



City of Santa Rosa

City Hall, Council Chamber
100 Santa Rosa Avenue
Santa Rosa, CA 95404

City Council Regular Meeting Minutes - Draft

Tuesday, April 12, 2022

2:00 PM

1. CALL TO ORDER AND ROLL CALL

Mayor Rogers called the meeting to order at 2:00 p.m.

Present: 7 - Mayor Chris Rogers, Vice Mayor Eddie Alvarez, Council Member Victoria Fleming, Council Member Dianna MacDonald, Council Member Natalie Rogers, Council Member John Sawyer, and Council Member Tom Schwedhelm

2. ANNOUNCEMENT OF CLOSED SESSION ITEMS

No public comments were made.

Mayor Rogers recessed the meeting to closed session at 2:06 p.m. to discuss Item 2.1 as listed on the agenda.

2.1 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9: one potential case (Claim of Gemignani as Conservator for Daryl Titus)

This item was received and filed.

Mayor Rogers adjourned closed session at 2:30 p.m. and reconvened to study session at 3:00 p.m.

3. INTERVIEWS FOR BOARDS, COMMISSIONS AND COMMITTEES

Present: 7 - Mayor Chris Rogers, Vice Mayor Eddie Alvarez, Council Member Victoria Fleming, Council Member Dianna MacDonald, Council Member Natalie Rogers, Council Member John Sawyer, and Council Member Tom Schwedhelm

3.1 INTERVIEWS FOR PERSONNEL BOARD

The Council will interview applicants for the one At-Large and one Labor Representative vacancies on the Personnel Board.

Council conducted interviews for the one At-Large and one Labor representative for the Personnel Board.

Mayor recessed the meeting at 3:41 p.m. and reconvened at 4:00 p.m.

4. STUDY SESSION - NONE.

5. ANNOUNCEMENT OF ROLL CALL (IF NEEDED)

Present: 7 - Mayor Chris Rogers, Vice Mayor Eddie Alvarez, Council Member Victoria Fleming, Council Member Dianna MacDonald, Council Member Natalie Rogers, Council Member John Sawyer, and Council Member Tom Schwedhelm

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

City Attorney Gallagher reported Council met in closed session regarding anticipated litigation on one potential case, claim Gemignani as Conservator for Daryl Titus. Council provided direction to legal counsel and no final action was taken.

Mayor C. Rogers announced Public Hearing Item 15.1 was being pulled from the agenda.

7. PROCLAMATIONS/PRESENTATIONS - NONE.

8. STAFF BRIEFINGS

No public comments made.

8.1 COVID-19 RESPONSE UPDATE

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

City Manager Maraskeshia Smith reported the California Department of Public Health (CDPH) issued new guidelines to assist businesses, municipalities, and communities that run regular events on how to best prepare those events for this new stage of living with COVID and provided guidelines on how to limit the spread of COVID at events. More information about event guidance is available in the Smart and Safe Events Playbook by going to the California Department of Health's website: cdph.ca.gov. More information on the status of COVID in our community is available at socoemergency.org.

8.2 COMMUNITY EMPOWERMENT PLAN UPDATE

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

Magali Telles, Deputy Director Community Engagement, reported on the Mary Lou Lowrider event and thanked the public for attending, everyone who was involved in making the event a success and for their work on the car. Ms. Telles provided a report on the multi-cultural roots project for April highlighting stories on lowrider as a culture, May will highlight the Asian American Pacific Islander community in Santa Rosa, and on May 21 the Wild Fire Ready event in Courthouse Square to learn about city services in regards to emergency preparedness.

8.3 2022 EARTH DAY EVENT IN COURTHOUSE SQUARE

Santa Rosa Water staff will provide information on Santa Rosa's annual Earth Day event, which will take place Saturday, April 23, from 11:00 a.m. - 2:00 p.m., in Courthouse Square. Staff will provide a brief overview of the event and information on the activities that will take place. The Council may discuss this item and give direction to staff.

Tasha Wright, Sustainability Coordinator, presented information on Santa Rosa's annual Earth Day event on Saturday, April 23, 2022, in Courthouse Square.

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

City Manager Smith reported the Economic Development Division redesigned, updated and relaunched the website component of the Out There SR program (www.outtheresr.org), noting this program was paid for using tourism assessment funds and the site is a tool of our Santa Rosa Tourism Business Improvement Area while also serving as a key lifestyle and culture tool for our business and workforce attraction efforts.

No public comments were made.

9.1 REPORT OF SETTLEMENTS AND ACTIVE LITIGATION

The City Attorney will report on settlements over \$50,000 through

March 2022 as well as provide a summary of pending litigation against the City.

City Attorney Gallagher provided an update on quarterly litigation on four receiverships with remediation underway on three properties; eight general litigation matters including the Kessner v. Santa Rosa case being dismissed in February, one public records act case close to being resolved, Belayo v. City of Santa Rosa being set for trial in late May, and the other cases at various stages of litigation. City Attorney Gallagher reported there are 10 personal injury cases, three are set for trial, four are in discovery phase, with the remaining three cases at various stages of litigation; four cases police action with the Robert Casey v. City of Santa Rosa settled; four writs of mandate with two set for trial; a hearing on motion for summary of judgment in the matter for Western Manufactured Housing Communities Association v. City of Santa Rosa with a final order pending; and three new claims all personal injury cases. City Attorney Gallagher reported this report represents only small a piece of the work the litigation team does for the City.

10. STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS

No statements of abstention were made.

11. MAYOR'S/COUNCIL MEMBERS' REPORTS

Council Member MacDonald attended the groundbreaking event for the Roseland Boys and Girls Club, met with Project Greenway, attended the Park a Month event at Coffey Park, and toured Barretta Dairy to see how wastewater is distributed.

Council Member N. Rogers announced her appointment of Dylan Prindle to the Bicycle and Pedestrian Advisory Board, and reported the Litterbug clean up crew will team up with Parks for a clean-up of Bellevue Ranch Park and Santa Rosa Creek Trail.

Vice Mayor Alvarez attended the groundbreaking event at for a housing project at 1885 Sebastopol Road, an event at Elsie Allen High School where service providers were available to provide information to the community, the groundbreaking event for the

Roseland Boys and Girls Club, met with the South Park Neighborhood Coalition, visited Barretta Farm, and will be at A Safe Place to Play to meet with constituents.

Mayor C. Rogers toured Sutter's new hospital expansion, attended the Mayors and Councilmembers' Legislative Committee meeting, noting the Committee will be supporting as a region SB833.

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

11.1.1 Council Subcommittee Reports

Council Member N. Rogers provided a brief report on the Waterways Advisory Committee meeting.

11.1.2 Sonoma County Transportation Authority/Regional Climate Protection Authority (SCTA/RCPA)

Mayor C. Rogers reported on the kick off of the climate and mobilization strategy workshops.

11.1.3 Sonoma County Water Agency (SCWA) - Water Advisory Committee

11.1.4 Association of Bay Area Governments (ABAG)

11.1.5 Sonoma County Agricultural Preservation and Open Space District Advisory Committee

11.1.6 Sonoma Clean Power Authority (SCPA)

Mayor C. Rogers provided a brief report.

11.1.7 Zero Waste Sonoma (formerly known as Sonoma County Waste Management Agency (SCWMA))

11.1.8 Groundwater Sustainability Agency (GSA)

11.1.9 Sonoma County Continuum of Care (CoC)

11.1.10 Renewal Enterprise District (RED)

Council Member Fleming reported the RED Housing Fund Board has made preliminary recommendations, noting they

are subject to change, for Acme Family Apartments located at 1885 Roseland Avenue, Aviara Apartments located at 1385 W. College Avenue, Casa Roseland located at 665 Sebastopol Road, 420 Mendocino Ave., Pullman Lofts located at 701 Wilson Street, and South Park Commons located at 702 Bennett Valley Road.

11.1.11 Public Safety Subcommittee

11.1.12 Other

11.2 SONOMA COUNTY MAYORS' AND COUNCIL MEMBERS' ASSOCIATION / CITY SELECTION COMMITTEE

11.2.1 The City Council will, by motion, provide direction to the Mayor regarding letters of interest received for appointment to the following vacancies, which will be made by the City Selection Committee of the Sonoma County Mayors' and Councilmembers' Association at its meeting on April 14, 2022:

1. Airport Land Use Commission, one position, to fill vacated seat of Jack Tibbetts (Santa Rosa), 4 year term.
 - No letters received to date.
2. Local Agency Formation Commission, one position, to fill expiring term of Councilmember Pam Stafford (Rohnert Park), 4 year term.
 - Pam Stafford (Rohnert Park)
3. Remote Access Network (RAN), one position, must be filled by a Mayor.
 - No letters received to date.

It is also recommended that if late nominations are received or if the City Selection Committee or Mayors' and Councilmembers' Board recommends alternates, that the City Council authorize the Mayor or his/her designated representative the authority to vote on these late nominations or recommendations at the City Selection Committee Meeting or Mayors' and Councilmembers' Association board meeting.

A motion was made by Council Member N. Rogers, seconded by

Council Member Sawyer, to support Pam Stafford (Rohnert Park) to the Local Agency Formation Commission (LAFCO) and authorizing the Mayor or his designee the authority to vote on any late nominations received.

The motion carried by the following vote:

Yes: 7 - Mayor Rogers, Vice Mayor Alvarez, Council Member Fleming, Council Member MacDonald, Council Member Rogers, Council Member Sawyer, and Council Member Schwedhelm

11.3 BOARD, COMMISSION & COMMITTEE APPOINTMENTS

11.3.1 Council may vote to make appointments to the Personnel Board:

- (1) At-large representative, to complete term ending 12/31/2024; and (1) Labor Representative, to complete term ending 12/31/2022.

Mayor Rogers reported Council conducted interviews for appointment to the Personnel Board At-Large and Union representatives positions.

No public comments were made.

A motion was made by Council Member Sawyer, seconded by Council Member Schwedhelm, appointing Mike Reynolds to the Labor Representative position and Luana Vaetoe to the At-Large position on the Personnel Board.

The motion carried by the following vote:

Yes: 7 - Mayor Rogers, Vice Mayor Alvarez, Council Member Fleming, Council Member MacDonald, Council Member Rogers, Council Member Sawyer, and Council Member Schwedhelm

12. APPROVAL OF MINUTES - NONE.

13. CONSENT ITEMS

No public comments were made.

Approval of the Consent Agenda

A motion was made by Vice Mayor Alvarez, seconded by Council Member Schwedhelm, to waive reading of the text and adopt Consent Items 13.1 through 13.12. The motion carried by the following vote:

Yes: 7 - Mayor Rogers, Vice Mayor Alvarez, Council Member Fleming, Council Member MacDonald, Council Member Rogers, Council Member Sawyer, and Council Member Schwedhelm

13.1 RESOLUTION - PROFESSIONAL SERVICES AGREEMENT APPROVAL - MCK AMERICAS INC., CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES ASSOCIATED WITH SIX FIRE DAMAGED PARKS RECOVERY PROJECT

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by resolution, approve a Professional Service Agreement with MCK Americas Inc. of San Francisco, California, for Construction Management and Inspection Services associated with the Six Fire Damaged Parks Recovery project in an amount not to exceed \$184,120.36.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2022-063 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH MCK AMERICAS INC. OF SAN FRANCISCO, CA, FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES ASSOCIATED WITH THE SIX FIRE DAMAGED PARKS RECOVERY PROJECT

13.2 MOTION - PROJECT WORK ORDER APPROVAL - GREEN VALLEY CONSULTING ENGINEERS, INC., CONSTRUCTION MANAGEMENT, AND INSPECTION SERVICES ASSOCIATED WITH FULTON ROAD WIDENING PROJECT BETWEEN GUERNEVILLE ROAD AND PINER ROAD

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by motion, approve a Project Work Order with Green Valley Consulting Engineers, Inc. of Santa Rosa, California, for Construction Management and Inspection Services associated with the Fulton Road Widening Project from Guerneville Road to Piner Road in the amount of \$2,251,332.00.

This Consent - Motion was approved.

13.3 RESOLUTION - PROFESSIONAL SERVICE AGREEMENT APPROVAL - GREEN VALLEY CONSULTING ENGINEERS, INC.

CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES
ASSOCIATED WITH FIRE DAMAGED ROADWAY LANDSCAPING

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by resolution, approve a Professional Service Agreement with Green Valley Consulting Engineers, Inc. of Santa Rosa, California, for Construction Management and Inspection Services associated with Fire Damaged Roadway Landscaping in the amount of \$647,042.00.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2022-064 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A PROFESSIONAL SERVICE AGREEMENT WITH GREEN VALLEY CONSULTING ENGINEERS, INC. OF SANTA ROSA, CA, FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES ASSOCIATED WITH THE FIRE DAMAGED ROADWAY LANDSCAPING PROJECT

- 13.4** RESOLUTION - AUTHORIZATION TO FILE APPLICATIONS FOR FEDERAL TRANSIT ADMINISTRATION FORMULA PROGRAM AND SURFACE TRANSPORTATION PROGRAM FUNDS FOR FYS 2022-24

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by resolution, authorize the City Manager or designee to execute and file the annual grant applications under the Federal Transit Administration Formula Programs and Surface Transportation Program for fiscal years 2022-2024.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2022-065 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE FILING OF APPLICATIONS FOR FTA FORMULA PROGRAM AND SURFACE TRANSPORTATION PROGRAM FUNDING FOR FIXED ROUTE OPERATING, ADA PARATRANSIT OPERATING, FIXED ROUTE PREVENTIVE MAINTENANCE, AND BUS PURCHASE PROJECTS AND COMMITTING THE NECESSARY LOCAL MATCH FOR THE PROJECTS AND STATING THE ASSURANCE OF THE CITY OF SANTA ROSA TO COMPLETE THE PROJECTS

- 13.5** RESOLUTION - APPROVAL OF A BLANKET PURCHASE ORDER

FOR EMERGENCY RESPONSE VEHICLE EQUIPMENT TO STOMMEL, INC. dba LEHR, USING PRICING FROM PLACER COUNTY SUPPLIER CONTRACT SCN104242

RECOMMENDATION: It is recommended by the Transportation and Public Works and Finance Departments that the Council, by resolution, approve issuance of a blanket purchase order for the purchase of equipment used to prepare Emergency Response Vehicles and other Public Service Vehicles operated by the City of Santa Rosa, under the pricing model in place provided by the solicitation and award of Placer County Supplier Contract SCN104242 with Stommel, Inc., dba LEHR, Sacramento, CA for a total amount of \$500,000.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2022-066 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A BLANKET PURCHASE ORDER TO STOMMEL, INC. dba LEHR. FOR THE PURCHASE OF EMERGENCY RESPONSE VEHICLE EQUIPMENT USING PRICING FROM PLACER COUNTY SUPPLIER CONTRACT SCN104242

13.6 RESOLUTION - CERTIFICATION OF "URGENT NEED" NATIONAL OBJECTIVE FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT - DISASTER RECOVERY PROGRAM

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by resolution, certify that the Fire Damaged Roadway Resiliency Improvements project, funded by the California Department of Housing and Community Development's Community Development Block Grant - Disaster Recovery program, meets the program's "Urgent Need" national objective.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2022-067 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA CERTIFYING THAT THE FIRE DAMAGED ROADWAY RESILIENCY PROJECT MEETS THE CALIFORNIA HOUSING AND COMMUNITY DEVELOPMENT'S COMMUNITY DEVELOPMENT BLOCK GRANT - DISASTER RECOVERY PROGRAM URGENT NEED NATIONAL OBJECTIVE CRITERIA

13.7 RESOLUTION - APPROVAL OF PURCHASE ORDER UNDER THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC) COOPERATIVE

AGREEMENT (RA05-21) TO MOTOROLA SOLUTIONS, INC. TO
REPLACE AND MODERNIZE EXISTING MOBILE RADIOS

RECOMMENDATION: It is recommended by the Fire and Finance Departments that the Council, by resolution, approve use of the Houston-Galveston Area Council (H-GAC) Cooperative Agreement (Contract Number RA05-21) with Motorola Solutions, Inc. to issue a purchase order for Motorola radios, equipment, and installation in an amount not to exceed \$666,000 to modernize and replace aging radio systems used by the Fire Department.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2022-068 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING A PURCHASE ORDER FOR RADIOS, ACCESSORIES, AND INSTALLATION FROM MOTOROLA SOLUTIONS, INC. IN AN AMOUNT NOT TO EXCEED \$666,000 UNDER THE H-GAC COOPERATIVE AGREEMENT (CONTRACT NUMBER RA05-21) FOR REPLACEMENT AND MODERNIZATION OF FIRE DEPARTMENT RADIOS

13.8 RESOLUTION - AMENDMENT TO PROFESSIONAL SERVICE AGREEMENT NUMBER F002302 WITH BUREAU VERITAS NORTH AMERICA, INC. FOR FIRE CODE PLAN REVIEW SERVICES

RECOMMENDATION: It is recommended by the Fire and Finance Departments that the Council, by resolution, approve a First Amendment to Professional Service Agreement Number F002302 with Bureau Veritas North America, Inc., a Delaware Corporation for Fire Code plan review services in an amount of \$100,000, for a total amount not to exceed \$200,000.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2022-069 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AN AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT NUMBER F002302 WITH BUREAU VERITAS NORTH AMERICA, INC. FOR FIRE CODE PLAN REVIEW SERVICES

13.9 RESOLUTION - WAIVER OF COMPETITIVE BIDDING AND APPROVAL OF PROFESSIONAL SERVICES AGREEMENT NUMBER F002335 WITH HAGERTY CONSULTING, INC. FOR ARPA

ADMINISTRATION

RECOMMENDATION: It is recommended by the Finance Department that the Council, by resolution: 1) waive competitive bidding pursuant to Section 3-08.100(D) of the Santa Rosa City Code and Council Policy 600-001; and 2) approve Professional Services Agreement Number F002335 with Hagerty Consulting, Inc. of Evanston, Illinois, for American Rescue Plan Act (ARPA) administration and consulting in an amount not to exceed \$252,870.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2022-070 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA WAIVING COMPETITIVE BIDDING AND APPROVING PROFESSIONAL SERVICES AGREEMENT NUMBER F002335 WITH HAGERTY CONSULTING, INC. FOR AMERICAN RESCUE PLAN ADMINISTRATION

13.10 RESOLUTION - SANTA ROSA TOURISM BUSINESS IMPROVEMENT AREA ADVISORY BOARD APPOINTMENTS

RECOMMENDATION: It is recommended by the Planning and Economic Development Department that the Council, by resolution: 1) appoint Tony Pace, General Manager of Hotel E, to the Santa Rosa Business Improvement Area Advisory Board to serve as the representative for full-service hotels; and 2) appoint Charlene Lennon, Director of Sales of Visit Santa Rosa, to the Advisory Board to serve as an alternate representative for the Santa Rosa Chamber of Commerce (aka Santa Rosa Metro Chamber) in the event the Chief Executive Officer of the Santa Rosa Metro Chamber is unavailable to attend a meeting.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2022-071 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPOINTING MEMBERS TO THE ADVISORY BOARD FOR THE SANTA ROSA TOURISM BUSINESS IMPROVEMENT AREA

13.11 ORDINANCE ADOPTION - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA INCREASING THE COMPENSATION OF THE CITY MANAGER TO PROVIDE, EFFECTIVE APRIL 10, 2022, A 2.5% COST OF LIVING SALARY ADJUSTMENT AND \$500 ANNUALLY FOR

WELLNESS.

RECOMMENDATION: This ordinance, introduced at the March 29, 2022, Regular Meeting by a 7-0-0 vote, will provide a cost of living adjustment for Executive Management staff, provide a 2.5% cost of living salary adjustment to the City Manager and \$500 annually for wellness.

This Consent - Ordinance was adopted.

ORDINANCE NO. ORD-2022-003 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA INCREASING THE COMPENSATION OF THE CITY MANAGER TO PROVIDE, EFFECTIVE APRIL 10, 2022, A 2.5% COST OF LIVING SALARY ADJUSTMENT AND \$500 ANNUALLY FOR WELLNESS

- 13.12** ORDINANCE ADOPTION - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING CHAPTER 1-12 OF THE SANTA ROSA CITY CODE ADOPTING A FINAL MAP OF DISTRICT BOUNDARIES FOR DISTRICT-BASED ELECTIONS OF COUNCIL MEMBERS IN ACCORDANCE WITH THE REDISTRICITNG PROCESS FOR THE FEDERAL 2020 DECENNIAL CENSUS (CALIFORNIA ELECTIONS CODE SECTION 21620-21630) AND THE FAIR MAPS ACT

RECOMMENDATION: This ordinance, introduced at the March 29, 2022, Regular Meeting by a 7-0-0 vote, adopts a new district boundary map for the election of City Council members beginning in 2022.

This Consent - Ordinance was adopted.

ORDINANCE NO. ORD-2022-004 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING CHAPTER 1-12 OF THE SANTA ROSA CITY CODE ADOPTING A FINAL MAP OF REVISED DISTRICT BOUNDARIES FOR DISTRICT-BASED ELECTIONS OF COUNCIL MEMBERS FOLLOWING RECEIPT OF POPULATION DATA FROM THE FEDERAL 2020 DECENNIAL CENSUS AND IN ACCORDANCE WITH CALIFORNIA ELECTIONS CODE SECTIONS 21620-21630

15. REPORT ITEMS

- 15.1** REPORT - REQUEST THAT THE CITY COUNCIL DECLARE PURSUANT TO GOVERNMENT CODE SECTION 54221 THAT REAL

PROPERTY OWNED BY THE CITY LOCATED AT 625 AND 637
THIRD STREET (PARKING GARAGE 5) IS NON-EXEMPT SURPLUS
LAND SUBJECT TO THE RETENTION OF PUBLIC PARKING

BACKGROUND: This Resolution would declare, pursuant to government code section 54221, that real property owned by the City located at 625 and 637 third street (Parking Garage 5) is non-exempt surplus land subject to the retention of public parking and directs Staff to submit a Notice of Availability to the State Housing and Community Development Department, in furtherance of the City's downtown asset strategy, land use and policy goals and 2016 Housing Action Plan, including encouraging the development of housing and increasing activity in the downtown.

RECOMMENDATION: It is recommended by Real Estate Services and the Planning and Economic Development Department that the Council, by resolution: 1) declare that the City owned property located at 625 and 637 Third Street APN's 009-013-012 and 009-003-011 (Parking Garage 5) is "non-exempt surplus land" as defined by the Surplus Lands Act, provided that Public Parking is retained on the Property as a condition of the sale or long-term lease of the Property; 2) direct City Staff to prepare and submit a Notice of Availability in accordance with the requirements of the Surplus Lands Act; and 3) authorize the City Manager or her designee to take all necessary actions to fully comply with the Surplus Lands Act and carry out the City Council's direction.

This item was pulled from agenda.

15.2 REPORT - LICENSE AGREEMENT WITH PECOS LEAGUE OF
PROFESSIONAL BASEBALL CLUBS, LLC TO USE DOYLE PARK
BASEBALL FIELD

BACKGROUND: The baseball field at Doyle Community Park is for the use and benefit of the public; however, the City, through its Recreation Division, has determined that there are certain days and hours which may be made available for organizations to rent the facilities for designated use. Pecos League of Professional Baseball Clubs, LLC requests designated use of the facilities for a professional baseball team to be named the Santa Rosa Scuba Divers for baseball trainings and league games. The City desires to make the facility available to Pecos League on a license basis for the purpose of providing the

program.

RECOMMENDATION: It is recommended by the Recreation Division that the Council, by resolution, approve and authorize the City Manager or designee to negotiate, execute and administer, subject to approval as to form by the City Attorney, a License Agreement with the Pecos League of Professional Baseball Clubs, LLC for the use of the Doyle Park Baseball Field for professional independent league baseball.

Jeff Tibbetts, Deputy Director - Recreation, presented and answered questions from Council.

No public comments were made.

A motion was made by Council Member MacDonald, seconded by Council Member Sawyer, to waive reading of the text and adopt

RESOLUTION NO. RES-2022-072 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE, EXECUTE AND ADMINISTER A LICENSE AGREEMENT WITH PECOS LEAGUE OF PROFESSIONAL BASEBALL CLUBS, LLC FOR USE OF DOYLE PARK BASEBALL FIELD

The motion carried by the following vote:

Yes: 7 - Mayor Rogers, Vice Mayor Alvarez, Council Member Fleming, Council Member MacDonald, Council Member Rogers, Council Member Sawyer, and Council Member Schwedhelm

14. PUBLIC COMMENT ON NON-AGENDA MATTERS

Andrew Smith spoke on future housing in Santa Rosa, and expressed concern the impact of short term vacation rentals taking housing off the market in residential neighborhoods.

Diane Test, Merit Awards Committee, submitted comment on how community members can submit a merit award nomination form by July 10, 2022, and expressed appreciation to the Council Members who attended the award ceremony in 2021.

16. PUBLIC HEARINGS

16.1 PUBLIC HEARING - APPEAL OF ZONING CODE APPEAL DEADLINE

DETERMINATION

BACKGROUND: On January 27, 2022, the Planning Commission adopted a Mitigated Negative Declaration and approved a Hillside Development Permit, Conditional Use Permit and Tentative Map for the 59-unit Penstemon Place project located at 2574, 2842 and 2862 Linwood Avenue. Zoning Code Section 20-62.030(B)(1) requires that appeals of a decision by the Planning Commission shall be filed within 10 calendar days after the date of the decision. On February 9, 2022, an appeal of the Planning Commission's January 27, 2022, decision was received by the City Clerk's office, which was two days after the appeal deadline. On February 10, 2022, a letter was sent to the appellant notifying him that the Appeal could not be accepted. On February 17, 2022, an Appeal of the appeal deadline determination was submitted pursuant to Municipal Code Section 1-20.020, which allows appeals of a decision by a City official within 15 days of the date of decision.

RECOMMENDATION: It is recommended by the Planning and Economic Development Department and the City Clerk's Office that the Council, by resolution, uphold the Planning and Economic Development Department and City Clerk's determinations to not accept an untimely Appeal Form and deny an Appeal of the Zoning Code appeal deadline determination following the Planning Commission's action on the Penstemon Place residential project.

The following Council Members reported Ex Parte communications:

Council Member Schwedhelm communicated with the Chair of the Planning Commission and a business community member involved in project and had no new information to report.

Council Member Sawyer spoke with his appointee to the Planning Commission and had no new information to report.

Jessica Jones, Supervising Planner, presented and answered questions from Council.

Susie Murray, Senior Planner, was available to answer questions.

Appellant Steve Osborn presented information supporting the grounds on his appeal filing.

Mayor Rogers opened the public hearing at 5:25 p.m.

No public comments were made.

Mayor Rogers closed the public hearing at 5:26 p.m.

A motion was made by Council Member Schwedhelm, seconded by Council Member Sawyer, to waive reading of the text and adopt

RESOLUTION NO. RES-2022-073 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA UPHOLDING THE CITY CLERK'S DETERMINATION TO NOT ACCEPT AN UNTIMELY APPEAL FORM AND DENYING AN APPEAL OF THE ZONING CODE APPEAL DEADLINE DETERMINATION FOLLOWING THE PLANNING COMMISSION'S ACTION ON THE PENSTEMON PLACE RESIDENTIAL PROJECT

The motion carried by the following vote:

Yes: 7 - Mayor Rogers, Vice Mayor Alvarez, Council Member Fleming, Council Member MacDonald, Council Member Rogers, Council Member Sawyer, and Council Member Schwedhelm

16.2 PUBLIC HEARING - SHARED SCOOTER SYSTEM PILOT PROGRAM ORDINANCE AMENDMENT

BACKGROUND: In 1996 and 2001, the City Council adopted ordinances 3249 and 3516, respectively prohibiting skating activities and scooters on sidewalks and streets within the specified downtown area, the specified Railroad Square area, in shopping centers and other specified areas of public property.

The project includes an amendment to the Santa Rosa Health and Safety Code Chapter 9-22 to allow for the shared scooter system pilot program approved by the City Council on December 14, 2021. The operations of the shared scooter system pilot program would be consistent with state law.

In summary the revisions to City Code Chapter 9-22 include:

- Adding a sub-section exempting scooters from prohibition during the pilot program to operate on public streets, public alleys, and public gutters - 9-22.020 (D) Prohibition. These devices will still be prohibited on sidewalks per the existing ordinance; and
- Broadening scooter definition to include motorized scooters - 9-22.040(D) Definitions

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council introduce an ordinance to amend City Code Chapter 9-22 -Bicycles, Skateboards, Roller Skates, In-Line Skates, and Similar Devices to allow scooters to operate on public streets, public alleys, and public gutters during the City Council approved shared scooter system pilot program.

Nancy Adams, Transportation Planner, presented and answered questions from Council.

Mayor Rogers opened the public hearing at 5:39 p.m.

No public comments were made.

Mayor Roger closed the public hearing at 5:39 p.m.

A motion was made by Council Member Fleming, seconded by Council Member Sawyer, to waive reading of the text and introduce

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA TO AMEND SANTA ROSA CITY CODE TITLE 9 - HEALTH AND SAFETY CODE CHAPTER 9-22, BICYCLES, SKATEBOARDS, ROLLER SKATES, IN-LINE SKATES, AND SIMILAR DEVICES TO ALLOW SCOOTERS TO OPERATE ON PUBLIC STREETS, PUBLIC ALLEYS, AND PUBLIC GUTTERS DURING THE CITY COUNCIL APPROVED SHARED SCOOTER SYSTEM PILOT PROGRAM

The motion carried by the following vote:

Yes: 7 - Mayor Rogers, Vice Mayor Alvarez, Council Member Fleming, Council Member MacDonald, Council Member Rogers, Council Member Sawyer, and Council Member Schwedhelm

REPORT ITEMS

15.3 REPORT - OPPOSITION TO INITIATIVE 21-0042A1 (Taxpayer

Protection and Government Accountability Act)

BACKGROUND: A statewide initiative entitled “Taxpayer Protection and Government Accountability Act” has been proposed for placement on the ballot for the November, 2022 election. The proposed measure would limit the ability of the state and of local governments to impose taxes, fees and other charges and would restrict voter input on how local tax dollars can be spent. If passed, the measure would make it harder to maintain or raise needed revenues and could result in significantly reduced resources for City needs. The League of California Cities (Cal Cities) opposes the measure and is encouraging its members of Cal Cities to oppose the measure as well. City staff concur with the Cal Cities recommendation.

RECOMMENDATION: It is recommended by the Communications & Intergovernmental Relations Office that the Council, by resolution, oppose Initiative 21-0042A1, a proposed statewide ballot measure.

Scott Alonso, Intergovernmental Relations & Legislative Officer, presented and answered questions from Council.

PUBLIC COMMENT

Adina Flores spoke on voting with integrity and expressed concern on possible fraudulent reporting by Supervisor Gore on his annual statement of economic interest form.

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

RESOLUTION NO. RES-2022-074 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA OPPOSING INITIATIVE 21-0042A1, THE TAXPAYER PROTECTION AND GOVERNMENT ACCOUNTABILITY ACT

The motion carried by the following vote:

Yes: 7 - Mayor Rogers, Vice Mayor Alvarez, Council Member Fleming, Council Member MacDonald, Council Member Rogers, Council Member Sawyer, and Council Member Schwedhelm

17. WRITTEN COMMUNICATIONS - NONE.

18. PUBLIC COMMENTS ON NON-AGENDA MATTERS

Adina Flores spoke expressing concern on Supervisor Gore's reporting of finances on his annual statements of economic interest form.

Shelby Pryor spoke in support of Council Member Alvarez, Magali Telles, and people in the community who benefit from the work by people of color, and expressed concern on the unfair representation of Black people in the community.

19. ANNOUNCEMENT OF CONTINUED CLOSED SESSION ITEMS, RECESS TO CLOSED SESSION IN THE MAYOR'S CONFERENCE ROOM, RECONVENE TO OPEN SESSION, AND ANNOUNCEMENTS [IF NEEDED] - NONE.

20. ADJOURNMENT OF MEETING

Mayor Rogers adjourned the meeting at 6:06 pm. The next regularly scheduled meeting will be held on April 26, 2022, at a time to be set by the Mayor.

21. UPCOMING MEETINGS

21.1 UPCOMING MEETINGS LIST

This item was received and filed.

Approved on:

Stephanie A. Williams
City Clerk