

**SANTA ROSA CITY COUNCIL MEETING MINUTES
TUESDAY, JUNE 29, 2010
COUNCIL CHAMBER, CITY HALL, 100 SANTA ROSA AVENUE
REGULAR MEETING**

Vice Mayor Wysocky participated in the meeting via teleconference from 6084 Sandy Shores Drive NW, Williams, Minnesota, at a location which was publicly accessible. The agenda was posted at that location.

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

1. CALL TO ORDER AND ROLL CALL

Mayor Gorin called the meeting to order at 2:40 p.m. Councilmembers present: Mayor Gorin, Vice Mayor Wysocky (via teleconference), Councilmembers Bender, Sawyer, Jacobi, Vas Dupre and Olivares.

2. STUDY SESSION -- NONE

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

**PUBLIC COMMENT ON CLOSED SESSION
ITEMS**

**3.1 CONFERENCE WITH LABOR
NEGOTIATORS**

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

Employee Organizations: Santa Rosa Firefighters Association – Local 1401 (representing City Employee Unit 2); Operating Engineers Local 3, Maintenance and Utility System Operators (Employee Units 3 and 16); Santa Rosa City Employees Association (Employee Units 4, 6, 7); Santa Rosa Police Officers Association, (Employee Unit 5); Service Employees International Union Local 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).

3.2 PUBLIC EMPLOYEE APPOINTMENT

(Government Code Section 54957)

Title: City Manager

**3.3 CONFERENCE WITH LABOR
NEGOTIATORS**

Agency Designated Representative: Mayor Susan Gorin.

Unrepresented Employee: City Manager

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

**4. ANNOUNCEMENT OF ROLL CALL [4:09:33
PM](#)**

Councilmembers were present as noted above. Vice Mayor Wysocky did not participate until 4:26 p.m. as Item 11.2 was taken up. Councilmember Jacobi was seated at [4:11:14 PM](#).

**5. REPORT, IF ANY, ON STUDY AND
CLOSED SESSION(S) [4:10:23 PM](#)**

6. PROCLAMATIONS/PRESENTATIONS

**6.1 PROCLAMATION -- LESBIAN, GAY,
BISEXUAL AND TRANSGENDER PRIDE
DAY [4:10:51 PM](#)**

Councilmember Vas Dupre presented the proclamation proclaiming June as Pride Month to Annette Townley and Colin Close who accepted on behalf of the City's Inclusion Council.

7. STAFF BRIEFINGS

**8. APPROVAL OF MINUTES -- MAY 25, AND
JUNE 8, 2010 REGULAR MEETING
MINUTES [4:16:56 PM](#)**

The minutes of the May 25, and June 8, 2010 regular meeting were approved as submitted.

**9. STATEMENTS OF ABSTENTION BY
COUNCIL MEMBERS [4:17:23 PM](#)**

There were no statements of abstention made.

10. CONSENT ITEMS [4:17:35 PM](#)

PUBLIC COMMENT [4:18:57 PM](#)

Jack Osborne, objected to any use of ratepayers' funds to go to Solar Sonoma County. He also objected to the potential use of any bond proceeds for this purpose.

Linda Reed, Administrative Services Officer, responded that the bond funds would be used to close out to capital construction accounts and would support no staff or operating costs.

MOVED by Councilmember Jacobi, seconded by Councilmember Vas Dupre, carried 6-0-1 (Vice Mayor Wysocky absent), to adopt and waive reading of the text of the resolutions in items 10.1 and 10.2 as follows:

10.1 RESOLUTION -- APPROPRIATIONS - UTILITIES OPERATION AND MAINTENANCE FACILITY

RESOLUTION NO. 27670 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING (1) THE APPROPRIATION OF \$94,382 FROM THE 1990A REVENUE BOND FUND 0627 UNAPPROPRIATED BALANCE AVAILABLE TO '8724', LOCAL WASTEWATER UTILITIES OPERATION AND MAINTENANCE FACILITY; AND (2) THE APPROPRIATION OF \$95,939 FROM THE 2001B REVENUE BOND FUND 0678 UNAPPROPRIATED BALANCE AVAILABLE AND \$33,469 FROM THE 2008A REVENUE BOND FUND UNAPPROPRIATED BALANCE AVAILABLE 0618 (TOTAL OF \$129,408) TO '7023', WATER UTILITIES OPERATIONS AND MAINTENANCE FACILITY

10.2 RESOLUTION -- NATURE EDUCATION FACILITIES PROGRAM GRANT APPLICATION FOR BAYER NEIGHBORHOOD PARK AND GARDENS

RESOLUTION NO. 27671 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE APPLICATION FOR THE NATURE EDUCATION FACILITY PROGRAM FUNDS SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006

11.1 REPORT -- ANNUAL BOARDS AND COMMISSIONS DIVERSITY REPORT 4:21:25 PM

Interim City Manager Wayne Goldberg presented the annual Boards and Commissions Diversity

Report in accordance with the requirements set forth by Charter.

PUBLIC COMMENT

Peter Tcherneff suggested that the Boards and Commissions take up the issue of dangerous vaccines.

MOVED by Councilmember Sawyer, seconded by Councilmember Vas Dupre, carried 6-0-1 (Vice Mayor Wysocky absent) to adopt motion in item 11.1 as follows:

MOTION ACCEPTING AND ISSUING THE ANNUAL REPORT ON THE DIVERSITY OF COUNCIL APPOINTMENTS TO CITY BOARDS AND COMMISSIONS.

11.2 REPORT -- VOTER MEASURE TO EXTEND URBAN GROWTH BOUNDARY ORDINANCE 4:26:10 PM

[4:26:34 PM](#) Vice Mayor Wysocky joined the meeting in progress via teleconference.

Lisa Kranz, Supervising Planner, made the staff presentation for the proposed ballot measure to extend the life of the urban growth boundary approved by the voters in 1996. In 1996 voters approved the Urban Growth Boundary with an expiration date of 2016. The proposed measure would extend the lifetime of that boundary until 2035, a sunset date which coincides with the City's General Plan. It was noted that because the environmental documents upon which the decision is based are still valid no new environmental documents would be needed. Delaying the measure to a future date may require new environmental documents should regulations change in the interim.

PUBLIC COMMENT

Janet Condron, spoke in support of bringing the measure forward to the voters and spoke regarding the importance of the UGB.

Ken Wells, Sonoma County Bicycle Coalition, urged support of the extension of the UGB by putting it on the ballot next November, noting that the UGB would help greenhouse gas reduction.

Anne Seeley, Concerned Citizens for Santa Rosa, also spoke in support, saying that by extending the time frame of the UGB the city is demonstrating leadership in responsible urban development.

Steve Birdlebough, Sierra Club, said they technically can't support a measure until they receive the language and it is approved for the ballot but generally they support such measures. He said that some have raised the issue of first doing more study of the California Tiger Salamander but after consideration the Sierra Club doesn't expect further study to provide much more clarity.

Brant Arthur, Climate Protection Campaign, also spoke in support, as more densely populated areas decrease driving and greenhouse gases.

Chlele Gummer, League of Women Voters, read aloud the letter of support the League had submitted (on file in the City Clerk's Office).

Steve Rabinowitsh, thanked this Council and those previous that had the foresight to adopt an urban growth boundary and supported putting it on the ballot.

Denny Rosatti, Sonoma County Conservation Action, said that their organization has conducted an education campaign about urban growth boundaries, saying he supported maintaining the existing boundary and encouraged support for placing the measure on the ballot.

Amanda Bornstein, Greenbelt Alliance, also supported taking this measure to the voters as it would create a more walkable, more livable city.

David Grabill, Housing Advocacy Group, also supported putting the measure on the ballot, noting the savings in producing an additional EIR should this be put off to a future date.

MOVED by Councilmember Vas Dupre, 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. 27672 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA CALLING A SPECIAL ELECTION ON NOVEMBER 2, 2010 TO SUBMIT A MEASURE TO THE REGISTERED VOTERS EXTENDING THE URBAN GROWTH BOUNDARY ORDINANCE UNTIL 2035 AND REQUESTING A CONSOLIDATION OF SUCH ELECTION WITH OTHER ELECTIONS BEING HELD ON THE SAME DATE

11.3 REPORT – SUMMARY OF POLLING ON REVENUE MEASURE [4:56:13 PM](#)

Curtis Below, Senior Researcher at Fairbank, Maslin, Maullin, Metz & Associates, reviewed the results of their survey of voter sentiment regarding a revenue measure by the City. He summarized that a sales tax was seen as more desirable than a Utility Users Tax (UUT), with 61% responding that they would support such a measure. He noted that voters are increasingly anxious about state and local government direction.

PUBLIC COMMENT

Peter Tcherneff, spoke of the spiritual aspects of this decision.

Council discussion ensued, with Vice Mayor Wysocky stating his reluctance to support a sales tax measure, preferring the UUT. Finance Director Dave Heath stated the projected revenues of a sales tax measure would be \$6 million, and the UUT would generate approximately \$1.5 million.

MOVED by Councilmember Bender, seconded by Councilmember Olivares, carried 6-1 (Vice Mayor Wysocky voting NO) to adopt the motion in item 11.3 as follows:

MOTION: TO DIRECT STAFF TO BRING BACK A PROPOSED QUARTER CENT SALES TAX ON THE NOVEMBER BALLOT

Mayor Gorin recessed the meeting at [5:32:22 PM](#) and reconvened in joint session with the Redevelopment Agency Board of Directors at [5:40:56 PM](#)

12. JOINT MEETING AND PUBLIC HEARING WITH THE REDEVELOPMENT AGENCY [5:40:59 PM](#)

12.1 CALL TO ORDER OF JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The joint meeting was called to order at 5:40 p.m.

12.2 ROLL CALL OF THE REDEVELOPMENT AGENCY

All members of the Council were present up reconvening in Joint Session with the Redevelopment Agency Board of Directors, with Vice Mayor Wysocky participating via telephone.

Redevelopment Agency Board of Directors members present: Chair Jake Ours, Vice Chair Bill Arnone, Director Phil Olsen, Director Helga Lemke. Absent: Director Charles Evans.

12.3 STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS AND REDEVELOPMENT AGENCY MEMBERS
[5:42:44 PM](#)

There were no statements of abstention made.

12.4 JOINT PUBLIC HEARING WITH REDEVELOPMENT AGENCY – AT&T SITE DISPOSITION AND DEVELOPMENT AGREEMENT, 520 THIRD STREET
[5:43:14 PM](#)

Dave Gouin, Director of Economic Development and Housing, introduced the team involved in working with the developer team to produce the proposed Development and Disposition Agreement for the AT&T building downtown.

Frank Kasimov, Program Specialist, made the staff presentation for the approval of the disposition and development agreement with Museum Square LLC. The former AT&T building had been vacant for over 15 years. The Redevelopment Agency purchased the site to mitigate physical and economic blighting influences; prevent a speculative purchase and potentially incompatible uses; and to control and plan for the long term use of the building to benefit the downtown area. Redevelopment of the AT&T site as a mixed-use, infill project meets Redevelopment objectives, Council goals and the Economic Development Strategy because it reduces physical and economic blighting influences; promotes additional cultural, employment, residential and economic activity downtown; helps reduce carbon generation as evidenced by the expectation that the building will achieve LEED Gold status; and provides new jobs and residential units with access to various modes of alternative transportation.

The Disposition and Development Agreement (DDA), which required approval by both the Agency and Council, provided the terms and conditions under which the Agency would sell the Site to the Developer for the development of the project. The Project is estimated to generate net revenue to the Agency of approximately \$400,000; net revenue to the City over a 10-year period of approximately \$1.2 million; annual, local private-sector economic activity of about \$68.5 million; and 784 jobs of which 523 are long terms jobs and 261 are construction related jobs. He said the proposal set forth by Museum on the Square LLC was found by the review panel to be the most viable use for the site, which would include a street level museum

and other mixed uses including commercial, residential, and a restaurant.

Ethan Walsh, legal counsel representing the Redevelopment Agency, reviewed the price and terms of agreement which was basically a purchase and sale agreement which requires the developer to build specifically what the City wants for downtown uses, and conditions are placed within the agreement to assure those objectives are met. \$1.93 million was the sales price of the property in as-is condition which was determined to be within the fair market value price range.

Mr. Kasimov closed by summarizing the project benefits.

Bill Carle, Museum on the Square LLC, provided further details of the development proposal.

Diane Evans, Sonoma County Museum, made a presentation on the museum and the art exhibits planned for the new museum location on site.

PUBLIC HEARING [6:50:22 PM](#)

Jack Osborne characterized the proposal as a sweetheart deal for the developer as the sales price represents a \$1.3 loss from the agency's purchase price and also objected to the contract clause which compels the agency to pay the lender in the event of default. He questioned the use of only one appraisal and the lack of a performance bond.

Don Tomasi, TLDC Architecture, said their firm will be one of the key tenants in the building and that their firm is passionate about creating a good environment for downtown employees with transit options, larger offices and by providing more office space downtown. He said this is an opportunity to replace an eyesore with an iconic structure that will provide needed urban housing downtown.

Jack Buckhorn, AFL-CIO, spoke in support of approval of the agreement with the provision that it be amended to favor hiring local contractors and apprentices to put those workers hard hit by the housing crisis back to work at living wage jobs. He said that their proposed apprenticeship language would not exclude any contractor. They want every local contractor to have a shot and use local apprentices. He volunteered to meet to develop a compromise agreement.

Mark Shelley, member of the Glaziers Union, spoke in support of the apprenticeship program

opportunities, noting it is a way of giving back to the community.

Jose Casias, Luther Burbank Savings, said that their 60 downtown employees would love to live in such a building and be able to walk to work.

Doug Clark, ATA, said that their software firm has selected Santa Rosa as a new location and is excited to be a part of this project by being housed in the building. The Washington DC area firm will be relocating to Santa Rosa and will provide high wage jobs in the community.

Amy Bacari, COO at ATA, said she was given the choice to stay at their Washington DC location or move to Santa Rosa and she chose the Santa Rosa location which in turn brought her husband's company to the area. She noted this project will have similar multiplier effects.

Daniel Howes, unemployed electrician apprentice, said this will help to stimulate the local economy and asked that the Council approve the contract with provisions to support local contractors and apprentices.

John House, also spoke in support of apprenticeship programs and including the contract provision.

Dennis Rosatti, Sonoma County Conservation Action, supported the project as it creates an opportunity for a transit oriented downtown, has excellent amenities, and included a LEED Gold goal. He also supported adding the language on the local hires in order to take care of our own as much as possible.

Steve Rabinowitsh spoke in support as it is a wonderful opportunity for the museum and the arts by giving life to the arts district which would help revitalize the downtown. He said he was glad to hear about the commitment on local hiring.

Lisa Maldonado, North Bay Labor Council, spoke in support of the project with the addition of the apprenticeship contract language.

Peter Tcherneff, supported Jack Osborne's questions and sustainable gardening.

Evalina Molina, North Bay Institute of Green Technology, said it was very important to have an apprenticeship written in to the contract to help serve younger workers and the at-risk population.

Hearing no further testimony, Mayor Gorin closed the public hearing at [7:21:07 PM](#).

Mr. Walsh responded to questions raised during public testimony, noting that since this is a property sale a performance bond would not be required as it would for a construction contract, noting also that conditions must be fulfilled before the title to the property is conveyed. He said as the project goes forward the City would have some continuing control of the development process and that the risk of assuming the liability is remote since at that point the project would be concluded and in successful operation.

With respect to the request to modify the contract language for apprenticeship considerations, Mr. Carle said that he and Mr. Futrell would be happy to meet with the interested parties to maximize the opportunities but did not want to begin renegotiating the agreement at this point with language that had not been requested prior.

Mr. Buckhorn spoke as to the nature of the apprenticeship program, which is on the job training with academic instruction.

COUNCIL DISCUSSION [7:39:09 PM](#)

Council discussion ensued regarding the issue of the apprenticeship program, with the developer agreeing to amend the language to add **"and substantially allows for use of apprenticeship programs."**

MOVED by Councilmember Olivares, seconded by Councilmember Sawyer, carried unanimously, to adopt and waive reading of the text of the resolution, as amended, in item 12.4 as follows:

RESOLUTION NO. 27673 ENTITLED:
RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AND AUTHORIZING THE EXECUTION OF A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA ROSA AND MUSEUM ON THE SQUARE, LLC

REDEVELOPMENT AGENCY COMMENT [7:54:07 PM](#)

There was a consensus of support for the amended contract language as stated above.

BA MOVED THE RESO; [7:58:39 PM](#) WITH THE ADDITONI OF THE LANGUAGE SUYGGESTED RE LOCAL HIRE LANGUAGE.

MOVED by Director Arnone, seconded by Director Lemke, carried 4-0-1 (Director Evans absent), to

adopt and waive reading of the text of the resolution, with the additional language suggested regarding local hiring, as follows:

RESOLUTION NO. 1627 ENTITLED:
RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA ROSA APPROVING AND AUTHORIZING THE EXECUTION OF A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE AGENCY AND MUSEUM ON THE SQUARE, LLC

The special meeting of the Redevelopment Agency Board of Directors was adjourned at 7:59 p.m.

Mayor Gorin recessed the Council meeting at [7:59:42 PM](#) and reconvened at [8:07:45 PM](#) with all members present, including Vice Mayor Wysocky via teleconference.

12. PUBLIC COMMENTS ON NON-AGENDA MATTERS [8:08:46 PM](#)

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

Jack Osborne asked for clarification in relation to the Brown Act on Item 3.2 as to how they can negotiate with someone who is not an employee, saying that discussion of salaries must be done in public.

Bill Haluzek, expressed concern about the safety of cyclists along Stony Point Road with the bike lane configuration as it is currently planned, saying he understood alternatives would be considered. He favored keeping bike lanes to the left of the travel lane along the Stony Point-Sebastopol Road intersection.

Peter Tcherneff, spoke against war and the death of Pat Tillman.

Mary Morrison spoke against war.

Rachel Bell spoke regarding a probate case regarding child custody.

Callie Bell spoke regarding a court case involving John Jenkel.

Mikhaila Rubke spoke about a probate court case regarding a child custody matter.

John Jenkel said they are working to restore parental custody which had been taken from one of his helpers in retaliation for speaking out against war.

13. WRITTEN COMMUNICATIONS (AND

POSSIBLE COUNCIL ACTION) -- NONE

14. MAYOR'S/COUNCILMEMBERS' REPORTS [8:35:47 PM](#)

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

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

The City Manager and City Attorney made 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

16. [IF NEEDED] – ANNOUNCEMENT OF ADDITIONAL CLOSED SESSION ITEM(S), ADJOURNMENT TO CLOSED SESSION(S), RECONVENEMENT TO OPEN SESSION, AND ANNOUNCEMENTS, IF ANY

17. ADJOURNMENT OF MEETING [8:45:05 PM](#)

Hearing no further business, Mayor Gorin adjourned the meeting at 8:45 p.m. The next regularly scheduled meeting will take place on July 13, 2010, at a time to be set by the Mayor.

Approved on: August 10, 2010

Susan Stoneman
City Clerk