

**SANTA ROSA CITY COUNCIL MINUTES
REGULAR MEETING
CITY HALL, 100 SANTA ROSA AVENUE
NOVEMBER 29, 2016**

1. CALL TO ORDER AND ROLL CALL

Mayor Sawyer called the meeting to order at 3:02 p.m. Council Members present: Mayor Sawyer, Vice Mayor Schwedhelm, Council Member Combs, Coursey, Olivares, and Wysocky. Council Members Carlstrom arrived at 3:15 p.m.

2. ANNOUNCEMENT OF CLOSED SESSION ITEMS

PUBLIC COMMENT

Duane DeWitt spoke regarding concerns of spending City funds and requested that the Council Members consider that the City spend conservatively.

Mayor Sawyer recessed the meeting to closed session at 3:05 p.m. to discuss Item 2.1 as listed on the agenda:

2.1 CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)

Agency Designated Representatives: Rhonda McKinnon, Interim Human Resources Director, Anthony Gossner, Fire Chief, Teresa Stricker, Interim City Attorney and Jon Holtzman of Renne Sloan Holtzman Sakai LLP.

Employee Organizations: Santa Rosa Firefighters Association - Local 1401 (representing City Employee Unit 2)

Mayor Sawyer adjourned closed session at 3:15 p.m. and reconvened the meeting to open session in the Council Chamber at 4:10 p.m.

3. STUDY SESSION – NONE

4. ANNOUNCEMENT OF ROLL CALL

Clerk Gomez announced that all Council Members were present.

5. REPORT, IF ANY, ON STUDY AND CLOSED SESSIONS

Interim City Attorney Stricker reported that instruction was given to staff.

6. PROCLAMATIONS/PRESENTATIONS

6.1 PROCLAMATION - NATIONAL AMERICAN INDIAN HERITAGE MONTH

Vice Mayor Schwedhelm read the proclamation and presented it to Betty Atterberry, Interim CEO, and Silver Galleto, Chairperson on behalf of the Sonoma County Indian Health Project, Inc.

PUBLIC COMMENT

Duane DeWitt spoke regarding interests in the development of the Pomo Interpretative Village along Roseland Creek.

6.2 PRESENTATION - CALIFORNIA LAW ENFORCEMENT CHALLENGE (CLEC) AWARD

Presented by Chief Paul Fontana, California Highway Patrol.

7. STAFF BRIEFINGS - NONE

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

City Manager McGlynn and Interim City Attorney Stricker expressed gratitude for the Council Members service to the City.

9. STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS

Council Member Carlstrom will be abstaining from Item 15.1.

Vice Mayor Schwedhelm will be abstaining from Item 11.2.

Council Member Combs will be abstaining from Item 11.2.

Council Member Olivares will be abstaining from Item 11.2.

10. MAYOR'S/COUNCIL MEMBERS' REPORTS

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

10.1 MAYOR'S/COUNCIL MEMBERS' SUBCOMMITTEE AND LIAISON REPORTS (AND POSSIBLE COUNCIL DIRECTION TO BOARD REPRESENTATIVE ON PENDING ISSUES, IF NEEDED)

10.1.1 Council Subcommittee Reports – Council Member Olivares provided a brief report from the Homeless Policy Subcommittee. Council Member Coursey provided a brief report from the Long Term Financial Policy Subcommittee.

10.1.2 Sonoma County Transportation Authority/Regional Climate Protection Authority (SCTA/RCPA) – Council Member Coursey provided a brief report.

10.1.3 Sonoma County Water Agency (SCWA) - Water Advisory Committee – NONE.

10.1.4 Association of Bay Area Governments (ABAG) – NONE.

10.1.5 Sonoma County Agricultural Preservation and Open Space District Advisory Committee – NONE.

10.1.6 Sonoma Clean Power Authority (SCPA) – NONE.

10.1.7 Sonoma County Waste Management Agency (SCWMA) – NONE.

10.1.8 Other – NONE.

11. APPROVAL OF MINUTES

11.1 October 18, 2016, Regular Meeting.

Approved as submitted.

11.2 October 25, 2016, Regular Meeting.

Approved as submitted with Vice Mayor Schwedhelm, Council Members Combs, and Olivares abstaining.

12. CONSENT ITEMS

MOVED by Vice Mayor Schwedhelm, seconded by Council Member Olivares, and **CARRIED** unanimously to waive reading of the text and adopt Consent Item 12.1 through 12.4 as follows:

12.1 MOTION - CONTRACT EXTENSION FIRST AMENDMENT - F000656 PARKING METER SERVICES AND SUPPLIES

MOTION to approve the First Amendment to General Service Agreement number F000656 for single space, credit card enabled electronic parking meter services and supplies for a four-year extension, with an average 6.3% increase in product unit pricing and no increase in cost for services with IPS Group, Inc., San Diego, California, in the amount not to exceed of \$300,000.

12.2 RESOLUTION - ASSESSMENT LIEN AGAINST THE REAL PROPERTY LOCATED AT 609 BENICIA DRIVE

RESOLUTION NO. 28885 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 609 BENICIA DRIVE, SANTA ROSA, A.P.N. 182-109-007, AND ORDERING THE ASSESSMENT BE COLLECTED ON THE TAX ROLL BY THE SONOMA COUNTY TAX COLLECTOR

12.3 ORDINANCE ADOPTION - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA REZONING PROPERTIES IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS 134-042-017 (2882 STONY POINT ROAD), 134-042-042, 134-042-043 AND 134-042-048 (2894 STONY POINT ROAD) FROM THE RR-40 (RURAL RESIDENTIAL) ZONING DISTRICT TO THE R-1-6 (SINGLE-FAMILY RESIDENTIAL) ZONING DISTRICT FOR THE GROVE VILLAGE SUBDIVISION

ORDINANCE NO. 4077 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA REZONING PROPERTIES IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS 134-042-017 (2882 STONY POINT ROAD), 134-042-042, 134-042-043 AND 134-042-048 (2894 STONY POINT ROAD) FROM THE RR-40 (RURAL RESIDENTIAL) ZONING DISTRICT TO THE R-1-6 (SINGLE-FAMILY RESIDENTIAL) ZONING DISTRICT FOR THE GROVE VILLAGE SUBDIVISION THE PEOPLE

12.4 ORDINANCE ADOPTION - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE - RECLASSIFICATION OF PROPERTY LOCATED AT 372 YOLANDA AVENUE FROM CG (GENERAL COMMERCIAL) TO IL (LIGHT INDUSTRIAL) DISTRICT; APN 044-072-010 - FILE NUMBER REZ14-015

ORDINANCE NO. 4078 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 372 YOLANDA AVENUE FROM CG (GENERAL COMMERCIAL) TO IL (LIGHT INDUSTRIAL) DISTRICT; APN 044-072 010 – FILE NUMBER REZ14-015

The time not yet being 5:00 p.m., Mayor Sawyer took Report Item 14.1 before Item 13 – Public Comment on Non-Agenda Matters.

13. PUBLIC COMMENT ON NON-AGENDA MATTERS

Duane DeWitt spoke regarding the Roseland Area/Sebastopol Road Specific Plan did not identify the zoning area and requested that the rezoning changes to be waived.

Anne Seeley spoke regarding concerns of cannabis growth.

Peter Tscherneff spoke on various topics.

Annie O'Mallon spoke regarding homelessness.

14. REPORT ITEMS

14.1 REPORT - FISCAL YEAR 2015-16 MEASURE O ANNUAL REPORT

BACKGROUND: Ordinance 3680 added Chapter 3-26 to the Santa Rosa City Code establishing a special transactions and use tax known as Measure O. Each year an Annual Report is prepared by City staff, reviewed by the Measure O Citizen Oversight Committee and presented to the City Council reporting on revenue, expenditures and accomplishments during the past fiscal year.

RECOMMENDATION: It is recommended by the Finance, Police, Fire, Recreation and Parks Departments, the City Manager's Office and the Measure O Citizens' Oversight Committee that the Council, by motion accept the Measure O Annual Report for Fiscal Year (FY) 2015-16.

Presented by Deborah Lauchner, Chief Financial Officer; Tony Gossner, Fire Chief; Hank Schreeder, Chief of Police; Jason Carter, Gang Program Manager; and Kelley Magnuson, Deputy Director, Recreation and Parks.

PUBLIC COMMENT

Naomi Banuelos spoke regarding the positive influence from the Social Advocates for Youth program.

Evan Markham spoke regarding the positive influence from the Social Advocates for Youth program, provided under Measure O.

Jane Bender thanked Council Members for serving the City; and spoke regarding the effectiveness of Measure O has brought to the community.

Peter Tscherneff spoke regarding the job of the average police officer has become more difficult and dangerous.

MOVED by Council Member Olivares, seconded by Council Member Combs, and **CARRIED** unanimously to accept the Measure O Annual Report for Fiscal Year (FY) 2015-16.

Mayor Sawyer recessed the meeting at 5:18 p.m. and reconvened at 5:26 p.m.

14.2 REPORT - APPROVAL OF A REIMBURSEMENT AGREEMENT FOR SMART RAIL CROSSING AT JENNINGS AVENUE

BACKGROUND: The proposed action will authorize the City Manager to approve and execute an agreement that allows SMART to construct an at-grade pedestrian and bicycle rail crossing at Jennings Avenue. SMART provided a preliminary cost estimate for this work, which included a rough order of magnitude for the system integration scope. The SMART agreement will follow, allowing for an expedited process to complete construction prior to commuter rail service.

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by motion, authorize the City Manager to approve and execute a reimbursement agreement not to exceed the amount of \$1,825,000 with Sonoma Marin Area Rail Transit (SMART), subject to approval as to form by the City

Attorney, to perform work within their, and the Sonoma County Water Agency's right-of-way for the Jennings Avenue at-grade pedestrian and bicycle rail crossing.

Mayor Sawyer recessed the meeting at 5:40 p.m. and reconvened at 5:43 p.m.

Presented by Greg Dwyer, Associate Civil Engineer, Transportation and Public Works.

PUBLIC COMMENT

Steve Birdlebough spoke in support to the item.

MOVED by Council Member Coursey, seconded by Council Member Olivares, and **CARRIED** unanimously to direct staff to authorize the City Manager to approve and execute a reimbursement agreement not to exceed the amount of \$1,825,000 with Sonoma Marin Area Rail Transit (SMART), subject to approval as to form by the City Attorney, to perform work within their, and the Sonoma County Water Agency's right-of-way for the Jennings Avenue at-grade pedestrian and bicycle rail crossing.

14.3 REPORT - ROSELAND PRE-ANNEXATION AGREEMENT AND ANNEXATION APPLICATION

BACKGROUND: In 2014, the City Council authorized a work plan for the Roseland Area/Sebastopol Road Specific Plan and Environmental Impact Report (EIR) and annexation of five unincorporated County islands in southwest Santa Rosa. Also in 2014, the City and Sonoma County entered into a Memorandum of Understanding and established the Joint City/County Roseland Annexation Committee to discuss and negotiate a pre-annexation agreement addressing cost-sharing and other commitments necessary to successfully annex the Roseland Annexation area. In October, 2016, the Council certified the EIR, adopted the Roseland Area/Sebastopol Road Specific Plan and approved prezonings and rezonings. Following Council approval of a pre-annexation agreement and adoption of a resolution of application, the next step in the process of annexation is to file an annexation application with Sonoma Local Agency Formation Commission (LAFCO). The five County islands proposed to be annexed encompass 1,614 parcels and approximately 714 acres.

RECOMMENDATION: It is recommended by the City Manager's Office that the Council, by resolution, approve the Pre-Annexation Agreement with County of Sonoma, authorize the Mayor to execute the agreement, and adopt a resolution of application directing the Planning and Economic Development Department to file an application with Sonoma Local Agency Formation Commission (LAFCO) for the annexation of five unincorporated County islands in southwest Santa Rosa.

Presented by Deborah Lauchner, Chief Financial Officer and Erin Morris, City Manager Fellow.

PUBLIC COMMENT

Duane DeWitt spoke in support of the item and requested for community engagement to the Roseland residents.

Thomas Ells spoke in support to the item.

Arthur Deicke spoke in support to the item.

MOVED by Mayor Sawyer, seconded by Council Member Wysocky, and **CARRIED** unanimously to waive the reading of the text and adopt:

RESOLUTION NO. 28886 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE ROSELAND AREA PRE-ANNEXATION AGREEMENT WITH THE COUNTY OF SONOMA, AND ADOPTING A RESOLUTION OF APPLICATION TO THE SONOMA COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO) FOR REORGANIZATION OF PROPERTY LOCATED IN SOUTHWEST SANTA ROSA IN SONOMA COUNTY, CA

Council Member Wysocky left the meeting at 7:17 p.m.

15. PUBLIC HEARINGS

15.1 PUBLIC HEARING - ORDINANCE ADOPTION - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA MODIFYING CHAPTER 18-44 IN ITS ENTIRETY AND SUBSECTION (B) OF SECTION 18-04.015 OF THE SANTA ROSA CITY CODE CONCERNING ADOPTION OF THE 2016 CALIFORNIA FIRE CODE AS AMENDED, ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA MODIFYING CHAPTER 18 TO ADOPT BY REFERENCE, WITH LOCAL AMENDMENTS, THE 2016 CALIFORNIA BUILDING STANDARDS CODE, THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE, AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION PERMIT AND WASTE DISCHARGE REQUIREMENTS

BACKGROUND: Every three years the State of California updates the California Code of Regulations, Title 24 (CCR-T24), through the State code adoption cycle. The new California Building Standards were published in July 2016 and will take effect on January 1, 2017. The Health and Safety Code allows local jurisdictions to change or modify the State-adopted model codes based on local geologic, climatic, or topographic conditions upon making certain express findings. The Fire Department is requesting adoption of the 2016 California Fire Code with local amendments and administrative changes. The Planning and Economic Development Department is requesting adoption of the 2016 California Building Standard Code as well as the updated 2015 International Property Maintenance Code, with certain local amendments and administrative changes.

Government Code section 50022.3 identifies the procedure for the code adoption process and requires a first reading of the ordinance title and scheduling of a public hearing date. This item was introduced at the November 1, 2016, meeting.

RECOMMENDATION: It is recommended by the Fire Department and the Planning and Economic Development Department that the Council 1) adopt an Ordinance adopting by reference the 2016 edition of the California Fire Code as adopted and amended by the State of California, and further amended based on local conditions, for use in Chapter 18-44 of the Santa Rosa City Code, repeal existing sections not applicable to new codes and modify the Santa Rosa City Code to reflect the new model code, and 2) adopt an Ordinance adopting by reference, with local amendments, the 2016 California Administrative Code, 2016 California Building Code, 2016 California Residential Code, 2016 California Green Building Standards Code, 2016 California Electrical Code, 2016 California Mechanical Code, 2016 California Plumbing Code, 2016 California Historical Building Code, 2016 California Existing Building Code, 2016 California Energy Code, 2016 California Referenced Standards Code, and 2015 International Property Maintenance Code.

Presented by Claire Hartman, Deputy Director and Bill Rose, Supervising Planner.

Charity Wagner, Director of Development at City Ventures and applicant requesting for Council to consider the rezoning.

PUBLIC HEARING

Mayor Sawyer opened the public hearing at 7:26 p.m.

Thomas Ells spoke in support to the item.

Seeing no one wishing to speak, Mayor Sawyer closed the public hearing at 7:29 p.m.

MOVED by Council Member Combs, seconded by Council Member Olivares, and **CARRIED** 5-0-1-1 (Mayor Sawyer, Vice Mayor Schwedhelm, Council Members Combs, Coursey, Olivares voting yes; Council Member Carlstrom abstained/recused; Council Member Wysocky absent) to waive the reading of the text and adopt:

ORDINANCE 4079 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING BY REFERENCE, WITH LOCAL AMENDMENTS, THE 2016 EDITION OF THE CALIFORNIA FIRE CODE

MOVED by Council Member Combs, seconded by Council Member Combs, and **CARRIED** 5-0-1-1 (Mayor Sawyer, Vice Mayor Schwedhelm, Council Members Combs, Coursey, Olivares voting yes; Council Member Carlstrom abstained/recused; Council Member Wysocky absent) to waive the reading of the text and adopt:

ORDINANCE 4080 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING BY REFERENCE, WITH LOCAL AMENDMENTS, THE 2016 CALIFORNIA ADMINISTRATIVE CODE, 2016 CALIFORNIA BUILDING CODE, 2016 CALIFORNIA RESIDENTIAL CODE, 2016 CALIFORNIA ELECTRICAL CODE, 2016 CALIFORNIA MECHANICAL CODE, 2016 CALIFORNIA PLUMBING CODE, 2016 CALIFORNIA ENERGY CODE, 2016 CALIFORNIA HISTORICAL BUILDING CODE, 2016 CALIFORNIA EXISTING BUILDING CODE, 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE, 2016 CALIFORNIA REFERENCED STANDARDS CODE, 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE, AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION PERMIT AND WASTE DISCHARGE REQUIREMENTS

15.2 PUBLIC HEARING - PROPOSED ZONING CODE TEXT AMENDMENT TO ALLOW THE LODGING-HOTEL OR MOTEL LAND USE, UPON APPROVAL OF A MINOR CONDITIONAL USE PERMIT, FOR ALL PROPERTIES IN THE CITY WITHIN THE CO (OFFICE COMMERCIAL) ZONING DISTRICT-FILE NO. REZ16-001

BACKGROUND: On September 22, 2016, the Planning Commission recommended (5-0) that the Council approve an ordinance to amend the Zoning Code to allow the Lodging-Hotel or Motel land use, upon approval of a Minor Conditional Use Permit, for all properties in the City within the CO (Office Commercial) Zoning District.

RECOMMENDATION: It is recommended by the Planning Commission and the Planning and Economic Development Department that the Council introduce an ordinance approving a Zoning Code Text Amendment to allow the Lodging-Hotel or Motel land use, with a Minor Conditional Use Permit, in the CO (Office Commercial) Zoning District.

Presented by Clare Hartman, Deputy Director; Amy Nicholson, City Planner; and Raissa de la Rosa, Acting Economic Development Manager.

PUBLIC HEARING

Mayor Sawyer opened the public hearing at 8:09 p.m.

Duane DeWitt spoke concerns of the locations for the commercial zoning areas and requested to defer the item.

Thomas Ells spoke in opposition to the item and requested to use areas for affordable housing units.

Tim Schram, Principle with Adobe Associates Leadership and applicant, spoke in support to the item.

Seeing no one else wishing to speak, Mayor Sawyer closed the public hearing at 8:18 p.m.

MOVED by Council Member Carlstrom, seconded by Council Member Olivares, and **CARRIED** 6-0-1 (Mayor Sawyer, Vice Mayor Schwedhelm, Council Members Carlstrom, Combs, Coursey, Olivares voting yes; Council Member Wysocky absent) to waive the reading of the text and introduce:

ORDINANCE ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE – TABLE 2-6 OF SECTION 20-23.060 (COMMERCIAL DISTRICT LAND USES AND PERMIT REQUIREMENTS) – FILE NUMBER REZ16-001

16. **WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION) - NONE**
17. **PUBLIC COMMENTS ON NON-AGENDA MATTERS**
18. **ANNOUNCEMENT OF CONTINUED CLOSED SESSION ITEMS, RECESS TO CLOSED SESSION IN THE MAYOR'S CONFERENCE ROOM, RECONVENE TO OPEN SESSION, AND ANNOUNCEMENTS – NONE.**
19. **ADJOURNMENT OF MEETING**

Hearing no further business, Mayor Sawyer adjourned the meeting at 8:27 p.m. The next regularly scheduled meeting will take place on December 6, 2016, at a time to be set by the Mayor.

Approved on: January 10, 2017

/s/ Daisy Gomez, City Clerk