

**SANTA ROSA CITY COUNCIL MINUTES  
REGULAR MEETING  
CITY HALL, 100 SANTA ROSA AVENUE  
AUGUST 30, 2016**

**Council Member Coursey participated in the meeting via teleconference from 34 Farr Ln., Unit B, Waitsfield, VT, 05673, at 7:00 p.m. Eastern Standard Time. This agenda was posted at this location.**

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

Mayor Sawyer called the meeting to order at 3:05 p.m. Council Members present: Mayor Sawyer, Vice Mayor Schwedhelm, Council Members Carlstrom, Combs, and Olivares; Council Member Wysocky arrived at 3:34 p.m.; and Council Member Coursey teleconferenced in at 4:00 p.m.

**2. ANNOUNCEMENT OF CLOSED SESSION ITEMS - NONE.**

**3. STUDY SESSION**

**3.1 COUNCIL GUIDE TO EMERGENCY MANAGEMENT BASICS, PART II - COMMUNICATIONS PLAN**

This is part two of a two-part Study Session, with the first having taken place on April 5, 2016. This presentation is intended to provide a high level overview of the City's modes and methods of communication, especially during a crisis or disaster. This is a basic orientation to help Council and the Mayor understand the roles and responsibilities City staff play in communicating with the public, City Council and City of Santa Rosa employees.

Presented by Paul Lowenthal, Assistant Fire Marshall & Public Information Officer.

Mayor Sawyer adjourned the Study Session at 3:52 pm and reconvened the Regular Meeting at 4:00 p.m.

**4. ANNOUNCEMENT OF ROLL CALL**

**5. REPORT, IF ANY, ON STUDY AND CLOSED SESSIONS – NONE.**

**6. PROCLAMATIONS/PRESENTATIONS**

**6.1 PROCLAMATION - DESMOID TUMOR AWARENESS MONTH**

Council Member Combs read the proclamation and presented it to Angela Froschl, City Manager's Office.

**6.1 PROCLAMATION - EMPLOYEE FUND DRIVE MONTH**

Vice Mayor Schwedhelm read the proclamation and presented it to Kate Goldfine and Kim Zunino, Co-Chairs of 2016 Employee Fund Drive.

**6.2 PROCLAMATION - POLLUTION PREVENTION WEEK AND CREEK WEEK**

Council Member Carlstrom read the proclamation and presented it to Jenifer Piccinini and Denise Cadman, Santa Rosa City Water Department.

**6.3 PROCLAMATION - AMERICAN MEDICAL RESPONSE 25TH ANNIVERSARY**

Council Member Olivares read the proclamation and presented it to Dean Anderson, General Manager of AMR.

**7. STAFF BRIEFINGS – NONE.**

**8. CITY MANAGER’S/CITY ATTORNEY’S REPORTS– NONE.**

Deputy City Manager Hurtado reported on City Hall parking with limited access effective September 6, 2016.

**9. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS**

Mayor Sawyer announced that he will be abstaining from Regular Items 14.1 and 14.2. Council Member Carlstrom announced she will be abstaining from Consent Item 12.1.

**10. MAYOR’S/COUNCILMEMBERS’ REPORTS**

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

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

10.1.1 Council Subcommittee Reports - Council Member Carlstrom provided a brief report on the Russian River Watershed Association. Coursey gave a short report on the Downtown Subcommittee. Council Member Wysocky provided a brief report on the City Attorney Subcommittee, Medical Cannabis Policy Subcommittee, California Public Utilities Commission, and Sonoma County Agricultural Preservation and Open Space District. Council Member Olivares provided a brief report on Medical Cannabis Policy Subcommittee.

10.1.2 Sonoma County Transportation Authority/Regional Climate Protection Authority (SCTA/RCPA) - NONE.

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 – Vice Mayor Schwedhelm provided a brief report of the Santa Rosa Training Center Police Academy Graduation; and Council Member Combs provided a brief report on the Strive for 5 Challenge.

Mayor Sawyer announced two appointments: Thai Jones appointed to the Art in Public Places Committee; and Calen Weeks appointed to the North West District to the Community Advisory Board.

Council Member Combs made an appointment to the Community Advisory Board's Core Area is LaCinda Moore.

## **10.2 DESIGNATION OF VOTING DELEGATE/ALTERNATE TO LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE**

**MOVED** by Council Member Combs, seconded by Council Member Olivares, and **CARRIED** unanimously by roll call vote to designate Mayor Sawyer as a voting delegate and Council Member Coursey as an alternate delegate.

## **10.3 MATTERS FROM COUNCIL REGARDING FUTURE AGENDA ITEMS**

### **10.3.1 REQUEST FOR AGENDA ITEM REGARDING THE COST OF USING PARATRANSIT FOR BUS ROUTES**

BACKGROUND: At the August 16, 2016, City Council meeting, Council Member Combs requested a future agenda item to discuss the costs of using Paratransit for individuals who no longer have access to a bus route due to changes in service from Reimagining CityBus. Council Member Coursey concurred with the request.

Council Member Combs withdrew the item.

## **11. APPROVAL OF MINUTES – NONE.**

## **12. CONSENT ITEMS**

### **12.1 RESOLUTION - REJECT ALL BIDS - NEIGHBORHOOD STREETS INITIATIVE OVERLAY 2016**

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by resolution, reject all bids for Construction Contract No. C02070 for the Neighborhood Streets Initiative Overlay 2016.

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

**RESOLUTION NO. 28848 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA REJECTING ALL BIDS FOR THE NEIGHBORHOOD STREETS INITIATIVE OVERLAY 2016 CONTRACT NO. C02070

### **12.2 ORDINANCE ADOPTION - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE COUNCIL OF THE CITY OF SANTA ROSA AND THE BOARD OF**

## **ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

RECOMMENDATION: This ordinance, introduced at the August 2, 2016, Regular Meeting by a 6-0-1 vote (Council Member Carlstrom absent), approves an amendment to the City of Santa Rosa's contract with the California Public Employees' Retirement System.

**MOVED** by Vice Mayor Schwedhelm, seconded by Council Member Olivares and **CARRIED** 6-0-1 by roll call vote (Mayor Sawyer, Vice Mayor Schwedhelm, Council Members Combs, Coursey, Olivares, Wysocky voting yes; Council Member Carlstrom abstained) to waive reading of the text and adopt Consent Item 12.2 as follows:

**ORDINANCE NO. 4071 ENTITLED:** ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE COUNCIL OF THE CITY OF SANTA ROSA AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Mayor Sawyer recused himself from the meeting at 4:46 p.m.

The time not yet being 5:00 p.m., Vice Mayor Schwedhelm took Report Item 14. 1 – Ordinance Regarding Rent Stabilization before Item 13 – Public Comment on Non-Agenda Matters.

### **14. REPORT ITEMS**

#### **14.1 REPORT - ORDINANCE ADOPTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADDING CHAPTER 6-90 TO THE SANTA ROSA MUNICIPAL CODE CONCERNING, AS TO CERTAIN RESIDENTIAL RENTAL UNITS IN THE CITY, (A) RENT STABILIZATION, LIMITATIONS ON THE TERMINATION OF TENANCIES AND THE PAYMENT OF RELOCATION ASSISTANCE AND REPEALING IN THEIR ENTIRETY ORDINANCE NUMBERS 4067, 4069, AND 4070**

BACKGROUND: This ordinance, introduced at the August 16, 2016, Regular Meeting by a 4-2-1 vote (Vice Mayor Schwedhelm, Council Member Olivares voting no; Mayor Sawyer abstained/recused), adds Chapter 6-90 to the Santa Rosa municipal code concerning, as to certain residential rental units in the city, (a) rent stabilization, limitations on the termination of tenancies and the payment of relocation assistance and repealing in their entirety ordinance numbers 4067, 4069 and 4070.

RECOMMENDATION: It is recommended that the Council adopt an ordinance adding Chapter 6-90 to the Santa Rosa municipal code concerning, as to certain residential rental units in the city, (a) rent stabilization, limitations on the termination of tenancies and the payment of relocation assistance and repealing in their entirety ordinance numbers 4067, 4069 and 4070.

Presented by David Gouin, Director of Housing & Community Services.

#### **PUBLIC COMMENT**

Victoria Smith spoke on unfair evictions.

Duane DeWitt spoke on support of item.

Peter Tscherneff spoke on support of item.

Canini spoke on support of item.

**MOVED** by Council Member Combs, seconded by Council Member Carlstrom, and **CARRIED** 4-2-1-0 by roll call vote (Council Members Carlstrom, Combs, Coursey, Wysocky voting Yes; Vice Mayor Schwedhelm and Council Member Olivares voting No; Mayor Sawyer abstained) to waive the reading of the text and adopt:

**ORDINANCE NO. 4072 ENTITLED:** ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ADDING CHAPTER 6-90 TO THE SANTA ROSA MUNICIPAL CODE CONCERNING, AS TO CERTAIN RESIDENTIAL RENTAL UNITS IN THE CITY, (A) RENT STABILIZATION, LIMITATIONS ON THE TERMINATION OF TENANCIES AND THE PAYMENT OF RELOCATION ASSISTANCE AND REPEALING IN THEIR ENTIRETY ORDINANCE NUMBERS 4067, 4069 AND 4070

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

Duane DeWitt spoke on various topics.

Michael Hilber spoke on Fire Department and weed abatement ordinance enforcement.

Peter Tscherneff spoke on various topics.

**14.2 REPORT - CITY OF SANTA ROSA RENT STABILIZATION AND OTHER TENANT PROTECTIONS ORDINANCE PROGRAM STAFFING, COST AND FEE ESTIMATE**

BACKGROUND: Given the increased housing cost burden faced by many City of Santa Rosa residents, in which rental increases threaten the public health, safety, and welfare of the City's residents, the Council has initiated a program to implement Rent Stabilization and Just Cause for Eviction policies in Santa Rosa. This direction followed an extensive review of rent stabilization programs in California, including options for the implementation of Mediation/Arbitration, Just Cause for Eviction, and Rent Stabilization in Santa Rosa.

On May 3, 2016, the Council provided direction for a rent stabilization/just cause for eviction ordinance and directed staff to proceed with the ordinance. Per the direction of the Council, staff has prepared a Rent Stabilization/Just Cause for Eviction Ordinance for Council consideration.

On August 16, 2016, the Council voted to adopt an ordinance of the City of Santa Rosa adding Chapter 6-90 to the Santa Rosa Municipal Code regarding: 1) Residential Rent Stabilization and Other Tenant Protections for certain rental units within the City of Santa Rosa; 2) A resolution adopting a policy concerning Capital Improvement Plans for certain Rental Units within the City of Santa Rosa; And, 3) Review of preliminary cost estimates to administer the rent stabilization program through June 30, 2017.

Per the direction of the Council, staff has prepared detailed cost estimates to administer the rent stabilization program through June 30, 2017 for Council consideration.

RECOMMENDATION: It is recommended by the Housing and Community Services Department that the Council, by resolution, adopt the proposed Rent Stabilization and Other Tenant Protections Ordinance program staffing, cost, and fee estimate, and

appropriate \$744,059 of General Funds subject to fee reimbursement, to operate the Program through June 30, 2017.

Presented by David Gouin, Director of Housing & Community Services.

**MOVED** by Council Member Combs, seconded by Council Member Carlstrom, and **CARRIED** 4-2-1-0 by roll call vote (Council Members Carlstrom, Combs, Coursey, Wysocky voting Yes; Vice Mayor Schwedhelm and Council Member Olivares voting No; Mayor Sawyer abstained) to waive the reading of the text and adopt as amended with corrections:

**RESOLUTION NO. 28849 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING A PROGRAM FEE FOR THE CITY'S RENT STABILIZATION AND OTHER TENANT PROTECTIONS ORDINANCE AND IMPLEMENTING POLICIES; AND AMENDING THE CITY CLASSIFICATION AND SALARY PLAN BY 1) ADDING ONE (1) FTE HOUSING AND COMMUNITY SERVICES MANAGER, 2) ADDING ONE (1) FTE ADMINISTRATIVE ANALYST, AND 3) ADDING ONE (1) FTE SENIOR ADMINISTRATIVE ASSISTANT IN THE RENT STABILIZATION PROGRAM

Council Member Coursey announced that he will be leaving the meeting, at 5:46 p.m.

Mayor Sawyer joined the meeting at 5:48 p.m.

#### **14.3 REPORT - APPROVAL OF TOW VENDOR FRANCHISEE LIST FOR POLICE-GENERATED TOWS, AND REVISION OF FRANCHISE FEE**

**BACKGROUND:** Prior to 2004, the City contracted with local tow vendors to provide tow services to remove stopped, standing, parked and hazardous vehicles from public streets, roads and private property on a rotating basis.

On July 13, 2004, the City of Santa Rosa adopted Ordinance No. 3674 authorizing the City Council to grant franchises to one or more tow operators for police generated tow services. A \$30,000 franchise fee was set and split between 11 franchisees, resulting in a fee of \$2,727.

Resolution No. 26291, approved by Council on June 16, 2005, amended the franchise fee to \$50,000 per year, divided among the 11 tow franchise operators, resulting in a fee of \$4,500. Currently, there are seven tow operators, resulting in an annual fee of \$7,143. Several tow operators have opted out of the program due to the expense of the franchise fee. California Vehicle Code Section 12110 authorizes a public agency to charge a fee in connection with the rotational tow vendor service. The fee "may not exceed the amount necessary to reimburse the public entity for its actual and reasonable costs incurred in connection with the towing program." The franchise fee of \$50,000 established in 2005 was based on an estimated program cost of \$242,246 for all towed vehicles.

**RECOMMENDATION:** It is recommended by the Police Department that the Council, by resolution, approve the tow vendor franchisee list pursuant to City Ordinance No. 3674, Franchises for Police Generated Tow Operations, and revise the related franchise fee to a per vendor fee.

Presented by John Snetsinger, Police Lieutenant.

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

**RESOLUTION NO. 28850 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE TOW VENDOR FRANCHISEE LIST FOR POLICE-GENERATED TOW OPERATIONS AND REVISING THE FRANCHISE FEE

#### **14.4 REPORT - EXTENSION OF PROCLAMATION OF LOCAL HOMELESS EMERGENCY**

**BACKGROUND:** On August 9, 2016, pursuant to the authority set forth in California Government Code Sections 8630 thru 8634, Council, by Resolution No. 28839, formally proclaimed a local homeless emergency within Santa Rosa. Section 8630 requires that the Council review the need for continuing the local emergency at least every 30 days until such local emergency is terminated. In light of the continuing conditions of homelessness within the city, staff is recommending that the Council extend the proclamation in full force and effect at this time.

**RECOMMENDATION:** It is recommended by the Housing and Community Services Department that the Council, by resolution, approve an extension of Resolution No. 28839 which formally proclaimed a local homeless emergency within Santa Rosa.

Presented by Kelli Kuykendall, Program Specialist.

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

**RESOLUTION NO. 28851 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA EXTENDING A PROCLAMATION OF LOCAL HOMELESS EMERGENCY

#### **14.5 REPORT - COURTHOUSE SQUARE REUNIFICATION PROJECT UPDATE**

**BACKGROUND:** This item will update the Council on the progress of the Courthouse Square Reunification project and provide information regarding expenditures for construction, construction management/inspection, and contingency. Council action may be recommended if it appears that additional construction contingency will be needed to complete the project.

**RECOMMENDATION:** It is recommended by the Transportation & Public Works Department that Council receive the project status update and provide direction and feedback to staff as needed.

Presented by Colleen Ferguson, Deputy Director Engineering Services.

**MOVED** by Council Member Carlstrom, seconded by Council Member Combs, and with no abstentions, the project status update was received and filed.

**14.6 REPORT - HARASSMENT, DISCRIMINATION AND RETALIATION PROHIBITION AND PREVENTION POLICY (This item was continued from the July 26, 2016, Regular Meeting)**

BACKGROUND: In November 2014, Human Resources staff met and conferred with the bargaining units as required by MMBA (Government Code §§ 3500 et seq.) One slight modification was suggested and accepted regarding employee responsibilities.

In January 2015, the draft Policy was finalized, capturing additional changes in the law that expanded the definition of “protected persons” to include City volunteers and unpaid City interns; and to reflect a change in reporting procedures if a Council member is involved in a complaint by an employee. The complaint will now be referred to the City Manager for further action.

RECOMMENDATION: It is recommended by the Human Resources Department that the Council, by resolution, adopt the revised Anti-Harassment, Anti-Discrimination and Anti-Retaliation Policy.

Presented by Rhonda McKinnon, Interim Human Resources Director and Annette Townley, Organizational Development & Training Manager.

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

**RESOLUTION NO. 28852 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING COUNCIL POLICY 700-03 - ANTI-HARASSMENT AND DISCRIMINATION POLICY

**14.7 REPORT - APPROVAL OF REVISED AMENDMENT NO. 1 TO CITY MANAGER EMPLOYMENT AGREEMENT AND ORDINANCE ESTABLISHING SALARY**

BACKGROUND: On July 26, 2016, the Council approved by resolution a cost of living increase effective July 10, 2016, for the executive management (Unit 10 - Executive Management).

On August 9, 2016, the Council adopted Resolution 28840 approving an Amendment No. 1 to Employment Agreement - City Manager. However, Amendment No. 1 did not provide for a 2.5% cost of living increase in the City Manager’s salary as intended by Council and a revised Amendment No. 1 is being brought forward including the 2.5% cost of living increase in the City Manager’s salary effective July 10, 2016.

RECOMMENDATION: It is recommended that the City Council: (1) by resolution, approve a revised Amendment No. 1 to the City Manager’s Employment Agreement granting a two and one half percent (2.5%) cost of living adjustment and rescinding Resolution 28840; and (2) introduce an Ordinance Establishing Salary for the City Manager.

Presented by Rhonda McKinnon, Interim Human Resources Director.



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

**RESOLUTION NO. 28853 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING REVISED AMENDMENT NO. 1 TO EMPLOYMENT AGREEMENT - CITY MANAGER

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

**ORDINANCE ENTITLED:** ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ESTABLISHING SALARY AND OTHER COMPENSATION AND BENEFITS FOR THE CITY MANAGER

15. **PUBLIC HEARINGS - NONE.**
16. **WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)**
- 16.1 **FINAL MAP - BAY VILLAGE SUBDIVISION. Provided for information.**
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 8:01 p.m. The next regularly scheduled meeting will take place on September 13, 2016, at a time to be set by the Mayor.

Approved on: September 27, 2016

/s/ Daisy Gomez, City Clerk