

RESOLUTION NO. 28809

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A REVOCABLE NON-EXCLUSIVE LICENSE AGREEMENT FOR LIMITED VEHICULAR ACCESS FOR EMPLOYEES OF TENANTS OF THE MUSEUM ON THE SQUARE BUILDING, 520 THIRD STREET

WHEREAS, the Museum on the Square LLC has requested approval from the Council of the City of Santa Rosa allowing up to fourteen (14) employees of the tenants in the Museum on the Square building to use the Santa Rosa Transit Mall to access the parking lot adjacent to the Museum On The Square Building; and

WHEREAS, one of the Council's goals is to create a strong and sustainable Economic Base; and

WHEREAS, the Museum on the Square is a priority development for the City of Santa Rosa, increasing the full service office supply and other retail and destination opportunities in downtown; and

WHEREAS, the Santa Rosa Transit Mall was built and is operated for transit use only; and

WHEREAS, the requested use by non-transit vehicles of the Transit Mall is considered an incidental use for the Transit Mall; and

WHEREAS, the Federal Transit Administration provided partial funding for the Transit Mall project and therefore has an interest in the operations of the Transit Mall and must approve any non-transit incidental use of the Transit Mall; and

WHEREAS, the City of Santa Rosa previously commissioned a traffic analysis, "AT&T Building Project Transportation Analysis" dated September 2010 that concluded there would be no significant impact on the operations of the Transit Mall for three times the number of cars for which access is now requested; and

WHEREAS, that same traffic report included recommendations that should be implemented to ensure the continued safety in the Transit Mall; and

WHEREAS, the City requested permission from the Federal Transit Administration for this incidental use of the Transit Mall; and

WHEREAS, the Federal Transit Administration has granted permission for the incidental use of the Transit Mall to the City of Santa Rosa conditioned on the execution of an Operating Memorandum with the property owner that includes a permit system to identify the vehicles that are allowed to use the Transit Mall, requirements for safety training, and provisions for revocation of a permit under certain conditions; and

WHEREAS, the Operating Memorandum that includes the Federal Transit Administration's conditions is incorporated into the Revocable Non-Exclusive License Agreement for Limited Vehicular Access For Employees Of Tenants of the Museum On The Square Building, 520 Third Street ("License"); and

WHEREAS, it will require staff time to conduct the biennial review of the licenses and to administer the License agreement.

NOW, THEREFORE BE IT RESOLVED that the Council of the City of Santa Rosa approves Revocable Non-Exclusive License Agreement for limited vehicular access for employees of tenants of the Museum On The Square Building, 520 Third Street, in substantially the same form as Exhibit A hereto, subject to approval as to form by the City Attorney, and the related Operating Memorandum Tenant Employee Parking 520 Third Street – Museum on the Square Building between the Museum On The Square LLC and the City of Santa Rosa, attached hereto as Exhibit B.

BE IT FURTHER RESOLVED that the Council sets a fee for initial processing of the agreements of \$5,000.00, with a biennial license fee of \$5,000.00 for inspection and compliance review and operations administration which amounts shall increase biannually effective May 1 of each even numbered year during the term of this License by an amount equal to the Consumer Price Index (CPI-U) for the San Francisco-Oakland-San Jose area for the two years between the time the payments are due.

IN COUNCIL DULY PASSED this 21st day of June, 2016.

AYES: (5) Mayor Sawyer, Vice Mayor Schwedhelm, Council Members Combs, Coursey, Olivares

NOES: (0)

ABSENT: (2) Council Members Carlstrom, Wysocky

ABSTAIN: (0)

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
Interim City Clerk Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Interim City Attorney

Exhibit A – Revocable Non-Exclusive License Agreement  
Exhibit B – Operating Memorandum Tenant Employee Parking 520 Third Street – Museum on the Square Building