

**SANTA ROSA CITY COUNCIL MINUTES
REGULAR MEETING
CITY HALL, 100 SANTA ROSA AVENUE
NOVEMBER 13, 2012**

1. CALL TO ORDER AND ROLL CALL

Mayor Olivares called the meeting to order at 2:30 p.m. Council Members present: Mayor Olivares, Vice Mayor Sawyer, Council Members Bartley, Gorin, and Ours. Council Member Wysocky arrived at 2:32 p.m. Council Member Vas Dupre arrived at 4:10 p.m.

2. ANNOUNCEMENT OF CLOSED SESSION ITEMS IN MAYOR'S CONFERENCE ROOM (ROOM 10, CITY HALL)

2.1 PUBLIC COMMENT ON CLOSED SESSION ITEMS – None.

2.2 RECESS TO CLOSED SESSION IN MAYOR'S CONFERENCE ROOM

2.3 CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: one potential case—Sonoma County Landfill

2.4 CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

(Subdivision (a) of Government Code Section 54956.9)

Name of Case: Living Wage Coalition of Sonoma County v. City of Santa Rosa, Sonoma County Superior Court Case No. SCV-252558.

2.5 RECONVENE TO OPEN SESSION IN THE COUNCIL CHAMBER

Mayor Olivares reconvened the meeting to open session in the Council Chamber at 4:05 p.m.

3. ANNOUNCEMENT OF ROLL CALL

Council Members present: Mayor Olivares, Vice Mayor Sawyer, Council Members Bartley, Gorin, Ours. Council Member Wysocky was seated at 4:07 p.m. Council Member Vas Dupre arrived at 4:10 p.m.

4. REPORT, IF ANY, ON CLOSED SESSIONS

City Attorney Fowler reported that the Council met in closed session regarding Items 2.3 and 2.4 and there were no actions taken during the closed sessions.

5. PROCLAMATIONS/PRESENTATIONS – NONE

6. STAFF BRIEFINGS – NONE

7. APPROVAL OF MINUTES

The minutes of the November 8, 2011, and October 30, 2012, Regular Meetings were approved as submitted.

8. MAYOR'S/COUNCILMEMBERS' REPORTS

8.1 STATEMENTS OF ABSTENTION BY COUNCILMEMBERS

No statements of abstention were made.

8.2 MAYOR /COUNCILMEMBERS' REPORTS

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

8.3 REPORTS BY MAYOR/COUNCILMEMBERS REGARDING VARIOUS AGENCY MEETINGS ATTENDED AND POSSIBLE COUNCIL DIRECTION TO ITS REPRESENTATIVES ON PENDING ISSUES BEFORE SUCH BOARDS (IF NEEDED) – None.

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

City Manager Millison reported on the receipt of a \$500,000 CalGRIP grant by the Mayor's Gang Prevention Task Force, in partnership with California Youth Outreach (CYO) and Social Advocates for Youth (SAY). City Manager Millison also reported on the Sustainability Conference held on November 13, 2012.

City Attorney Fowler reported on the passage of Charter Amendment Measures R, S and T, the process for filing the Charter amendments with the Secretary of State, and implementation of the Design Build Procurement measure.

10. CONSENT ITEMS

MOVED by Vice Mayor Sawyer, seconded by Council Member Ours, and carried unanimously, to waive reading of the text and adopt Items 10.1 and 10.2 as follows:

10.1 MOTION – CONTRACT EXTENSION – RADIO MAINTENANCE, REPAIR AND INSTALLATION SERVICES

MOTION TO APPROVE AMENDMENT NO. 2 TO CONTRACT NO. 9047 FOR A TWO-YEAR EXTENSION, WITH A 7% REDUCTION IN MAINTENANCE RATES FOR RADIO MAINTENANCE, REPAIR AND INSTALLATION SERVICES, TO PRECISION WIRELESS SERVICE, WINDSOR, CALIFORNIA, IN THE TOTAL AMOUNT OF \$150,000, FUNDING FOR WHICH OPERATIONAL EXPENSE HAS BEEN ALLOCATED IN THE FISCAL YEAR 2012-13 BUDGETS OF VARIOUS DEPARTMENT CHARGE NUMBERS AND WILL BE FUNDED IN SUBSEQUENT FISCAL YEARS WHEN APPROVED BY COUNCIL.

10.2 MOTION – CONTRACT AWARD – POLICE SEDANS

MOTION TO AUTHORIZE THE AWARD AND ISSUANCE OF A PURCHASE ORDER FOR SIX 2013 FORD POLICE INTERCEPTOR SEDANS TO HANSEL FORD, SANTA ROSA, CALIFORNIA, IN THE TOTAL AMOUNT OF \$157,440.43, FUNDING FOR WHICH CAPITAL PURCHASE IS ALLOCATED IN JL KEY 17436, REPLACEMENT FUND POLICE VEHICLE PURCHASES (\$78,520.22); AND GL KEY 300106 PUBLIC WORKS EQUIPMENT REPLACEMENT PURCHASES (\$78,920.22), OBJECT CODE 5884.

11. REPORT ITEMS

11.1 REPORT -- COMMUNITY ADVISORY BOARD 2012/13 GRANT RECOMMENDATIONS

BACKGROUND: Annually, the Community Advisory Board (CAB) recommends Community Improvement Grants be awarded to neighborhood and community groups. Grants are intended to support public improvement projects being spearheaded throughout the community. Last year, Council requested that new guidelines defining public improvements as physical improvements be implemented. The CAB has recommended 25 grants receive funding totaling \$21,027.19. Based on the new grant criteria, staff recommends that 21 of those grants be funded for a total of \$17,153.19, with two of these applications referred for funding by other available programs.

RECOMMENDATION: It is recommended by the City Manager's Office that the City Council, by motion, award the 21 eligible Community Improvement Grants for 2012/2013, and direct staff to seek alternative program funding for the neighborhood clean-up and youth program equipment.

Georgia Pedgrift, Community Engagement Coordinator, provided the staff report and responded to Council questions.

PUBLIC COMMENT

Judy Kennedy thanked the Community Advisory Board for approving the neighborhood banners and the Burbank Neighborhood Mural.

Bill Haluzak thanked staff and the Community Advisory Board for approving the Roseland Dog Park.

Following Council discussion, it was **MOVED** by Council Member Bartley, seconded by Council Member Gorin, and carried unanimously to award the 21 eligible Community Improvement Grants for 2012/2013, add award of the grant requests for the KBBF transmitter and improvements to Sonoma

County Free Bookmobile, and direct staff to seek alternative program funding for the neighborhood clean-up and youth program equipment.

→ 11.2

REPORT -- SONOMA MARIN AREA RAIL TRANSIT (SMART) PEDESTRIAN AND BICYCLE CROSSING AT JENNINGS AVENUE FEASIBILITY STUDY UPDATE (Continued from the October 30, 2012, Regular Meeting)

BACKGROUND: The City Council on August 14, 2012, by Resolution No. 28181, authorized a funding agreement with Sonoma Marin Area Rail Transit (SMART) in an amount not to exceed \$200,000 to complete the environmental review and design alternatives of a grade separated bicycle and pedestrian crossing at Jennings Avenue.

SMART began track reconstruction in June 2012 along the rail corridor. This work includes the area between Guerneville Road in Santa Rosa to San Rafael.

According to SMART staff, their contractor is expected to begin work on the track reconstruction in the vicinity of Jennings Avenue in November, 2012.

Since the City Council's action on August 14, 2012, City staff met with SMART staff and their contractor to develop a funding agreement and determine the scope of the Pedestrian and Bicycle Crossing at Jennings Avenue. Based on those meetings, it was determined that the best approach would be to create a funding agreement in an amount not to exceed \$31,239 to prepare a feasibility study to assess the advantages, disadvantages, costs and impact on the SMART rail project construction schedule for the following options:

- Construction of a fence or barrier wall on the west and east side of SMART's right of way at Jennings Avenue
- Construction of a fully signalized and protected at grade crossing at Jennings Avenue meeting the requirements of the California Public Utilities Commission (CPUC).
- Construction of an ADA compliant bicycle and pedestrian over rail crossing aerial structure at Jennings Avenue meeting the requirements of the Federal Railroad Administration (FRA).
- Construction of an ADA compliant bicycle and pedestrian under rail crossing tunnel, with elevated tracks, at Jennings Avenue with sight distances through the tunnel that allows visibility from one approach to the opposite approach.

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by resolution, direct City staff to complete environmental review in compliance with CEQA for an ADA compliant bicycle and pedestrian over rail crossing including an alternative at grade pedestrian and bicycle crossing in lieu of SMART's plan to construct fences at the Jennings Avenue SMART crossing.

Rick Moshier, Director of Transportation and Public Works, provided the staff report and responded to Council questions.

PUBLIC COMMENT

James Duncan commended City staff for efforts to maintain the crossing at Jennings Avenue and spoke in favor of studying an at-grade crossing.

Johanna James spoke in opposition to constructing a wall at the Jennings Avenue crossing and regarding the access it provides to those who live near the crossing.

Willard Richards spoke in favor of the staff recommendation to study the at-grade crossing at Jennings Avenue and the potential safety risks of closing the crossing.

Barbara Moulton spoke in favor of studying the at-grade crossing at Jennings Avenue.

Council concurred to study an at-grade crossing as the preferred project and allow staff additional time to ascertain potential costs of environmental review.

Following Council discussion, it was **MOVED** by Council Member Bartley, seconded by Council Member Gorin, and carried unanimously to continue this item to a future date.

Mayor Olivares recessed the meeting at 5:49 p.m. and reconvened the meeting at 6:01 p.m.

11.3 PUBLIC HEARING -- FY 2012-21 SHORT RANGE TRANSIT PLAN PUBLIC HEARING AND ADOPTION OF PROPOSED FARE INCREASES

BACKGROUND: The Short Range Transit Plan is a policy, planning, and programming document laying out the anticipated service plan, capital program, and operations budget for Santa Rosa CityBus and Santa Rosa Paratransit over a ten-year period. All transit operators receiving federal funding through the Metropolitan Transportation Commission (MTC) are required to complete a Short Range Transit Plan (SRTP) every four years. The Draft FY 2012-21 Short Range Transit Plan contains short-term service modification proposals, a proposed fare increase, and a proposed change to the CityBus transfer policy. Preliminary proposals for fare and service changes were reviewed with the City Council in a Study Session on September 11, 2012.

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the City Council, by resolution, adopt the FY 2012-21 Short Range Transit Plan, including 1) changes to CityBus and Santa Rosa Paratransit goals, objectives, performance measures and standards, 2) proposed service modifications, 3) proposed fare increases, and 4) changes to the CityBus transfer policy.

To accommodate the use of public transportation by some speakers, Mayor Olivares opened the public hearing at this time.

PUBLIC HEARING

Mayor Olivares opened the public hearing at 6:02 p.m.

Larry Hall expressed concerns regarding the elimination and reduction of bus routes and paratransit services and spoke in favor of increasing paratransit services on Sundays and holidays.

David Hoffman expressed concerns regarding the cancellation of Route 1 on Sundays and the need to include increased services in the plan.

Abel Jeffcoat spoke expressed concerns regarding the impacts of service reductions on Route 2 and suggested the extension of services on Route 8.

Martha Stiles expressed concerns regarding service reductions on Route 2 and her desire to not rely on her car for transportation and suggested changes to Route 8.

Bob Rauch spoke in favor of the fare increase and transfer policy, expressed concerns regarding the impacts of eliminating service on Route 1, and suggested the buses run an hour later in the evening.

Sean Michael Lennon expressed concerns regarding the service reductions and suggested offering a day pass and later service.

Richard Canini asked if federal funding for bus services was being diverted to SMART, spoke in favor of converting buses to natural gas and 24-hour bus service, and expressed concerns regarding vehicles using the Transit Mall and buses that idle for long periods.

Anita Winkler, Deputy Director of Transportation and Public Work;, Rachel Ede, Transit Planner; Michael Ivory, Transit Planner; Joy Gipson, Marketing and Outreach Coordinator; Jason Parrish, Administrative Services Officer; and Steve Roraus, Transit Superintendent, provided the staff report and responded to Council questions.

Mayor Olivares called for additional public testimony at 7:35 p.m.

Linda Picton spoke expressed concerns regarding the reliability and accessibility of the fixed route bus service and spoke in favor of comprehensive fixed route service.

Mayor Olivares closed the public hearing at 7:38 p.m.

Following Council discussion, it was **MOVED** by Council Member Gorin, seconded by Council Member Vas Dupre, and carried unanimously to waive reading of the text and adopt:

RESOLUTION NO. 28204 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA TO ADOPT THE FY 2012-2021 SHORT RANGE TRANSIT PLAN

11.4 PUBLIC HEARING -- HOUSING ALLOCATION PLAN ORDINANCE AMENDMENT, DENSITY BONUS ORDINANCE AMENDMENT AND REPEAL OF OUTDATED DENSITY BONUS CODE

BACKGROUND: In fall 2011, the City Council directed revision of the Housing Allocation Plan, the City's inclusionary housing program. The Council direction included making fee payment the primary method of compliance, allowing on site provision of affordable units an option, requiring any affordable units provided by rental units, removing the exemption for mixed use projects, prioritizing fees paid by downtown projects to support future affordable housing development downtown, and allowing affordable units provided through a density bonus to also count as on site affordable units in the Housing Allocation Plan. This last change has necessitated a clarification of density bonus provisions. Lastly, an outdated section of the City Code addressing density bonuses is recommended for repeal. No changes to the Housing Allocation Plan fee are proposed at this time.

RECOMMENDATION: It is recommended by the Department of Community Development and Economic Development and Housing that the Council, introduce three ordinances 1) amending City Code Chapter 21-02 (Housing Allocation Plan); 2) amending City Code Section 20-31.090 (A) (General Provisions for the Density Bonuses and Incentives/Concessions); and 3) repealing existing City Code Chapter 21-07 (Residential Density Bonuses and Other Incentives - Targeted Housing).

Chuck Regalia, Director of Community Development, provided the staff report and responded to Council questions.

PUBLIC HEARING

Mayor Olivares opened the public hearing at 8:11 p.m.

David Grabill, Housing Advocacy Group, expressed concerns regarding the requirement of rental units in the inclusionary housing program and urged Council to charge an in-lieu fee that would require onsite units.

John Lowry spoke in favor of the proposed ordinances and encouraged correct zoning for affordable housing downtown and funding priority for affordable projects in certain areas of the City.

Hugh Futrell spoke in favor of a strictly fee-based system but expressed concerns that the proposed ordinances do not preserve the option for integrated onsite units due to the definition of allocated unit and the ban on the use of tax-exempt bonds for allocated units.

Mayor Olivares closed the public hearing at 8:21 p.m.

Following Council discussion, it was **MOVED** by Council Member Ours, seconded by Council Member Bartley, and carried 5-2 (Council Members Gorin and Wysocky voting no) to waive reading of the text and introduce:

ORDINANCE ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING CITY CODE CHAPTER 21-02 (HOUSING ALLOCATION PLAN)

MOVED by Council Member Ours, seconded by Council Member Bartley, and carried 5-2 (Council Members Gorin and Wysocky voting no) to waive reading of the text and introduce:

ORDINANCE ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING CITY CODE SECTION 20-31.090 A. (GENERAL PROVISIONS FOR DENSITY BONUSES AND INCENTIVES/CONCESSIONS) TO CLARIFY THE RELATIONSHIP OF DENSITY BONUS PROVISIONS TO THE HOUSING ALLOCATION PLAN – FILE NUMBER ST-11-015

MOVED by Council Member Ours, seconded by Council Member Bartley, and carried 5-2 (Council Members Gorin and Wysocky voting no) to waive reading of the text and introduce:

ORDINANCE ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA REPEALING EXISTING CITY CODE CHAPTER 21-07 (RESIDENTIAL DENSITY BONUSES AND OTHER INCENTIVES – TARGETED HOUSING)

12. WRITTEN COMMUNICATIONS – None.

13. PUBLIC COMMENTS ON NON-AGENDA MATTERS – None.

14. ANNOUNCEMENT OF CONTINUED CLOSED SESSION ITEM(S), RECESS TO CLOSED SESSION(S) IN THE MAYOR'S CONFERENCE ROOM, RECONVENE TO OPEN SESSION, AND ANNOUNCEMENTS, IF ANY – None.

15. ADJOURNMENT OF MEETING

Hearing no further business, Mayor Olivares adjourned the meeting at 8:48 p.m. The next regularly scheduled meeting will take place on December 4, 2012, at a time to be set by the Mayor.

Approved on: December 4, 2012

/s/ Terri A. Griffin, City Clerk