the Clean Energy Advocate program.

Staff displayed two of the 12 Solar America signs received from Solar America Cities. Ms. Wright said there are only 25 Solar America cities, and the DOE made \$10 million available to those communities that had further work to do. She noted the original grant was for \$200,000 which formed Solar Sonoma County was nearly complete, and this grant would allow those efforts to continue. She said they would do clean energy advocacy to help property owners access the available resources in the community.

PUBLIC COMMENT [6:25:38 PM](#)

Jack Osborne, objected to the use of and lack of information about the required \$687,000 match required to receive the grant funds at a time when they are laying off people. He also objected to the City spending this money on advocating to go green. He objected saying this is a gift of public funds to advocate for solar energy. He noted the travel, contracts, and the prohibition of expenditures on benefits expenditures in the terms of the contract.

Mr. Tredinnick stated that the in-kind is not cash, but is a match provided by existing City staff that will provide support to programs and provide assistance and unbiased information on how to retrofit homes and provide other professional renewable energy consultation and other efforts to reduce greenhouse gases. He noted this was work the City had already been engaged in.

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

**RESOLUTION NO. 27610 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA, ACCEPTING THE DEPARTMENT OF ENERGY, SOLAR AMERICA CITIES SPECIAL PROJECTS GRANT AND APPROPRIATING OF FUNDS, APPROVING THE UTILITIES DEPARTMENT DIRECTOR TO SIGN GRANT DOCUMENTS, APPROVING OF THE DEVELOPMENT AND RECRUITMENT OF TWO LIMITED TERM STAFF POSITIONS AND APPROVING OF A PROFESSIONAL SERVICES AGREEMENT WITH SOLAR SONOMA COUNTY

Mayor Gorin recessed the meeting from [6:34:47 PM](#) until 6:50 PM, when the Council reconvened in the Council Chamber with Mayor Gorin absent, and all other members of the Council present.

**\*\*11.3 PUBLIC HEARING – FOUNTAINGROVE LODGE APPEAL [6:50:02 PM](#)**

Mayor Gorin abstained from this item due to her membership on the Fountaingrove Homeowners Association and due to the location common area within 500 feet of the proposed project.

Councilmembers made ex parte disclosures as follows: Councilmember Jacobi stated she had a phone conversation with the developer; Councilmember Olivares had met with the developer but had no new information; Councilmember Sawyer had met with the developer and had no new information; Councilmember Vas Dupre had spoken with members of the Homeowners Association and had watched the Planning Commission video and spoken with her Planning Commission appointee; and Vice Mayor Wysocky had met with the development but had no new information.

Erin Morris, Senior Planner, made the staff presentation, showing the site plan of the site located on the east side of Thomas Lake Harris Drive. She also displayed a vicinity map and described the geographic features, the project features, and reviewed the approval process and content of the tentative map, the conditional use permit and the hillside development permit for the proposed community care facility for seniors. She said the Design Review Board is doing the preliminary and final design review. Four neighborhood meetings had been held outside of the public hearing process. She said grading and retaining walls had been a concern; tree preservation; and wetlands protection of Piner Creek 50 foot buffer from the setback line with no grading in that area and fencing and signage to promote the preservation of Piner Creek. The appellant raised a concern that the certified EIR did not adequately address greenhouse gas emissions consistent with state guidelines of 2009, but upon review with the City Attorney staff had determined that the EIR did address greenhouse gas emissions. She discussed project phasing and whether the project before the Council at this time was the entire project. She stated that this plan and EIR did look at the impacts of cumulative impacts of building this project and other potential development in the area. She noted the applicant does own other parcels but nothing has come forward that the City can review, and when asked the developer indicated he had no future plans at this point for the other parcels. The Planning Commission and staff recommended that they

make findings of fact and approve the conditional use permit, hillside development permit, and tentative map for the Fountaingrove Lodge project.

**PUBLIC HEARING [7:01:53 PM](#)**

Skip Epperly, representing the appellant Fountaingrove Lodge Association, said this appeal was not brought lightly, and that their primary concern was the potential for further unstudied phasing by Aegis after the Lodge project was underway. This appeal is tendered to protect their interest and investment in their community. Since the Lodge application failed to consider future phasing and since he was advised by the developer on December 10, 2009 that they intend to move forward with additional development when the Lodge project is well underway they felt compelled to make this appeal.

Steve McCullough, representing the applicant Aegis Senior Living, said they have reviewed and concur with the staff report and the proposed resolutions. Regarding the three issues of the appeal he said that Fountaingrove Lodge is not a phased project and they have no intention of continuing the project on the other two sites they own, in fact both properties are currently listed for sale. Regarding greenhouse gas and wetlands impacts, the subject of previous appeals, have already been thoroughly responded to and denied and they ask they be denied once again. He spoke to the project modifications in retain more trees, increase setbacks, and reduce building setbacks, reduce building heights, staffing, and traffic counts. He noted they did not reduce the on-site employee affordable housing, but that those modifications resulted in the loss of living units, jobs, and reduced development fees. He further noted that the project will receive 113 Build It Green points when 50 are all that are required.

Duane DeWitt said that 256 trees would still be removed of various species, mostly oak. He requested this loss be mitigated by mature trees elsewhere, such as along Roseland Creek.

Hearing no further testimony, Vice Mayor Wysocky closed the hearing at [7:09:57 PM](#)

Erin Morris responded that all trees to be removed would be replaced on site according to the City's formula.

Vickie Duggan, Chair of the Planning Commission, recapped the Commission's review of the project, stating the vote was 6-0 the last time they looked at

the project after revisions that had been sought by the Planning Commission.

Councilmember Vas Dupre expressed concern about the removal of heritage oaks and the loss of wetlands, as well as her concern for the existing residents.

MOVED by Councilmember Bender, seconded by Councilmember Olivares, carried 5-1-1 (Councilmember Vas Dupre voting NO; Mayor Gorin abstaining), to adopt and waive reading of the text of the resolution in item 11.3 as follows:

**RESOLUTION NO. 27611 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL USE PERMIT FOR FOUNTAINGROVE LODGE - LOCATED AT 4110 AND 4210 THOMAS LAKE HARRIS DRIVE - FILE NUMBER CUP06-138

MOVED by Councilmember Bender, seconded by Councilmember Olivares, carried 5-1-1 (Councilmember Vas Dupre voting NO; Mayor Gorin abstaining), to adopt and waive reading of the text of the resolution in item 11.3 as follows:

**RESOLUTION NO. 27612 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A HILLSIDE DEVELOPMENT PERMIT FOR FOUNTAINGROVE LODGE LOCATED AT 4110 AND 4210 THOMAS LAKE HARRIS DRIVE - ASSESSORS'S PARCEL NUMBERS 173-670-012 & 173-670-015 - FILE NUMBER HDP06-044

MOVED by Councilmember Bender, seconded by Councilmember Olivares, carried 5-1-1 (Councilmember Vas Dupre voting NO; Mayor Gorin abstaining), to adopt and waive reading of the text of the resolution in item 11.3 as follows:

**RESOLUTION NO. 27613 ENTITLED:**  
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A TENTATIVE MAP FOR FOUNTAINGROVE LODGE PROJECT LOCATED AT 4110 AND 4210 THOMAS LAKE HARRIS DRIVE – FILE NO. MIN06-023

**12. PUBLIC COMMENTS ON NON-AGENDA MATTERS [7:27:18 PM](#)**

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

Duane DeWitt, reported on the March 28 Welcome Home Vietnam Vets Day event and requested a Veterans' park.

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

**14. MAYOR'S/COUNCILMEMBERS' REPORTS [7:32:06 PM](#)**

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.

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

**18. ADJOURNMENT OF MEETING**

Hearing no further business, Mayor Gorin adjourned the meeting at 7:39 p.m. The next regularly scheduled meeting will take place on April 13, 2010, at a time to be set by the Mayor.

Approved on: May 4, 2010

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Susan Stoneman  
City Clerk