



**City Council  
Regular Meeting Minutes - Final**

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Tuesday, December 10, 2019

12:30 PM

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**1. CALL TO ORDER AND ROLL CALL**

Mayor Schwedhelm called the meeting to order at 12:31 p.m.

**Present:** 5 - Mayor Tom Schwedhelm, Vice Mayor Victoria Fleming, Council Member Chris Rogers, Council Member John Sawyer, and Council Member Jack Tibbetts

**Absent:** 1 - Council Member Ernesto Olivares

**2. ANNOUNCEMENT OF CLOSED SESSION ITEMS**

Mayor Schwedhelm recessed the meeting to closed session at 12:31 p.m. to discuss Items 2.1 and 2.2 as listed on the agenda:

**2.1 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: one potential case.

**This item was received and filed.**

**2.2 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Government Code Section 54956.9)**

Name of Case: Andy Ford v. City of Santa Rosa, et al.

Court Case No. USDC Northern District of California 3:19-cv-02741  
WHA

Council Member Olivares joined the meeting at 12:52 p.m.

**This item was received and filed.**

Mayor Schwedhelm adjourned the closed session at 1:58 p.m. and reconvened the meeting to open session in the Council Chamber at 2:06 p.m.

**3. STUDY SESSION**

**3.1 WIRELESS SMALL CELL DEPLOYMENT ON CITY OWNED STREET LIGHTS AND JOINT UTILITY POLES**

The purpose of this study session is to provide a review of the current

deployment status of wireless small cell facilities within the City limits and to discuss proposals intended to address the various concerns expressed by the community since the initial phase of deployments.

**Attachments:**    [Staff Report](#)  
[Attachment 1 - Public Correspondence](#)  
[Attachment 2 - Late Correspondence \(Uploaded 12/9/2019\)](#)  
[Late Correspondence \(Uploaded 12-13-2019\)](#)  
[Late Correspondence \(Uploaded 12/17/2019\)](#)  
[Late Correspondence II \(Uploaded 12/17/2019\)](#)  
[Presentation](#)

Presented by Gabe Osburn, Deputy Director - Development Services; Bill Hammett, Hammett Engineering; and Paul Lowenthal, Assistant Fire Marshal

#### PUBLIC COMMENT

Paul-Andre Schabracq spoke in opposition to the installation of wireless small cell facilities.

Tom LaPorta, Safe Technology for Santa Rosa, CA, spoke in opposition to the installation of wireless small cell facilities.

Jennifer LaPorta, Safe Technology for Santa Rosa, CA, spoke in opposition to the installation of wireless small cell facilities.

E. Orlean Koehle, concerned citizen and Eagle Forum of California, spoke in opposition to the installation of wireless small cell facilities.

Bill Coset, Concerned Citizen for Mini-tower Slow Rollouts, spoke in opposition to the installation of wireless small cell facilities.

Martin Miller spoke in opposition to the installation of more cell towers.

Jennifer Starr spoke in opposition to the installation of wireless small cell facilities.

Jane Hirsh spoke in opposition to the installation of more wireless

small cell facilities.

Kim Schroeder spoke in opposition to the installation of wireless small cell facilities.

Scott J Compton spoke in opposition to the installation of wireless small cell facilities.

Alex Krohn spoke in opposition to the installation of wireless small cell facilities.

Catherine Dodd spoke in opposition to the installation of wireless small cell facilities.

Pat Bakalian spoke in opposition to the installation of wireless small cell facilities.

Gary Ore spoke in opposition to the item in its current suggested location.

Janice Bradshaw spoke in opposition to the installation of wireless small cell facilities.

Moshe Shafrir spoke in opposition to the installation of wireless small cell facilities.

Judith (ChoQosh) Monroy spoke in opposition to the installation of wireless small cell facilities.

Tom Sawyer suggested locating small cell facilities away from schools and residential neighborhoods, and exposure time to the wireless small cell facilities.

Brian Powell spoke in opposition to the installation of wireless small cell facilities.

Martha Glaser spoke in opposition to the installation of wireless

small cell facilities.

Debra Gambrell spoke in opposition to the installation of wireless small cell facilities.

Daciana Iancu spoke in opposition to the installation of wireless small cell facilities.

Katya Miller, Sonoma County for Responsible Technology, spoke in opposition to the installation of wireless small cell facilities.

Max Krohn spoke in opposition to the installation of wireless small cell facilities.

Deborah Tavares, Stopthecrime.net, spoke in opposition to the installation of wireless small cell facilities.

Mark Sullivan spoke in opposition to the installation of wireless small cell facilities. Comment provided on speaker card: Net us not forget the tobacco corps assurances that cigarettes were safe.

Peter Tscherneff spoke on the item.

Noah Davidson spoke on the installation of wireless small cell facilities.

Harry V Lehmann spoke in opposition to the installation of wireless small cell facilities.

Sidnee Cox spoke in opposition to the installation of wireless small cell facilities.

Mary Edith Dahl spoke in opposition to the installation of wireless small cell facilities.

Melissa Chianta spoke in opposition to the installation of wireless small cell facilities. Comment provided from speaker card:

International EMF Scientist Appeal.

Donna Davis, AT&T External Affairs, spoke in support of the item.

Richard Canini spoke in opposition to the installation of wireless small cell facilities.

Bob Hansen spoke in opposition to the installation of wireless small cell facilities.

Cris Villegas, Verizon Wireless, spoke in support of the installation of wireless small cell facilities.

The City Council provided direction to staff regarding the installation of wireless small cell facilities.

Mayor Schwedhelm recessed the meeting at 5:19 p.m. and reconvened at 5:33 p.m.

**This item was received and filed.**

#### **4. ANNOUNCEMENT OF ROLL CALL**

**Present:** 6 - Mayor Tom Schwedhelm, Vice Mayor Victoria Fleming, Council Member Ernesto Olivares, Council Member Chris Rogers, Council Member John Sawyer, and Council Member Jack Tibbetts

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

City Attorney Gallagher announced that Council provided direction to staff on Items 2.1 and 2.2

#### **6. PROCLAMATIONS/PRESENTATIONS - NONE.**

#### **7. STAFF BRIEFINGS**

##### **7.1 FIRE RECOVERY AND REBUILD UPDATE**

This will be a standing item on the agenda. No action will be taken except for possible direction to staff.

Presented by Megan Basinger, Housing Manager, provided a brief report on Cal-Home Disaster Assistance.

## PUBLIC COMMENT

Peter Tscherneff spoke on the item.

**This item was received and filed.**

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

Assistant City Manager Guhin provided a brief report on the recent announcement by the American Council of Engineering Companies (ACEC) North Coast Chapter that Santa Rosa Water was honored as the 2019 Infrastructure Public Owner of the Year for the impressive work that went into restoring water quality in the fire damaged neighborhoods of Fountaingrove following the 2017 Tubbs Fire; and the recent restoration of CalPine's power poles, damaged during the Kincadee Fires, that provide electricity for our Geysers pipeline.

## **9. STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS**

Council Member Rogers announced his abstention from Item 14.1.

## **10. MAYOR'S/COUNCIL MEMBERS' REPORTS**

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

Council Member Rogers provided a brief report on League of California Cities' (LOCC) focus on resiliency efforts; and his attendance at ribbon cutting for Sonoma-Marín Area Rail Transit (SMART) in Larkspur.

### **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 on the Downtown Subcommittee.

#### **10.1.2 Sonoma County Transportation Authority/Regional Climate Protection Authority (SCTA/RCPA)**

Council Member Rogers provided a brief report.

**10.1.3 Sonoma County Water Agency (SCWA) - Water Advisory Committee**

**10.1.4 Association of Bay Area Governments (ABAG)**

**10.1.5 Sonoma County Agricultural Preservation and Open Space District Advisory Committee**

**10.1.6 Sonoma Clean Power Authority (SCPA)**

**10.1.7 Sonoma County Waste Management Agency (SCWMA)**

**10.1.8 Groundwater Sustainability Agency (GSA)**

**10.1.9 Home Sonoma County (HSC)**

**10.1.10 Renewal Enterprise District (RED)**

**10.1.11 Other**

**11. APPROVAL OF MINUTES**

11.1 November 19, 2019, Regular Meeting Minutes

Attachments: [Draft Minutes](#)

Approved as submitted.

**12. CONSENT ITEMS**

**Approval of the Consent Agenda**

**A motion was made by Vice Mayor Fleming, seconded by Council Member Olivares, to waive reading of the text and adopt Consent Items. The motion carried by the following vote:**

**Yes:** 6 - Mayor Schwedhelm, Vice Mayor Fleming, Council Member Olivares, Council Member Rogers, Council Member Sawyer, and Council Member Tibbetts

12.1 MOTION - CONTRACT AWARD - FIRE DAMAGED STREET LIGHTS REPLACEMENT IN FOUNTAINGROVE

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by motion, award Contract No. C02246, Fire Damaged Street Lights Replacement in

Fountaingrove, in the amount of \$285,910.00 to the lowest responsible bidder, Joe Lunardi Electric, Inc., of Sebastopol, California, approve a 15% contract contingency, and authorize a total contract amount of \$328,796.50.

**Attachments:**    [Staff Report](#)  
                          [Attachment 1 - Location Map](#)  
                          [Attachment 2 - Summary of Bids](#)  
                          [Presentation](#)

**This Consent - Motion was approved.**

**12.2            MOTION - CONTRACT AWARD - FIRE DAMAGED STREET LIGHTS REPLACEMENT IN COFFEY PARK**

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by motion, award Contract No. C02233, Fire Damaged Street Lights Replacement in Coffey Park, in the amount of \$1,791,512.80 to the lowest responsible bidder, St. Francis Electric of San Leandro, California, approve a 15% contract contingency, and authorize a total contract amount of \$2,060,239.72.

**Attachments:**    [Staff Report](#)  
                          [Attachment 1 - Location Map](#)  
                          [Attachment 2 - Summary of Bids](#)  
                          [Presentation](#)

**This Consent - Motion was approved.**

**12.3            RESOLUTION - RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AMENDMENT #1 TO THE COMMUNICATIONS SYSTEM AND SERVICES AGREEMENT WITH MOTOROLA SOLUTIONS, INC., SAN DIEGO, CA. NOT TO EXCEED \$5,303,200 TO PURCHASE AND INSTALL A DIGITAL P25 TRUNKED RADIO SYSTEM SOLUTION, APPROVAL OF EQUIPMENT LEASE-PURCHASE AGREEMENT, AND APPROPRIATION OF \$145,000 FROM THE FEDERAL ASSET FORFEITURE FUND, \$100,000 FROM THE STATE ASSET FORFEITURE FUND, AND \$3,772,000 FROM THE GENERAL FUND RESERVES TO THE RADIO PROJECT KEY 95860**

RECOMMENDATION: It is recommended by the Finance and Police Departments that the Council, by resolution, 1) approve the Amendment #1 to the Communications System and Services Agreement with Motorola Solutions, Inc. in an amount not to exceed \$5,303,200; 2)



approve the Equipment Lease-Purchase Agreement; and 3) appropriate \$145,000 from the Federal asset forfeiture fund, \$100,000 from the State asset forfeiture fund, and \$3,772,000 from the General Fund reserves for this project.

**Attachments:** [Staff Report](#)  
[Resolution](#)  
[Exhibit A - Amendment #1](#)  
[Exhibit B - Equipment Lease Purchase Agreement](#)  
[Presentation - Revised 12/9/2019](#)

**This Consent - Resolution was adopted.**

**RESOLUTION NO. RES-2019-181 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE AMENDMENT #1 TO THE COMMUNICATIONS SYSTEM AND SERVICES AGREEMENT WITH MOTOROLA SOLUTIONS, INC, SAN DIEGO, CA, NOT TO EXCEED \$5,303,200 TO PURCHASE AND INSTALL A DIGITAL P25 TRUNKED RADIO SYSTEM SOLUTION, APPROVING THE EQUIPMENT LEASE-PURCHASE AGREEMENT, AND APPROVING THE APPROPRIATION OF \$145,000 FROM THE FEDERAL ASSET FORFEITURE FUND, \$100,000 FROM THE STATE ASSET FORFEITURE FUND, AND \$3,772,000 FROM THE GENERAL FUND RESERVES FOR THIS PROJECT**

**12.4 RESOLUTION - SPEED LIMITS ON PINER ROAD, SEBASTOPOL ROAD, AND SUMMERFIELD ROAD**

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by resolution, establish a speed limit of 35 miles per hour on Piner Road from Marlow Road to Coffey Lane, establish a speed limit of 35 miles per hour on Sebastopol Road from South Wright Road to Stony Point Road, and establish a speed limit of 35 on Summerfield Road from Carissa Avenue to Bethards Drive.

**Attachments:** [Staff Report](#)  
[Attachment 1 – Vicinity Maps](#)  
[Attachment 2 - Late Correspondence \(Uploaded 12/9/2019\)](#)  
[Late Correspondence \(Uploaded 12-13-2019\)](#)  
[Resolution](#)  
[Presentation](#)

**This Consent - Resolution was adopted.**

**RESOLUTION NO. RES-2019-182 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ESTABLISHING SPEED LIMITS**

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**ON PINER ROAD, SEBASTOPOL ROAD, AND SUMMERFIELD ROAD**

**12.5 RESOLUTION - VOLKSWAGEN ENVIRONMENTAL MITIGATION TRUST FUND APPLICATION**

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by resolution, authorizes the Director of Transportation and Public Works, or his designee, to submit an application for funding from the Volkswagen Environmental Mitigation Trust Funds program, to sign required assurances, and to administer any awarded funding.

Attachments:    [Staff Report](#)  
                          [Resolution](#)  
                          [Presentation](#)

**This Consent - Resolution was adopted.**

**RESOLUTION NO. RES-2019-183 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE FILING AND EXECUTION OF APPLICATION(S) FOR VOLKSWAGEN ENVIRONMENTAL MITIGATION TRUST FUNDS, AND AUTHORIZING THE DIRECTOR OF TRANSPORTATION AND PUBLIC WORKS, OR HIS DESIGNEE, TO SIGN REQUIRED ASSURANCES WITH RESPECT TO THE APPLICATION(S)**

**12.6 ORDINANCE ADOPTION SECOND READING - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA INCREASING THE COMPENSATION OF THE CITY ATTORNEY BY PROVIDING, EFFECTIVE MAY 12, 2019 (1) A 7.5% MERIT INCREASE, AND (2) 2.5% INCREASE IN DEFERRED COMPENSATION FOR A TOTAL CONTRIBUTION OF 5% OF BASE PAY, AND EFFECTIVE JULY 7, 2019, (1) A 2.5% COST OF LIVING SALARY ADJUSTMENT, AND (2) AN INCREASE IN CONTRIBUTION BY THE CITY FOR THE 2019-2020 FISCAL YEAR EQUAL TO 0.25% OF BASE WAGE TO THE CITY ATTORNEY'S RETIREE HEALTH SAVINGS PLAN, FOR A TOTAL CONTRIBUTION OF 0.75% OF BASE WAGE**

RECOMMENDATION: This ordinance, introduced at the December 3, 2019 Regular Meeting by a 6-0-0 vote, increases the compensation of the City Attorney by providing, effective May 12, 2019 (1) A seven and a half percent (7.5%) merit increase, (2) a two and a half percent (2.5%) increase in deferred compensation for a total contribution of five percent (5%) of base pay, and effective July 7, 2019, (1) a two and a half

percent (2.5%) cost of living salary adjustment, and (2) an increase in contribution by the City for the 2019-2020 fiscal year in an amount equal to one-quarter percent (0.25%) of the City Attorney's base wage toward her Retiree Health Savings Plan, for a total contribution by the City of point seven five percent (0.75%) of base wage.

Attachments: [Ordinance](#)

**This Consent - Ordinance was adopted.**

**ORDINANCE NO. ORD-2019-023 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA INCREASING THE COMPENSATION OF THE CITY ATTORNEY TO PROVIDE, EFFECTIVE MAY 12, 2019, (1) A 7.5% MERIT INCREASE, AND (2) A 2.5% INCREASE IN DEFERRED COMPENSATION FOR A TOTAL CONTRIBUTION OF 5% OF BASE PAY, AND EFFECTIVE JULY 7, 2019, (1) A 2.5% COST OF LIVING SALARY ADJUSTMENT, AND (2) AN INCREASE IN CONTRIBUTION BY THE CITY FOR THE 2019-2020 FISCAL YEAR EQUAL TO 0.25% OF BASE WAGE TO THE CITY ATTORNEY'S RETIREE HEALTH SAVINGS PLAN, FOR A TOTAL CONTRIBUTION OF 0.75% OF BASE WAGE**

### **13. PUBLIC COMMENT ON NON-AGENDA MATTERS**

Allen Thomas spoke regarding homelessness concerns on Ninth Street.

Lisa Landrus spoke on the need for City Council to have clerical support; announced that there will be a community listening session the first week of February regarding animal control and homelessness concerns in public parks; and needle pick up containers.

Peter Tscherneff spoke on homeless, 5g military programs, and various topics.

Andrew Roth spoke regarding the recent police shooting and firearm discipline. Comment provided from speaker card: SRPD's taser and gun use of force discipline must be strengthened; it otherwise, police should be disarmed and stripped of tasers.

Craig Murphy, Citizens for Action Now, spoke regarding the

homeless behind Montgomery High School and needles left at play structures at Howarth Park.

Valerie Schlafke submitted speaker card, but was not present when called. Comment provided from speaker card: Need for seniors to receive relief from high rent increase percentage rate.

## 14. REPORT ITEMS

### 14.1 REPORT - FISCAL YEAR 2018-19 MEASURE O ANNUAL REPORT

BACKGROUND: Ordinance 3680 added Chapter 3-26 to the Santa Rosa City Code establishing a special transactions and use tax. The special tax measure, known as Measure O, increased sales tax by a quarter percent to fund specific Police, Fire, and Gang Prevention/Intervention programs, as set forth in the Ordinance.

The Ordinance also established a seven-member Citizen Oversight Committee, with members appointed by the City Council, to annually review expenditures and appropriations of the tax revenues to ensure that all such revenues are spent or appropriated for the purposes and uses set forth in the Ordinance. Each year, an Annual Report is prepared by City staff, reviewed by the Citizen Oversight Committee and presented to the City Council reporting on expenditures and activities during the past fiscal year.

The tax revenues generated by Measure O are split between Fire (40%), Police (40%) and Gang Prevention/Intervention Programs (20%), with these revenues spent in accordance with an Implementation Plan which was adopted by the City Council.

RECOMMENDATION: It is recommended by the Finance, Fire, Police, Community Programs and Engagement departments, and the Measure O Citizens' Oversight Committee that the Council, by motion, accept the Measure O Annual Report for Fiscal Year (FY) 2018-19.

**Attachments:** [Staff Report](#)  
[Attachment 1- Measure O Annual Report Presentation](#)

Presented by Tony Gossner, Fire Chief; Rainer Navarro, Chief of Police; Jason Carter, Interim Director, Community Programs and

Engagement Department; Jason Parrish, Administrative Services Officer, Community Programs and Engagement Department; Kelley Magnuson, Deputy Director, Recreation; and Chuck McBride, Assistant City Manager, Chief Financial Officer.

**A motion was made by Council Member Sawyer, seconded by Council Member Tibbetts, to accept the Measure O Annual Report for Fiscal Year 2018-19.**

**The motion carried by the following vote:**

**Yes:** 5 - Mayor Schwedhelm, Vice Mayor Fleming, Council Member Olivares, Council Member Sawyer, and Council Member Tibbetts

**Abstain:** 1 - Council Member Rogers

**14.2 REPORT - POTENTIAL TERMINATION OF THE CITY'S TEMPORARY PROHIBITION ON RENTAL HOUSING PRICE GOUGING THROUGH REPEAL OF CHAPTER 10-44 OF THE CITY CODE**

**BACKGROUND:** In response to reports of price gouging following the October 2017 wildfires, the Council adopted Urgency Ordinance ORD-2017-020 adding Chapter 10-44 to the City Code. Chapter 10-44 established a temporary prohibition on rental housing price gouging as well as associated limitations on tenant evictions. By its initial term, the Ordinance was to remain in effect until April 18, 2018. The term of the Ordinance was extended twice, and remains in effect at this time.

In general, the Ordinance places a ten percent cap on residential rental increases over the life of the Ordinance. Specifically, the Ordinance prohibits any person from increasing rent on any dwelling unit, vacation rental, hotel or motel room more than ten percent above the rental price charged on October 9, 2017. In addition, the Ordinance prohibits a landlord from evicting an existing tenant or terminating an existing lease or rental agreement and subsequently renting or leasing the same unit for more than the rental price of the unit in the thirty day period immediately preceding October 9, 2017. A landlord may obtain limited relief from these provisions if he or she can establish that the excess is directly attributable to additional costs resulting from the labor or materials necessary to provide the rental or in certain other defined circumstances.

In November 2018, at the time of Council's last consideration of the price gouging ordinance, it directed that the Ordinance be continued in effect "until at least October 9, 2019, at which time it shall be subject to review by the City Council at a regularly scheduled Council meeting." This agenda item is the opportunity for that review.

**RECOMMENDATION:** Pursuant to Council request, it is recommended by the City Attorney that the Council consider whether to repeal Chapter 10-44 of the Santa Rosa City Code. Repeal of Chapter 10-44 would terminate the City's temporary prohibition on rental housing price gouging and associated temporary limitations on tenant evictions, originally adopted following the 2017 wildfires.

**Attachments:**    [Staff Report](#)  
                          [Attachment 1 - Late Correspondence \(Uploaded 12/9/2019\)](#)  
                          [Late Correspondence \(Uploaded 12-13-2019\)](#)  
                          [Ordinance](#)  
                          [Presentation](#)

Presented by Sue Gallagher, City Attorney.

## PUBLIC COMMENT

Mark Gwitom, North Bay Organizing Project, spoke in opposition to terminating the prohibition of the rental housing price gouging section of the City Code. Comment provide from speaker card:  
Extend the prohibition on rent gouging for another year.

Isabel Fischer, North Bay Organizing Project, spoke in opposition to terminating the prohibition of the rental housing price gouging section of the City Code. Comment provided from speaker card:  
Please extend the prohibition on rent gouging for another year.

Keith Becker spoke in support of terminating the prohibition of the rental housing price gouging section of the City Code.

Peter Adams spoke in opposition to terminating the prohibition of the rental housing price gouging section of the City Code. Comment provided from speaker card: Housing continues to be unaffordable; this would escalate the crisis sharply.

Jlona Reitzner spoke in opposition to terminating the prohibition of the rental housing price gouging section of the City Code.

Attila Nagy spoke in support of extending the prohibition of the rental housing price gouging section of the City Code.

Alex Khalfin, California Apartment Association, spoke in support of the repeal of Chapter 10-44 of the City Code.

Efren Carrillo, Burbank Housing, spoke on the item, taking no position.

Thomas Ells spoke in support of extending the prohibition of the rental housing price gouging section of the City Code.

Mara Ventura, North Bay Jobs with Justice, suggested suspending this decision in order collect information regarding the impacts of this decision.

**A motion was made by Council Member Olivares, seconded by Council Member Sawyer, to introduce on first reading:**

**ORDINANCE ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA REPEALING CHAPTER 10-44 OF THE SANTA ROSA CITY CODE THEREBY TERMINATING THE TEMPORARY PROHIBITION ON RENTAL HOUSING PRICE GOUGING ORIGINALLY ENACTED AFTER THE 2017 WILDFIRES**

**A substitute motion was made by Vice Mayor Fleming, seconded by Council Member Tibbetts, to have Chapter 10-44 expire with the emergency declaration or August 1, 2020 whichever is first.**

**The substitute motion failed by the following vote:**

**Yes: 3 - Vice Mayor Fleming, Council Member Rogers, and Council Member Tibbetts**

**No: 3 - Mayor Schwedhelm, Council Member Olivares, and Council Member Sawyer**

**The original motion carried by the following vote:**

**Yes:** 5 - Mayor Schwedhelm, Council Member Olivares, Council Member Rogers, Council Member Sawyer, and Council Member Tibbetts

**No:** 1 - Vice Mayor Fleming

**14.3** REPORT - THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT F01622A WITH BUREAU VERITAS NORTH AMERICA, INC., ATASCADERO, CA, WAIVING THE COMPETITIVE SELECTION PROCESS PER COUNCIL POLICY 600-01, EXTENDING THE TERM OF THE AGREEMENT, INCREASING COMPENSATION BY \$3,045,000 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$13,717,399 FOR POST-FIRE RECOVERY AND REBUILD SERVICES, AND AMEND THE FISCAL YEAR 2019/20 GENERAL FUND BUDGET BY INCREASING APPROPRIATIONS OF \$2,425,000

**BACKGROUND:** Since December 2017, staff from the City of Santa Rosa and Bureau Veritas North America, Inc. have provided a variety of permit processing, plan check and inspection services for the repair and reconstruction activities associated with the Tubbs Fire. Nearly 2,100 permits have been processed to date, resulting in approximately 20,000 inspections. With approximately 700 outstanding parcels in the rebuild area, the proposed Fourth Amendment will extend the term of the Agreement and increase the budget associated with the Professional Service Agreement with Bureau Veritas to continue providing the appropriate staffing levels to meet commitments associated with plan review and inspection turnaround times.

**RECOMMENDATION:** It is recommended by the Planning and Economic Development Department that the Council, by resolution, (1) waive the competitive selection procedures in Council Policy 600-01 in the best interests of the City; (2) approve the Third Amendment to Professional Services Agreement F01622A with Bureau Veritas North America, Inc., Atascadero, CA to a) extend the term of the Agreement, and b) increase compensation by \$3,045,000 for a total amount not to exceed \$13,717,399; and (3) amend the Fiscal Year (FY) 2019/20 General Fund adopted budget by increasing appropriations of \$2,425,000; of which \$1,547,000 will be offset with anticipated associated permitting revenue and \$878,000 will be appropriated from the General Fund Reserve balance.



**Attachments:**    [Staff Report](#)  
[Resolution](#)  
[Exhibit A - PED Budget Amendment](#)  
[Exhibit B - Third Amendment](#)  
[Presentation](#)

Presented by Gabe Osburn, Deputy Director - Development Services.

**A motion was made by Council Member Rogers, seconded by Council Member Olivares, to waive reading of the text and adopt:**

**RESOLUTION NO. RES-2019-184 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA WAIVING THE COMPETITIVE SELECTION PROCEDURES IN COUNCIL POLICY 600-01 IN THE BEST INTERESTS OF THE CITY AND APPROVING THE THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT NUMBER F01622A WITH BUREAU VERITAS NORTH AMERICA, INC., ATASCADERO, CA, TO INCREASE COMPENSATION AND EXTEND THE TERM OF THE AGREEMENT FOR POST FIRE RECOVERY AND REBUILDING SERVICES**

**The motion carried by the following vote:**

**Yes:** 6 - Mayor Schwedhelm, Vice Mayor Fleming, Council Member Olivares, Council Member Rogers, Council Member Sawyer, and Council Member Tibbetts

**15. PUBLIC HEARINGS - NONE.**

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

**16.1**        QUARTERLY BOARDS, COMMISSIONS AND COMMITTEES ATTENDANCE REPORT - Provided for information.

**Attachments:**    [Attendance Report](#)

**This item was received and filed.**

**16.2**        PUBLIC SAFETY POWER SHUTOFF GRANT APPLICATION - Provided for information.

**Attachments:**    [PSPS Resiliency Allocation Project Proposal](#)

**This item was received and filed.**

**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 [IF NEEDED]**

**19. ADJOURNMENT OF MEETING**

Hearing no further business, Mayor Schwedhelm adjourned the meeting at 8:26 p.m. The next regularly scheduled meeting will take place on December 17, 2019, at a time set by the Mayor.

**20. UPCOMING MEETINGS**

**20.1 UPCOMING MEETINGS LIST**

**Attachments:** [Upcoming Meetings List](#)

**This item was received and filed.**

Approved on: January 14, 2020  
/s/ Dina Manis, Acting City Clerk