

RESOLUTION NO. RES-2024-078

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING THE FISCAL YEAR 2023-24 ADOPTED BUDGET, INCREASING APPROPRIATIONS IN THE AMOUNT OF \$263,000 FROM UNASSIGNED GENERAL FUND RESERVES TO FUND THE CITY'S SETTLEMENT IN THE MATTER OF MEADOWGREEN NO. 2 HOMEOWNERS ASSOCIATION SETTLEMENT AGREEMENT

WHEREAS, the drainage and flood control management of Oakmont Creek is managed by many different interests based on each developed area. The City of Santa Rosa, Sonoma County Water Agency (Sonoma Water), and private properties all make up ownership of different sections of the creek. In addition, some of the privately owned parcels of Oakmont Creek have drainage easements held by Sonoma Water or the City of Santa Rosa; and

WHEREAS, on October 10, 1972, the City Council approved the Meadowgreen condominium development in Oakmont Village and accepted all offers of dedication for public use contained within the approved subdivision map; and

WHEREAS, the subdivision map depicts a parcel owned by the Meadowgreen No..2 Homeowners Association ("Meadowgreen") and identified as 'Parcel "A" Drainage Easement' (Parcel A), which includes an unimproved portion of Oakmont Creek running parallel with a road now known as Meadowgreen Place and a common area on the west side of the creek adjacent to Timber Springs Drive within the Wild Oak subdivision; and

WHEREAS, this drainage easement requires the City to ensure proper drainage through the channel to prevent clogging of public storm drains or flooding in the area, but does not require the City to maintain Parcel A in other respects and does not provide legal access to City staff or its agents to access the parcel as it is surrounded by private property, including property owned by Meadowgreen; and

WHEREAS, during the winters of 2017-18 and 2018-19, significant rainfall led to high flows that apparently eroded portions of the creek bank behind 6512 and 6514 Meadowgreen Place such that the Meadowgreen hired LACO Associates to design a creek bank stabilization project (Project); and

WHEREAS, Meadowgreen asserted that the City was responsible for maintaining Parcel A, and funding a portion of a creek bank restoration of project, based on the City's drainage easement on Parcel A; and

WHEREAS, City staff inspected this section of Oakmont Creek and found a fallen tree with root ball lying in the creek downstream of the erosion area identified by the Meadowgreen. The root ball appeared to be redirecting a portion of the flow towards the creek bank in a manner was undercutting part of the bank behind 6510 Meadowgreen Place; and

WHEREAS, City staff also identified erosion behind 6512 and 6514 Meadowgreen Place unrelated to the root ball but likely related to the Meadowgreen's failure to maintain healthy vegetation along the creek banks of Parcel A; and

WHEREAS, following settlement discussions, the City and Meadowgreen entered into a Settlement Agreement and Final Release of all claims (Attachment 1) to resolve the dispute. Under the terms of the agreement, the City agreed to pay Meadowgreen \$263,000 in exchange for Meadowgreen releasing all claims; and

WHEREAS, the settlement agreement also includes a maintenance agreement that grants the City access to Parcel A through the Meadowgreen property and clarifies the responsibilities of the City and the Meadowgreen in maintaining Parcel A; and

WHEREAS, the agreement is contingent upon the Santa Rosa City Council appropriating sufficient funds to pay the City's settlement amount of \$263,000.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa amends the fiscal year 2023-24 General Fund operating budget, appropriating an additional \$263,000 from the unassigned General Fund reserves to the Fiscal Year 2023-24 General Fund operating budget to be used to fund the settlement agreement between the City of Santa Rosa and Meadowgreen No. 2 Homeowners Association.

IN COUNCIL DULY PASSED this 4th day of June 2024.

AYES: (6) Mayor N. Rogers, Vice Mayor Stapp, Council Members Alvarez, Fleming, MacDonald, Okrepkie

NOES: (0)

ABSENT: (1) Council Member C. Rogers

ABSTAIN/RECUSE: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney