

**SANTA ROSA CITY COUNCIL MINUTES
REGULAR MEETING
CITY HALL, 100 SANTA ROSA AVENUE
AUGUST 9, 2016**

Council Member Carlstrom participated in the meeting via teleconference from 1537 W. Fern Avenue, Redlands, CA. This agenda was posted at this location.

1. CALL TO ORDER AND ROLL CALL

Mayor Sawyer called the meeting to order at 3:00 p.m. Council Members present: Mayor Sawyer, Vice Mayor Schwedhelm, Council Members Combs, Coursey, Olivares, and Wysocky. Council Member Carlstrom teleconferenced at 4:03 p.m.

2. ANNOUNCEMENT OF CLOSED SESSION ITEMS

Mayor Sawyer recessed the meeting to closed session at 3:00 p.m. to discuss Items 2.1 and 2.2 as listed on the agenda:

2.1 PUBLIC EMPLOYEE APPOINTMENT/PUBLIC EMPLOYMENT

(Government Code Section 54957)

Title: City Attorney

2.2 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Government Code Section 54956.9)

Name of Case: Wendy Flood v. City of Santa Rosa

Court Case No. Sonoma County Superior Court Case No.: SCV-258183

Mayor Sawyer adjourned closed session at 3:50 p.m. and reconvened the meeting to open session in the Council Chamber at 4:03 p.m.

3. STUDY SESSION – NONE.

4. ANNOUNCEMENT OF ROLL CALL

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

City Attorney Riddle reported that the Council met in closed session regarding Items 2.1 – Public Employment and 2.2 – Anticipated Litigation as listed on the agenda and there was no action taken by the Council.

The Mayor reordered the agenda to take Item 6 – Proclamation/Presentations after Item 14.1 – Ordinance adoption and Resolution Approving Second Reading Amending Section 3-26.120.

7. STAFF BRIEFINGS

7.1 QUARTERLY REPORT ON CAPITAL IMPROVEMENT PROGRAM PROJECTS

Steve Dittmer, Supervising Engineer, provided an update on Team 1 projects that are expected to be under construction in the coming months. CIP Projects provided the infrastructure that is critical to the economic vitality and quality of life in Santa Rosa.

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

City Manager McGlynn reported on Courthouse Square progression.

9. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS

Mayor Sawyer announced he will be abstaining from Item 14.3.

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 – None.

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) - Council Member Wysocky provided a brief report.

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

10.1.8 Other – None.

11. APPROVAL OF MINUTES – NONE.

12. CONSENT ITEM

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:

12.1 MOTION - CALIFORNIA FIRE FOUNDATION SAVE PROGRAM

RECOMMENDATION: It is recommended by the Fire Department that the Council by motion, approve the Memorandum of Understanding (MOU) attached hereto for the City’s participation in the “Supplying Aid to Victims of Emergency” (SAVE) program founded by the California Fire Foundation (CFF) to distribute gift cards, in an amount designated by CFF at a minimum of \$100, to each eligible victim of fire or other natural disaster so they may purchase basic necessities.

The time not yet being 5:00 p.m., Mayor Sawyer took Report Item 14.1 – Ordinance and Resolution Adoption and Item 6 – Proclamations/Presentations before Item 13 – Public Comment on Non-Agenda Matters.

14. REPORT ITEMS

14.1 REPORT - ORDINANCE ADOPTION AND RESOLUTION - APPROVING ON SECOND READING ORDINANCE OF THE CITY OF SANTA ROSA AMENDING

SECTION 3-26.120 OF THE SANTA ROSA CITY CODE (ADDED AS PART OF MEASURE O ADOPTED BY CITY VOTERS AT THE NOVEMBER 2004 ELECTION) TO CHANGE THE LEVEL OF FUNDING REQUIRED TO BE DEDICATED FOR CERTAIN PUBLIC SAFETY PURPOSES; ORDERING SUBMISSION OF A BALLOT MEASURE TO SEEK VOTER APPROVAL OF THAT ORDINANCE; PERMITTING THE FILING OF REBUTTAL ARGUMENTS, DIRECTING THE CITY ATTORNEY TO PROVIDE AN IMPARTIAL ANALYSIS, AND PROVIDING DIRECTION REGARDING BALLOT ARGUMENTS IN SUPPORT OF MEASURE

BACKGROUND: On July 19, 2016, the City Council provided direction prepare ballot documents for a no tax-rate increase re-authorization of Measure P and an adjustment to the baseline funding formula of Measure O on the November 8, 2016 ballot to strengthen the City's General Fund and provide locally-controlled funding for services the community has indicated are important. The City Attorney has drafted a proposed ballot measures and ballot summaries as required for each ballot.

On August 2, 2016, the City Council approved on first reading an ordinance that would change the baseline spending level for certain public safety purposes identified in Measure O. If approved on second reading, the Council may then adopt a resolution to submit the ordinance to the voters for approval at the November 8, 2016 election.

The proposed amendment to Measure O to adjust the annual baseline funding levels for certain public safety purposes established in that measure requires approval by four Councilmembers. If submitted to the voters, it would require approval by a majority of those voting on the measure.

Under the California Elections Code, the resolutions submitting the measure to the voters must be filed with the County Registrar of Voters no later than Friday, August 12, 2016.

RECOMMENDATION: It is recommended by the City Manager and the Finance Department that the Council, approve on second reading an ordinance, introduced at the August 2, 2016, Regular Meeting by a 7-0 vote, to amend Measure O to establish a new funding baseline for extend for certain public safety purposes; and adopt a resolution to (1) order the submission of a ballot measure to the voters at the November 8, 2016, General Municipal Election to approve that ordinance; (2) provide for the filing of rebuttal arguments on the measure(s); (3) direct the City Attorney to prepare an impartial analysis of the measure; and (4) direct staff to prepare a draft of the ballot argument in support of the proposed ballot measure.

Presented by Randy Riddle, Acting Interim City Attorney.

PUBLIC COMMENT

Shelly Browning spoke in opposition to increasing tax.

Anne Seeley spoke in support to both measures.

MOVED by Council Member Olivares, seconded by Council Member Combs, and **CARRIED** unanimously by roll call vote to amend the language of the Proposition O amendment to be submitted to the voters by adding the following language at the end of Subsection G of the proposed ordinance: "unless a lower level of funding is first approved by the affirmative vote of six Council Members" and to waive reading of the text and adopt:

ORDINANCE ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING SECTION 3-26.120 OF THE SANTA ROSA CITY CODE (ADDED AS PART OF MEASURE O ADOPTED BY CITY VOTERS AT THE NOVEMBER 2004 ELECTION) TO CHANGE THE LEVEL OF FUNDING REQUIRED TO BE DEDICATED FOR CERTAIN PUBLIC SAFETY PURPOSES

MOVED by Council Member Olivares, seconded by Council Member Combs, and **CARRIED** unanimously by roll call vote with the amendment to change the language to the ballot measure question from “spending levels” to “General Fund budget levels” to waive reading of the text and adopt:

RESOLUTION NO. 28836 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ORDERING SUBMISSION OF A BALLOT MEASURE TO APPROVE AN ORDINANCE OF THE CITY OF SANTA ROSA AMENDING SECTION 3-26.120 OF THE SANTA ROSA CITY CODE (ADDED AS PART OF MEASURE O ADOPTED BY CITY VOTERS AT THE NOVEMBER 2004 ELECTION) TO CHANGE THE LEVEL OF FUNDING REQUIRED TO BE DEDICATED FOR CERTAIN PUBLIC SAFETY PURPOSES, APPROVING BALLOT LANGUAGE, PERMITTING THE FILING OF REBUTTAL ARGUMENTS, DIRECTING THE CITY ATTORNEY TO PROVIDE AN IMPARTIAL ANALYSIS, AND PROVIDING DIRECTION REGARDING BALLOT ARGUMENTS IN SUPPORT OF MEASURE

6. PROCLAMATIONS/PRESENTATIONS

6.1 PRESENTATION - SANTA ROSA-KAGOSHIMA STUDENT EXCHANGE PROGRAM

Mayor Sawyer welcomed and presented Certificates to the exchange students from Kagoshima.

14.2 REPORT - ORDINANCE ADOPTION AND RESOLUTION - APPROVING ON SECOND READING AN ORDINANCE OF THE CITY OF SANTA ROSA AMENDING SECTION 3-27.130 OF THE SANTA ROSA CITY CODE (ADDED AS PART OF MEASURE P ADOPTED BY CITY VOTERS AT THE NOVEMBER 2010 ELECTION) TO EXTEND, FOR EIGHT YEARS, A ¼-CENT GENERAL TRANSACTION AND USE TAX; APPROVING A RESOLUTION ORDERING SUBMISSION OF A BALLOT MEASURE TO SEEK VOTER APPROVAL OF THAT ORDINANCE; PERMITTING THE FILING OF REBUTTAL ARGUMENTS, DIRECTING THE CITY ATTORNEY TO PROVIDE AN IMPARTIAL ANALYSIS; AND PROVIDING DIRECTION REGARDING BALLOT ARGUMENTS IN SUPPORT OF MEASURE

BACKGROUND: On July 19, 2016, the City Council provided direction to prepare ballot documents for a no tax-rate increase re-authorization of Measure P and an adjustment to the baseline funding formula of Measure O on the November 8, 2016 ballot to strengthen the City’s General Fund and provide locally-controlled funding for services the community has indicated are important. The City Attorney has drafted a proposed ballot measures and ballot summaries as required for each ballot.

On August 2, 2016, the City Council approved on first reading, by a two-thirds vote, an ordinance that would extend Measure P for eight years. If approved on second reading by the Council, the Council may then adopt a resolution to submit the ordinance to the voters for approval at the November 8, 2016 election.

Under state law, the proposed amendment to Measure P to extend the expiration date of the ¼ cent sales tax requires approval by five Councilmembers. If submitted to the voters, it would require approval by a majority of those voting on the measure.

Under the California Elections Code, the resolutions submitting the measure to the voters must be filed with the County Registrar of Voters no later than Friday, August 12, 2016.

RECOMMENDATION: It is recommended by the City Manager and the Finance Department that the Council, approve on second reading an ordinance, introduced at the August 2, 2016, Regular Meeting by a 5-2 vote (Council Members Combs and Wysocky voting no), to extend for eight years the ¼ cent general sales tax approved by voters as Measure P in November 2010; and by resolution (1) order the submission of a ballot measure to the voters at the November 8, 2016 General Municipal Election to approve that ordinance; (2) provide for the filing of rebuttal arguments on the measure; (3) direct the City Attorney to prepare an impartial analysis of the measure; and (4) direct staff to prepare a draft of the ballot argument in support of the proposed ballot measure.

Presented by Randy Riddle, Acting Interim City Attorney.

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:

ORDINANCE ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING SECTION 3-27.130 OF THE SANTA ROSA CITY CODE (ADDED AS PART OF MEASURE P ADOPTED BY CITY VOTERS AT THE NOVEMBER 2010 ELECTION) TO EXTEND, FOR EIGHT YEARS, A ¼-CENT GENERAL TRANSACTION AND USE TAX

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

RESOLUTION NO. 28837 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ORDERING SUBMISSION OF A BALLOT MEASURE TO APPROVE AN ORDINANCE OF THE CITY OF SANTA ROSA AMENDING SECTION 3-27.130 OF THE SANTA ROSA CITY CODE (ADDED AS PART OF MEASURE P ADOPTED BY CITY VOTERS AT THE NOVEMBER 2010 ELECTION) TO EXTEND, FOR EIGHT YEARS, A ¼-CENT GENERAL TRANSACTION AND USE TAX, APPROVING BALLOT LANGUAGE, PERMITTING THE FILING OF REBUTTAL ARGUMENTS, DIRECTING THE CITY ATTORNEY TO PROVIDE AN IMPARTIAL ANALYSIS, AND PROVIDING DIRECTION REGARDING BALLOT ARGUMENTS IN SUPPORT OF MEASURE

Council Member Carlstrom announced that she will leave the meeting at 5:03 p.m.

Mayor Sawyer recessed the meeting at 5:03 p.m. and reconvened the meeting at 5:08 p.m. All Council Members were present with the exception of Council Member Carlstrom.

13. PUBLIC COMMENT ON NON-AGENDA MATTERS

Duane Dewitt spoke on various issues.

Peter Tscherneff spoke on various issues.

Thomas Ells spoke on various issues.

14.3 REPORT - EMERGENCY DECLARATIONS CONCERNING HOMELESSNESS (This item was continued from the July 26, 2016, Regular Meeting)

BACKGROUND: On July 19, 2016, staff presented to Council three options for emergency declarations concerning homelessness, including declaration of shelter crisis, declaration of local emergency, and request for gubernatorial state of emergency proclamation, and sought direction regarding Council's interest in pursuing these options. Council made a motion to direct staff to take the appropriate steps to declare a homelessness emergency utilizing the three options outlined by staff.

Staff has prepared the appropriate declarations and a letter to the Governor for Council consideration.

RECOMMENDATION: It is recommended by the Housing and Community Services Department that the Council formally recognize a homelessness emergency through the following 1) adopt a resolution declaring a shelter crisis within Santa Rosa; 2) adopt a resolution declaring a local homeless emergency within Santa Rosa; and 3) by motion, direct the Mayor to submit a letter requesting a gubernatorial state of emergency proclamation.

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

PUBLIC COMMENT

Don Holden spoke in favor of effort by Resolution.

Shelly Browning spoke on foreclosed homes.

Peter Tscherneff spoke on homelessness.

Linda Hemenum spoke on veteran homelessness.

Heidi Prottas spoke on support of item.

Anita LaFollette spoke on support of item.

Thomas Ells spoke on support of item.

Adrienne Lauby, with Homeless Action, spoke on support of item.

Ka'Lane Raposa spoke on support of item.

Jennielynn Holmes spoke on support of item.

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

RESOLUTION NO. 28838 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DECLARING A HOMELESS SHELTER CRISIS

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

RESOLUTION NO. 28839 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA PROCLAIMING A LOCAL HOMELESS EMERGENCY

MOVED by Council Member Wysocky, seconded by Council Member Combs, and **CARRIED** 6-0-1 (Mayor Sawyer, Vice Mayor Schwedhelm, Council Members Combs, Coursey, Olivares, Wysocky voting yes; Council Member Carlstrom absent) to direct

the City Manager to submit a letter requesting for a gubernatorial state of emergency proclamation.

14.4 REPORT - ACCEPTANCE OF COMMUNITY SAFETY SCORECARD

BACKGROUND: Staff will present to the Council the finalized Community Safety Scorecard (Scorecard) developed and adopted by the Santa Rosa Violence Prevention Partnership. The Scorecard is a data-driven tool to measure long term efforts of The Partnership to reduce youth violence.

This upstream, community oriented approach of understanding the root causes of violence provides The Partnership's members, City, and community with an opportunity to identify strategies that will address the key determinants of the community's overall health and safety.

RECOMMENDATION: It is recommended by the Office of Community Engagement and the Santa Rosa Violence Prevention Partnership (The Partnership) that the Council, by motion, accept The Partnership's Community Safety Scorecard.

Presented by Jaime Penaherrera, Community Engagement Director and Serena Lienau, Interim Program Manager.

MOVED by Council Member Coursey, seconded by Council Member Olivares, and **CARRIED** 6-0-1 (Mayor Sawyer, Vice Mayor Schwedhelm, Council Members Combs, Coursey, Olivares, Wysocky voting yes; Council Member Carlstrom absent) to accept The Partnership's Community Safety Scorecard.

Council Member Wysocky left the meeting at 7:39 p.m.

14.5 REPORT - APPROVAL OF AMENDMENT NO. 1 TO CITY MANAGER EMPLOYMENT AGREEMENT AND INTRODUCTION OF ORDINANCE ESTABLISHING SALARY AND OTHER BENEFITS

BACKGROUND: On July 26, 2016, the Council approved by resolution a 2.5% cost of living increase effective July 10, 2016, for the executive management (Unit 10 - Executive Management)

RECOMMENDATION: It is recommended that the City Council, by resolution, approve Amendment No. 1 to the City Manager's Employment Agreement granting a two and one half percent (2.5%) cost of living adjustment; and it is further recommended that Council 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** 5-0-2 (Mayor Sawyer, Vice Mayor Schwedhelm, Council Members Combs, Coursey, Olivares voting yes; Council Members Carlstrom and Wysocky absent) to waive reading of the text and adopt:

RESOLUTION NO. 28840 ENTITLED: RESOLUTION OF THE COUNCIL OF SANTA ROSA APPROVING AMENDMENT NO. 1 TO EMPLOYMENT AGREEMENT - CITY MANAGER

MOVED by Council Member Combs, seconded by Council Member Olivares, and **CARRIED** 5-0-2 (Mayor Sawyer, Vice Mayor Schwedhelm, Council Members Combs, Coursey, Olivares voting yes; Council Members Carlstrom and Wysocky absent) to waive reading of the text and introduce the following ordinance by reading its title:

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

16.1 QUARTERLY CAPITAL IMPROVEMENT PROGRAM PROJECTS UPDATE: APRIL - JUNE 2016.

17. PUBLIC COMMENTS ON NON-AGENDA MATTERS – NONE.

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 7:50 p.m. The next regularly scheduled meeting will take place on August 16, 2016, at a time to be set by the Mayor.

Approved on: September 20, 2016

/s/ Daisy Gomez, City Clerk