



**City Council
Regular Meeting Minutes - Draft**

Tuesday, December 3, 2019

1:00 PM

1. CALL TO ORDER AND ROLL CALL

Mayor Schwedhelm called the Special Joint Meeting to order at 1:02 p.m.

Planning Commissioners also present: Chair Patti Cisco, Vice Chair Karen Weeks, Commissioner Charles Carter, Commissioner Julian Peterson, Commissioner Jeff Okrepkie, Commissioner Akah Kalia, and Commissioner Vicki Duggan.

Present: 5 - Mayor Tom Schwedhelm, Vice Mayor Victoria Fleming, Council Member Ernesto Olivares, Council Member Chris Rogers, and Council Member Jack Tibbetts

Absent: 1 - Council Member John Sawyer

2. JOINT STUDY SESSION

**2.1 DOWNTOWN STATION AREA SPECIFIC PLAN UPDATE -
PREFERRED ALTERNATIVE SELECTION**

The City has initiated an update to the Downtown Station Area Specific Plan, which was originally adopted in 2007. This study session will provide the Planning Commission and Council with an opportunity to provide feedback and guidance on the draft preferred alternative.

Presented by Patrick Streeter, Senior Planner; Clare Hartman, Deputy Director of Planning; and David Guhin, Assistant City Manager/Director of Planning and Economic Development.

Council Member Sawyer joined the meeting shortly after roll call.

PUBLIC COMMENT

Michael Martini spoke in support of the item and in the full connection of Roberts Avenue.

Teri Shore submitted a speaker card, but was not present during public comment. Speaker card indicated support of the item.

Ray Holley, Sonoma County Library, spoke in support of the item.

Nina Rizzo, TransForm, spoke on the item. Comment provided from speaker card: Reduce parking minimums - no minimums in entire area and I.O. ratio maximum.

Duane DeWitt spoke on the item.

Cindy Young spoke in support of the item. Comment provided from speaker card: Parking, homelessness, footpath connector to Courthouse Square public restroom, and market.

Keith Woods spoke in support of the item.

Peter Rumble, Santa Rosa Metro Chamber, spoke in support of the item.

John Stewart, Santa Rosa Cannery, spoke in support of the item.

Hugh Futrell spoke in support of the item.

Efren Carrillo spoke in support of the item.

Steve Birdleough, Transportation and Land-Use Coalition, spoke in support of the item.

Lois Fisher spoke in support of the square in Railroad Square. Comment provided from speaker card: Concern about Rail Road Square Map 2 FAR - none on Railroad Square park site, and Map 3 - preservation, none over Railroad Square parking lot.

Cliff Whigham spoke in support of the item.

Rick Theis spoke in support of the item.

Richard Carlile spoke in support of the item.

Peter Stanley, Archilogix, spoke in support of the item.

The Planning Commissioners provided direction to staff regarding the Downtown Station Area Specific Plan alternatives presented.

The City Council provided direction to staff regarding the Downtown Station Area Specific Plan alternatives presented.

This item was received and filed.

Mayor Schwedhelm recessed the Special Joint Meeting at 4:09 p.m. and reconvened the Regular Meeting at 4:21 p.m.

Mayor Schwedhelm announced that the Council will take Items 17.1 and 17.2 - Public Hearings, before Items 16.1 and 16.2 - Report Items.

3. ANNOUNCEMENT OF ROLL CALL

All council members were present with the exception of Vice Mayor Fleming and Council Member Sawyer.

Present: 4 - Mayor Tom Schwedhelm, Council Member Ernesto Olivares, Council Member Chris Rogers, and Council Member Jack Tibbetts

Absent: 2 - Vice Mayor Victoria Fleming, and Council Member John Sawyer

4. ANNOUNCEMENT OF CLOSED SESSION ITEMS - NONE.

5. STUDY SESSION

Vice Mayor Fleming and Council Member Sawyer rejoined the meeting shortly after 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

- 5.1** STUDY SESSION PRESENTED BY THE COUNTY SUPERVISORS TO DISCUSS A PROPOSED ONE-HALF PERCENT (0.5%) SALES TAX MEASURE ENTITLED THE "SONOMA COUNTY WILDFIRE PREVENTION, EMERGENCY ALERT, AND RESPONSE TRANSACTIONS AND USE TAX ORDINANCE"

The focus of the study session is to evaluate the proposed one-half percent sales tax measure entitled the "Sonoma County Wildfire Prevention, Emergency Alert, and Response Transactions and Use Tax Ordinance".

Presented by Tony Gossner, Fire Chief; Supervisor David Rabbitt; Supervisor Lynda Hopkins; and Ruth Bernstein, EMC Research.

PUBLIC COMMENT

Duane De Witt expressed concerns about additional taxes on the community and the oversight committee.

This item was received and filed.

6. ANNOUNCEMENT OF ROLL CALL

Vice Mayor Fleming rejoined the meeting shortly after 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

7. REPORT, IF ANY, ON STUDY AND CLOSED SESSIONS - NONE.

8. PROCLAMATIONS/PRESENTATIONS - NONE.

9. STAFF BRIEFINGS

9.1 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.

City Manager McGlynn provided a brief report on two Hazard Mitigation Grants recently awarded to the City from Federal Emergency Management Agency (FEMA).

This item was received and filed.

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

City Manager McGlynn provided a brief report regarding the newly installed digital kiosk of past Mayors, which replaced the failing "Wall of Mayors" in Council Chamber; and the League of American

Bicyclists recently honored the City of Santa Rosa with a Bicycle Friendly Community certification, elevating our City from a Bronze-level designation, received in 2015, to a Silver-level designation.

10.1 QUARTERLY REPORT OF SETTLEMENTS AND ACTIVE LITIGATION

The City Attorney will report on settlements over \$50,000 within the third quarter of 2019 (07/01/2019 -09/30/2019) as well as provide a summary of pending litigation against the City.

City Attorney Gallagher provided a brief report.

This item was received and filed.

11. STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS

Vice Mayor Fleming announced her abstention from Item 14.6.

12. MAYOR'S/COUNCIL MEMBERS' REPORTS

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

Council Member Rogers announced the appointment of Leslie Graves to the Community Advisory Board.

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

12.1.1 Council Subcommittee Reports

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

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

12.1.4 Association of Bay Area Governments (ABAG)

12.1.5 Sonoma County Agricultural Preservation and Open Space District Advisory Committee

12.1.6 Sonoma Clean Power Authority (SCPA)

12.1.7 Sonoma County Waste Management Agency (SCWMA)

12.1.8 Groundwater Sustainability Agency (GSA)

12.1.9 Home Sonoma County (HSC)

12.1.10 Renewal Enterprise District (RED)

12.1.11 Other

13. APPROVAL OF MINUTES

- 13.1 November 12, 2019, Regular Meeting Minutes.
Approved as submitted.

14. CONSENT ITEMS

PUBLIC COMMENT

Duane DeWitt spoke on Items 14.2 and 14.6.

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 14.1 through 14.5.

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

- 14.1 RESOLUTION - FIFTH AMENDMENT TO GENERAL SERVICES AGREEMENT WITH DAY MANAGEMENT CORPORATION, DBA DAY WIRELESS SYSTEMS FOR MAINTENANCE, REPAIR AND INSPECTION SERVICES FOR EXISTING COMMUNICATIONS EQUIPMENT

RECOMMENDATION: It is recommended by the Finance Department, that the Council, by resolution, approve the Fifth Amendment to General Services Agreement Number F000913 with Day Management

Corporation, dba Day Wireless Systems, Benicia California, increasing compensation in the amount of \$40,000 for a total amount not to exceed \$549,826.14.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2019-175 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE FIFTH AMENDMENT TO GENERAL SERVICES AGREEMENT NUMBER F000913 WITH DAY MANAGEMENT CORPORATION, DBA DAY WIRELESS SYSTEMS FOR MAINTENANCE, REPAIR AND INSPECTION SERVICES FOR EXISTING COMMUNICATIONS EQUIPMENT

- 14.2** RESOLUTION - RESOLUTION APPROVING AMENDMENT NO. 2 TO CITY ATTORNEY'S EMPLOYMENT AGREEMENT AND ORDINANCE TO INCREASE 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: It is recommended by the Human Resources Department that the Council, by resolution, approve Amendment No. 2 to the Employment Agreement of the City Attorney and introduce an Ordinance to increase 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.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2019-176 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AMENDMENT NO. 2 TO THE CITY'S EMPLOYMENT AGREEMENT WITH CITY ATTORNEY TO PROVIDE, 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

This Consent - Ordinance was introduced.

ORDINANCE 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

- 14.3** ORDINANCE INTRODUCTION - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 21 OF THE SANTA ROSA CITY CODE - CORRECTING SECTION 21-02.050.B OF CHAPTER 21-02, INCLUSIONARY HOUSING ORDINANCE, TO LIMIT HOUSING IMPACT FEE AND INCLUSIONARY HOUSING INCENTIVES TO MULTIFAMILY RESIDENTIAL AND MIXED USE PROJECTS IN THE DOWNTOWN AREA- FILE NUMBER PRJ19-036

RECOMMENDATION: It is recommended by the Planning and Economic Development Department that the Council introduce an ordinance to amend Title 21 of the Santa Rosa City Code to correct Section 21-02-050.B of the Inclusionary Ordinance to limit the Downtown Inclusionary Housing Incentive to multifamily residential or mixed use development projects located in the Downtown area of the City of Santa Rosa.

This Consent - Ordinance was introduced.

ORDINANCE ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 21 OF THE SANTA ROSA CITY CODE - CORRECTING SECTION 21-02.050.B OF CHAPTER 21-02, INCLUSIONARY HOUSING ORDINANCE, TO LIMIT HOUSING IMPACT FEE AND INCLUSIONARY HOUSING INCENTIVES TO MULTIFAMILY RESIDENTIAL AND MIXED USE PROJECTS IN THE DOWNTOWN AREA- FILE NUMBER PRJ19-036

- 14.4** ORDINANCE ADOPTION SECOND READING - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE - RECLASSIFICATION OF PROPERTY LOCATED AT 407 SOUTH A STREET TO THE CG (GENERAL COMMERCIAL) DISTRICT - ASSESSOR'S PARCEL NUMBER 010-221-016; FILE NUMBER MNP14-018

RECOMMENDATION: This ordinance, introduced at the November 19, 2019, Regular Meeting by a (7-0-0) vote, reclassifies one (1) parcel located at 407 South A Street from R-2 (Medium Density Multi-Family Residential) to CG (General Commercial), consistent with the policies in the General Plan and Downtown Station Area Specific Plan.

This Consent - Ordinance was adopted.

ORDINANCE NO. ORD-2019-020 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE - RECLASSIFICATION OF PROPERTY LOCATED AT 407 SOUTH A STREET TO THE CG (GENERAL COMMERCIAL) DISTRICT - ASSESSOR'S PARCEL NUMBER 010-221-016; FILE NUMBER MJP14-018

- 14.5** RESOLUTION - HOLIDAY SHOPPING GARAGE USER FEE REDUCTION

RECOMMENDATION: It is recommended by the Finance Department that the Council, by resolution, approve free parking in the five public garages on Saturdays and Sundays from December 7, 2019 through December 29, 2019.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2019-177 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING HOLIDAY FREE PARKING AT THE PUBLIC PARKING GARAGES

14.6 RESOLUTION - APPROVAL AND ADOPTION OF THE CITY'S SALARY PLAN AND SCHEDULE (THIS ITEM WAS CONTINUED FROM THE NOVEMBER 5, 2019, REGULAR MEETING)

RECOMMENDATION: It is recommended by the Human Resources Department that the Council, by resolution, approve and adopt the City's Salary Plan and Schedule.

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

RESOLUTION NO. RES-2019-178 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AND ADOPTING THE CITY'S SALARY PLAN AND SCHEDULE

The motion carried by the following vote:

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

Abstain: 1 - Vice Mayor Fleming

15. PUBLIC COMMENT ON NON-AGENDA MATTERS

Duane De Witt spoke regarding the disadvantaged.

Lisa Landrus, Citizens for Action Now (CAN), spoke on the Joe Rodota Trail, follow up regarding the recent dog attacks, and how long it took to get a copy of the conditional use permit.

Lynda Jo Sheehan spoke regarding homeless concerns. Comment provided from speaker card: A way to share problem.

Jennifer LaPorta spoke regarding small cell phone towers.

Robert J. Murray spoke regarding safety concerns at the Joe Rodota Trail. Comment provided from speaker card: Please clean the Joe Rodota and Creekside Trails.

Anita LaFollette spoke regarding homelessness concerns.

Brenda Gilchrist, CAN, spoke regarding the transient and vagrant

population.

Craig Murphy, CAN, requested that the Joe Rodota Trail issue be agendized, and spoke on dog attack concerns.

Shelley Radtke, CAN, spoke regarding the homeless at the Joe Rodota Trail. Comment provided from speaker card:
Lawlessness/health hazards/fire danger 100 feet from my home.

Susan Lamont spoke regarding Item 16.2 - Council Vacancy, urging Council to hold a special election.

Mayor Schwedhelm announced that the Council will take Items 17.1 and 17.2 - Public Hearings, before Items 16.1 and 16.2 - Report Items.

16. REPORT ITEMS

16.1 REPORT - RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ACKNOWLEDGING RECEIPT OF A REPORT MADE BY THE SANTA ROSA FIRE CHIEF REGARDING COMPLIANCE WITH SECTIONS 13146.2 AND 13146.3 OF THE CALIFORNIA HEALTH AND SAFETY CODE

BACKGROUND: SB 1205 holds jurisdictional policy makers accountable to make progress on fire prevention resource requests and ensures fire department funding allocations account for the longstanding needs of resource deficient fire prevention bureaus.

RECOMMENDATION: It is recommended by the Fire Department that the Council, by resolution, acknowledge receipt of a report made by the Santa Rosa Fire Chief regarding the inspection of certain occupancies required to receive annual inspections pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code.

Presented by Ian Hardage, Assistant Fire Marshal.

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

RESOLUTION NO. RES-2019-179 ENTITLED: RESOLUTION OF THE

**COUNCIL OF THE CITY OF SANTA ROSA ACKNOWLEDGING RECEIPT OF
A REPORT MADE BY THE FIRE CHIEF OF THE FIRE DEPARTMENT
REGARDING COMPLIANCE WITH SECTIONS 13146.2 AND 13146.3 OF THE
CALIFORNIA HEALTH AND SAFETY CODE**

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

16.2 REPORT - COUNCIL VACANCY APPOINTMENT PROCEDURE AND SCHEDULE

BACKGROUND: Council member Julie Combs has announced her resignation from the City Council effective November 25, 2019. Her resignation creates a vacancy on the Council. Section 31 of the Santa Rosa City Charter provides that such vacancy may be filled either (a) by appointment by the Council within 60 days of the vacancy, or (b) by the calling of a special election.

Council must first determine which method it prefers for the filling of the vacancy. A special election would take place no earlier than the second Tuesday in April, 2020. The City Clerk has received a preliminary estimate from the County of Sonoma that the cost of such special election could range between \$184,718 and \$323,257. An appointment by the Council would be governed by Council Policy No. 000-23, and would be effective upon selection of the successor. Policy No. 000-23 requires that the Council, at the earliest possible time after a vacancy occurs, adopt a schedule setting forth the time and date for: (1) submission of applications to fill the vacancy; (2) submission by the public of questions for applicant interviews; and (3) interviews of prospective candidates by the Council at a public meeting. The selection process must be completed within 60 days of the vacancy. If Council determines to proceed by way of an appointment, Council may, by motion, approve a proposed schedule and authorize related documents and procedures.

RECOMMENDATION: It is recommended by the City Attorney's Office that the Council, by motion, determine the procedure and schedule for filling the Council vacancy caused by the resignation of Council Member Julie Combs.

Presented by Sue Gallagher, City Attorney and Dina Manis, Acting City Clerk.

Mayor Schwedhelm announced that he will establish an Ad-Hoc committee including himself, Vice Mayor Fleming and Council Member Sawyer to determine the interview questions and length of interview time.

A motion was made by Council Member Rogers, seconded by Council Member Tibbetts, to direct staff to pursue an appointment process for the current council seat vacancy.

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

A motion was made by Council Member Rogers, seconded by Council Member Tibbetts, to approve the proposed appointment process schedule to include an application period opening December 4, 2019 at noon, closing December 18, 2019 at 5:00 p.m.; interview question submittal period opening December 4, 2019 at noon, closing December 16, 2019 at 5:00 p.m.; and interviews to begin on January 7, 2020 and concluding as needed.

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

A motion was made by Council Member Rogers, seconded by Council Member Tibbetts, to approve the application form as submitted.

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

A motion was made by Council Member Rogers, seconded by Council Member Tibbetts, to have the Ad-Hoc committee determine advance interview questions which the applicants will respond to verbally in the interviews, and that the council members may ask additional questions during the interview process.

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

A motion was made by Council Member Rogers, seconded by Council Member Tibbetts, to allow the Ad-Hoc committee to make a recommendation regarding the time limit for the interviews, and have the Council approve the recommendation prior to the commencement of interviews on January 7, 2020.

The motion carried by the following vote:

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

No: 1 - Council Member Olivares

A motion was made by Council Member Sawyer, seconded by Vice Mayor Fleming, to direct staff to research sequestration of the applicants options during the interview process and give Council prior notification of determination.

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

17. PUBLIC HEARINGS

- 17.1 PUBLIC HEARING - ORDINANCE ADOPTION - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA MODIFYING CHAPTER 18-44 IN ITS ENTIRETY AND SUBSECTION (B) OF SECTION 18-04.015 OF THE SANTA ROSA CITY CODE CONCERNING ADOPTION OF THE 2019 CALIFORNIA FIRE CODE AS AMENDED, ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA MODIFYING CHAPTER 18 TO ADOPT BY REFERENCE, WITH LOCAL AMENDMENTS, THE 2019 CALIFORNIA BUILDING STANDARDS CODE, (NOT INCLUDING THE 2019 CALIFORNIA ENERGY CODE), THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE, AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION PERMIT AND WASTE DISCHARGE REQUIREMENTS**

BACKGROUND: The State of California has adopted and published the 2019 update to the California Building Standards Code. The model State codes will go into effect in all California cities and counties effective January 1, 2020. The Health and Safety Code allows local jurisdictions to change or modify the State adopted model codes based on local geologic, climatic, or topographic conditions. The Fire Department is requesting adoption of the 2019 California Fire Code with local amendments and administrative changes. The Planning and Economic Development Department is requesting adoption of the 2019 California Building Standards Code as well as the updated 2018 International Property Maintenance Code, with certain local amendments and administrative changes.

RECOMMENDATION: It is recommended by the Fire Department and the Planning and Economic Development Department that the Council: 1) adopt an ordinance introduced at the November 19, 2019, Regular meeting by a 5-0-0-2 vote (Vice Mayor Fleming and Council Member Tibbetts abstaining), adopting by reference the 2019 edition of the California Fire Code as adopted and amended by the State of California, and further amended based on local conditions, for use in Chapter 18-44 of the Santa Rosa City Code, repeal existing sections not applicable to new codes and modify the Santa Rosa City Code to reflect the new model code; and 2) adopt an ordinance introduced at the November 19, 2019, Regular meeting by a 5-0-0-2 vote (Vice Mayor Fleming and Council Member Tibbetts abstaining), adopting by reference, with local amendments, the 2019 California Administrative Code, 2019 California Building Code, 2019 California Residential Code, 2016 California Green Building Standards Code, 2019 California Electrical Code, 2019 California Mechanical Code, 2019 California Plumbing Code, 2019 California Historical Building Code, 2019 California Existing Building Code, 2019 California Referenced Standards Code, 2018 International Property Maintenance Code, and the National Pollutant Discharge Elimination Permit and Waste Discharge Requirements.

Presented by Jesse Oswald, Chief Building Official; and Ian Hardage, Assistant Fire Marshal.

Seeing no one wishing to speak, Mayor Schwedhelm opened and

closed the public hearing at 6:19 p.m.

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

ORDINANCE NO. ORD-2019-021 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING BY REFERENCE, WITH LOCAL AMENDMENTS, THE 2019 CALIFORNIA ADMINISTRATIVE CODE, 2019 CALIFORNIA BUILDING CODE, 2019 CALIFORNIA RESIDENTIAL CODE, 2019 CALIFORNIA ELECTRICAL CODE, 2019 CALIFORNIA MECHANICAL CODE, 2019 CALIFORNIA PLUMBING CODE, 2019 CALIFORNIA HISTORICAL BUILDING CODE, 2019 CALIFORNIA EXISTING BUILDING CODE, 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE, 2019 CALIFORNIA REFERENCED STANDARDS CODE, 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE, AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION PERMIT AND WASTE DISCHARGE REQUIREMENTS

The motion carried by the following vote:

Yes: 4 - Mayor Schwedhelm, Council Member Olivares, Council Member Rogers, and Council Member Sawyer

Abstain: 2 - Vice Mayor Fleming, and Council Member Tibbetts

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

ORDINANCE NO. ORD-2019-022 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA REPEALING CHAPTER 18-44 OF THE EXISTING SANTA ROSA CITY CODE AND ADDING A NEW CHAPTER 18-44 ADOPTING BY REFERENCE, WITH LOCAL AMENDMENTS, THE 2019 EDITION OF THE CALIFORNIA FIRE CODE

The motion carried by the following vote:

Yes: 4 - Mayor Schwedhelm, Council Member Olivares, Council Member Rogers, and Council Member Sawyer

Abstain: 2 - Vice Mayor Fleming, and Council Member Tibbetts

- 17.2** PUBLIC HEARING - CONTINUED HEARING ON APPEAL OF PLANNING COMMISSION DECISION TO APPROVE A CONDITIONAL USE PERMIT FOR FOX DEN INC, A CANNABIS RETAIL AND DELIVERY BUSINESS IN AN EXISTING BUILDING LOCATED AT 4036 MONTGOMERY AVE, UNIT B, SANTA ROSA, CA; ASSESSOR'S

PARCEL NUMBER 013-284-012; FILE NO. CUP18-076.

BACKGROUND: On January 24, 2019, the Planning Commission approved a Conditional Use Permit for a cannabis retail dispensary and delivery for medicinal and adult use in an existing 1,773 square foot building located at 4036 Montgomery Ave, Unit B. On February 1, 2019, the Kiwi Preschool and Childcare filed an appeal of the Planning Commission's action. The grounds for the appeal are that the cannabis dispensary is an incompatible use with the Kiwi Preschool and Childcare located on the adjoining property behind the dispensary, traffic safety concerns, and that the dispensary will be detrimental to the welfare of Kiwi Preschool and Childcare.

The City Council held a public hearing on the appeal on April 9, 2019 and after taking public comment and deliberating on the merits of the application continued the hearing to allow the applicant to revise the proposal to address parking and on-site traffic circulation concerns.

RECOMMENDATION: It is recommended by the Planning Commission and the Planning and Economic Development department that the Council, by resolution, deny the appeal and approve a Conditional Use Permit for cannabis retail (dispensary) and delivery for medical and adult use at 4036 Montgomery Ave, Unit B.

Presented by Emmanuel Ursu, Planner; Bill Rose, Supervising Planner; Michele MacKinnon, Appellant; and Nick Caston, Applicant.

EX PARTE DISCLOSURE: Vice Mayor Fleming, Council Member Rogers, Council Member Tibbetts, and Mayor Schwedhelm disclosed ex parte communications.

Nick Caston, Applicant; Steve Weinberger, W-Trans; and Mousa Abassi, Transpedia Consulting presented.

Pamela Stephens, on behalf of Kiwi Preschool (appellant); Glenn Fant, owner of Trail House; Colin Burgett, TJKM Transit Consultants; and Mike Schwartz, architect of Trail House, presented.

Mayor Schwedhelm opened the public hearing at 7:17 p.m.

PUBLIC COMMENT

Priscilla Bale spoke in opposition to the item. Comment provided from speaker card: Fox Den's proposal will generate increased parking and traffic problems into an already dangerous traffic patterns.

Don Winkle spoke in opposition to the item.

Mike Schwartz spoke in opposition to the item.

Huia Clifton-Pope, Kiwi Preschool, spoke in opposition to the item.

Jacob Hansen, Santa Rosa Insurance Agency, spoke in opposition to the item. Comment provided from speaker card: There is not enough parking for an additional retail location.

Craig Lawson spoke in support of the item.

Pedy Lawson spoke in support of the item.

Tiffany Bagala spoke in support of the item.

Stafanie Bagala spoke in support of the item.

Gail Dankbar spoke in support of the item.

Carlos Perez, Bike Monkey, spoke in opposition to the item.

John MacDonald spoke in opposition to the item.

Amy MacNair spoke in support of the item.

Andrew Kramer spoke in support of the item.

Deborah Crippen spoke in support of the item.

Katy Clark spoke in support of the item.

Matt Wolfinger spoke in opposition to the item.

Kimberly Mullen spoke in opposition to the item. Comment provided from speaker card: Concerned about the traffic flow, parking lot safety, parking spaces. This business will cause a detrimental situation to environment.

Shane Bresnyan spoke in opposition to the item.

Joanna Cedar spoke in support of the item.

Nicholas Haig-Arack spoke in opposition to the item.

Merlin Nevis spoke in opposition to the item.

John Pitcherelli spoke in support of the item.

Peter Lavelle spoke in opposition to the item.

Hearing no further comments, Mayor Schwedhelm closed the public hearing at 8:05 p.m.

Nick Caston, Applicant Rebuttal.

At the request of staff, Mayor Schwedhelm recessed the meeting at 8:22 p.m. and reconvened at 8:29 p.m.

A motion was made by Council Member Tibbetts, seconded by Council Member Olivares, to waive reading of the text and adopt the resolution as introduced.

Council Member Tibbetts withdrew his original motion.

A motion was made by Council Member Tibbetts, seconded by Council Member Olivares, to waive reading of the text and adopt as amended:

RESOLUTION NO. RES-2019-180 ENTITLED: RESOLUTION OF THE

COUNCIL OF THE CITY OF SANTA ROSA DENYING AN APPEAL AND APPROVING A CONDITIONAL USE PERMIT FOR FOX DEN INC. TO OPERATE A MEDICINAL AND ADULT USE CANNABIS RETAIL (DISPENSARY) AND DELIVERY BUSINESS, WITHIN AN EXISTING BUILDING LOCATED AT 4036 MONTGOMERY DRIVE; ASSESSOR'S PARCEL NO. 013-284-012; FILE NO. CUP18-076

The motion carried by the following vote:

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

No: 1 - Council Member Rogers

Mayor Schwedhelm recessed the meeting at 8:51 p.m. and reconvened at 9:13 p.m. to hear items under 16. - Report items, and the remainder of the agenda.

18. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)

18.1 FINAL MAP - LANTANA HOMES - Provided for Information.

This item was received and filed.

19. PUBLIC COMMENTS ON NON-AGENDA MATTERS

Thomas Ells spoke regarding the attendance of CAN at the recent Board of Supervisor's meeting.

Alex Krohn spoke regarding small cell towers.

20. ANNOUNCEMENT OF CONTINUED CLOSED SESSION ITEMS, RECESS TO CLOSED SESSION IN THE MAYOR'S CONFERENCE ROOM, RECONVENE TO OPEN SESSION, AND ANNOUNCEMENTS [IF NEEDED]

21. ADJOURNMENT OF MEETING

Hearing no further business, Mayor Schwedhelm adjourned the meeting at 10:25 p.m. The next regularly scheduled meeting will take place on December 10, 2019, at a time set by the Mayor.

22. UPCOMING MEETINGS

22.1 UPCOMING MEETINGS LIST

This item was received and filed.

Approved on:

Dina Manis
Acting City Clerk