

City of Santa Rosa

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

CITY COUNCIL REGULAR MEETING AGENDA AND SUMMARY REPORT JULY 25, 2023

1:30 P.M. - CLOSED SESSION (VIA IN-PERSON AND ZOOM)

4:00 P.M. - REGULAR SESSION (VIA IN-PERSON AND ZOOM)

MEMBERS OF THE PUBLIC CAN PARTICIPATE IN THE MEETING BY ATTENDING IN-PERSON FROM COUNCIL CHAMBER AT 100 SANTA ROSA AVENUE (IT IS RECOMMENDED THAT SOCIAL DISTANCING BE OBSERVED), OR VIA ZOOM WEBINAR BY VISITING HTTPS://SRCITY-ORG.ZOOM.US/J/86876779687, OR BY DIALING 877-853-5257 AND ENTERING WEBINAR ID: 868 7677 9687

THE MEETING WILL ALSO BE LIVE STREAMED AT
HTTPS://SANTA-ROSA.LEGISTAR.COM/CALENDAR.
CLICK ON THE "IN PROGRESS" LINK TO VIEW.
THE MEETING CAN ALSO BE VIEWED ON COMCAST CHANNEL 28,
AT&T U-VERSE CHANNEL 99, AND AT
HTTPS://WWW.YOUTUBE.COM/CITYOFSANTAROSA

Public Comment may be made live during the meeting via Zoom, In-Person from Council Chamber, or submitted in advance by 5:00 pm, the Monday before the City Council Meeting via e-mail at cc-comment@srcity.org, or recorded voice message at 707-543-3005.

PLEASE NOTE THAT ALL E-MAILS SENT TO THE CITY COUNCIL ARE CONSIDERED TO BE PUBLIC RECORDS AND SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT.

DEADLINES AND ADDITIONAL INSTRUCTION FOR PUBLIC COMMENT ARE SET FORTH BELOW.

COUNCIL MAY RECESS DURING THE EVENING FOR BREAKS.
PUBLIC HEARING MATTERS WILL BEGIN NO EARLIER THAN 5:00 P.M.

MATTERS ON THE AGENDA MAY BE TAKEN OUT OF ORDER.

PUBLIC COMMENTS:

Except for public hearing items, comments from the public will be allowed on all agenda items at the time each item is called. Comments on public hearing items may be made when the hearing is opened.

Live Public Comment: Members of the public can provide comment on an Agenda Item In-Person from Council Chamber by completing a Speaker Card or signing up with the Administrator in Council Chamber, by accessing the meeting through the Zoom link, or by dial-in at the time an Agenda Item is discussed during the City Council Meeting. Go to https://srcity.org/virtualparticipation for more information.

Advanced Public Comment:

E-mail Public Comment: To submit an e-mailed public comment to the City Council, please send to: cc-comment@srcity.org by 5:00 p.m., Monday, July 24. Identify in the subject line of your e-mail the Agenda Item Number on which you wish to comment, provide your name in the body of the e-mail and your comment.

Recorded Voice Message Public Comment: To submit a voice message public comment, please call 707-543-3005 by 5:00 p.m., Monday, July 24. State your name, the Agenda Item Number(s) on which you wish to comment, and your comment. PLEASE DO NOT LEAVE YOUR PHONE NUMBER OR PERSONAL ADDRESS IN THE VOICE MESSAGE AS IT WILL BE PLAYED BACK LIVE DURING THE CITY COUNCIL MEETING.

E-mail public comments received by the deadline will be distributed to City Council members and uploaded to the agenda prior to the start of the City Council Meeting for public access. Recorded voice message public comments will be played during the meeting at the time the item is heard.

Non-Agenda Items are the time when any person may address the Council on matters not listed on this agenda, but which are within the subject matter jurisdiction of the Council. The first public comment period on non-agenda

items (Agenda Item 13) will begin no earlier than 5:00 p.m. and will be limited to twelve speakers selected randomly by the Mayor. Each speaker will be allowed three minutes. Speakers who do not have an opportunity to speak during this time will be allowed to make public comment under Agenda Item 17.

1:30 P.M. (VIA IN-PERSON AND ZOOM)

1. CALL TO ORDER AND ROLL CALL

2. ANNOUNCEMENT OF CLOSED SESSION ITEMS

Following the announcement of Closed Session items and prior to recess into Closed Session, the public may speak up to three minutes on items to be addressed in Closed Session.

2.1 CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)

Agency Designated Representative: Mayor Natalie Rogers Unrepresented Employee: City Attorney

2.2 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government Code Section 54956.9)

Name of Case: David Pelayo, et al. v. Utility Partners of America, LLC, et al.

Sonoma County Superior Court Case No. SCV-264530

2.3 CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8)

Property: State owned excess lands located between Farmers lane and Spring Lake Regional Park also known as "Southeast Greenway"

Agency Negotiator: Jill Scott, Real Property Negotiator

Negotiating Parties: California Department of Transportation

Under Negotiations: Price and terms of payment.

RECESS CLOSED SESSION(S) AND RECONVENE TO OPEN SESSION IN THE COUNCIL CHAMBER AND VIA ZOOM.

3. STUDY SESSION - NONE.

Study Session items are items for in-depth discussion and possible direction to staff. No action will be taken.

4:00 P.M. (VIA IN-PERSON AND ZOOM)

- 4. ANNOUNCEMENT OF ROLL CALL (IF NEEDED)
- 5. REPORT, IF ANY, ON STUDY AND CLOSED SESSIONS
- 6. PROCLAMATIONS/PRESENTATIONS
 - **6.1** PROCLAMATION SUE A. GALLAGHER, CITY ATTORNEY

Attachments: Proclamation

7. STAFF BRIEFINGS - NONE.

This time is reserved for City staff to provide a five-minute briefing to the Council on departmental issues of interest. No action will be taken on these matters except to possibly place a particular item on a future agenda for Council consideration.

- 8. CITY MANAGER'S/CITY ATTORNEY'S REPORTS
- 9. STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS
- 10. MAYOR'S/COUNCIL MEMBERS' REPORTS
 - 10.1 MAYOR'S/COUNCIL MEMBERS' SUBCOMMITTEE AND LIAISON REPORTS (AND POSSIBLE COUNCIL DIRECTION TO BOARD REPRESENTATIVE ON PENDING ISSUES, IF NEEDED)
 - 10.1.1 Council Subcommittee Reports
 - 10.1.2 Sonoma County Transportation Authority/Regional Climate Protection Authority (SCTA/RCPA)
 - 10.1.3 Sonoma County Water Agency (SCWA) Water Advisory Committee
 - 10.1.4 Association of Bay Area Governments (ABAG)

- **10.1.5 Sonoma County Agricultural Preservation and Open Space District Advisory Committee**
- 10.1.6 Sonoma Clean Power Authority (SCPA)
- 10.1.7 Zero Waste Sonoma (formerly known as Sonoma County Waste Management Agency (SCWMA))
- 10.1.8 Groundwater Sustainability Agency (GSA)
- 10.1.9 Sonoma County Continuum of Care (CoC)
- 10.1.10 Renewal Enterprise District (RED)
- 10.1.11 Public Safety Subcommittee
- 10.1.12 Other

10.2 DESIGNATIONS OF VOTING DELEGATE/ALTERNATE TO LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

10.2.1 In order to vote at the Annual Business Meeting at the League of California Cities 2023 Annual Conference, each member City must designate a voting delegate and up to two alternate delegates. This year's conference will be held in Sacramento from Wednesday, September 20 through Friday, September 22. The delegates must be designated by the City Council, and the voting delegate and alternates must be registered to attend the conference.

Attachments: 2023 Letter

10.3 BOARD, COMMISSION & COMMITTEE APPOINTMENTS

10.3.1 MAYOR'S APPOINTMENTS TO THE SANTA ROSA CITY SCHOOLS AND CITY COUNCIL OF SANTA ROSA SUBCOMMITTEE

Mayor N. Rogers will announce and request Council approval of three (3) appointments to the Santa Rosa City Schools and City Council of Santa Rosa Subcommittee related to inter-agency collaboration, with a focus on safety and security.

11. APPROVAL OF MINUTES

11.1 July 11, 2023 Special Meeting Minutes.

Attachments: Draft Minutes

11.2 July 11, 2023 Regular Meeting Minutes.

<u>Attachments:</u> <u>Draft Minutes</u>

12. CONSENT ITEMS

12.1 RESOLUTION - FOURTH AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT NUMBER F002270 WITH GEARY, SHEA, O'DONNELL, GRATTAN & MITCHELL P.C. FOR LEGAL REPRESENTATION

RECOMMENDATION: It is recommended by the City Attorney and the Director of Santa Rosa Water that the Council, by resolution, approve the Fourth Amendment to Professional Services Agreement Number F002270 with Geary, Shea, O'Donnell, Grattan & Mitchell, P.C. in the amount of \$75,000 for a total contract amount not to exceed \$350,000 for continued legal representation in the matter of *Pelayo, et al. v. Utility Partners of America, City of Santa Rosa, et al.*

Attachments: Staff Report

Resolution

Exhibit A - Fourth Amendment to PSA

12.2 RESOLUTION - APPROVAL OF THE TOW VENDOR FRANCHISE LIST FOR POLICE GENERATED TOW OPERATIONS

RECOMMENDATION: It is recommended by the Police Department that the Council, by resolution: 1) grant police generated vehicle tow franchises to the tow operators identified in Exhibit A to the Resolution; 2) authorize tow agreements with these franchisees in substantially the same form as Exhibit B to the Resolution, subject to approval as to form by the City attorney; and 3) authorize the Chief of Police or designee to execute the tow agreements.

Attachments: Staff Report

Resolution

Exhibit A- Tow Vendor List

Exhibit B- Franchise Tow Agreement

12.3 RESOLUTION - PROFESSIONAL SERVICE AGREEMENT WITH MACIAS GINI & O'CONNELL LLP FOR CITY OF SANTA ROSA FINANCIAL AUDIT SERVICES

RECOMMENDATION: It is recommended by the Finance Department that the Council, by resolution, approve a Professional Service Agreement Number F002643 with Macias Gini & O'Connell LLP, Sacramento, California, for City of Santa Rosa Audit Services in the amount of \$1,173,275 covering five fiscal years of audit services with a contingency amount of \$455,785 for miscellaneous elective services as needed, for a total amount not to exceed \$1,629,060.

<u>Attachments:</u> Staff Report

Resolution
Exhibit A

12.4 RESOLUTION - IN SUPPORT OF THE TRANSFORMATIVE CLIMATE COMMUNITIES PROGRAM GRANT FUNDING

RECOMMENDATION: It is recommended by the City Manager's Office that the Council, by resolution:, 1) approve the submittal of a State Grant application under the Transformative Climate Communities Program for a variety of community initiatives focused in Southwest Santa Rosa; 2) authorize the City Manager to submit grant applications, accept grant awards, execute grant agreements, and execute all related documents and any amendments thereto on behalf of the City.

<u>Attachments:</u> Staff Report

Attachment 1 - TCC Grant Project Map

Attachment 2 - Intro to TCC Development Track

Resolution

12.5 ORDINANCE ADOPTION - SECOND READING (PART 2 OF 2) ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA
ADOPTING ZONING CODE TEXT AMENDMENTS TO TITLE 20 OF

THE SANTA ROSA CITY CODE, CHAPTER 20-48, SHORT-TERM RENTALS, TO REVISE AND ADD NEW DEFINITIONS AND POLICIES, AND TO INCORPORATE TECHNICAL CHANGES TO IMPROVE FUNCTIONALITY AND AID IN IMPLEMENTATION AND ENFORCEMENT; FILE NUMBER REZ23-001

RECOMMENDATION: This ordinance, introduced at the June 6, 2023, Regular Meeting by a 6-1-0 vote (Fleming no), amends Title 20 of the Santa Rosa City Code, Chapter 20-48, Short-Term Rentals, to revise and add new definitions and policies, and to incorporate technical changes to improve functionality and aid in implementation and enforcement.

It is recommended by the Planning Commission and the Planning and Economic Development Department that the Council hold a second reading and adopt an ordinance amending the text of Title 20 of the Santa Rosa City Code, Chapter 20-48, Short-Term Rentals (STRs), to revise the Ordinance to: (a) provide a permanent 30-day grace period for submitting renewal applications, (b) clarify that allowed outdoor burning at non-hosted STRs only includes natural gas and propane appliances, (c) clarify that outdoor burning regulations do not apply to hosted STRs, (d) provide for transfer of STRs to family members under certain circumstances, (e) allow Owners with multiple STR Permits to retain those permits, (f) require hosted STR Permit applicants to file an affidavit that they will live on site, (g) provide a tiered violation penalty schedule, (h) require a fine for first violations of TOT/BIA and operating without a Permit, (i) clarify that after a third violation a Permit is revoked permanently, (j) provide that the cap on non-hosted STR Permits will be reduced through natural attrition, prohibit new non-hosted STR Permit applications, and provide for reconsideration by Council in two years, and (k) require the City to send renewal reminder notifications to Permit holders.

<u>Attachments:</u> Staff Report

Attachment 1 - Public Correspondence

Ordinance

Late Correspondence (Uploaded 07-25-2023)

COUNCIL OF THE CITY OF SANTA ROSA ESTABLISHING SALARY AND OTHER COMPENSATION AND BENEFITS FOR THE LAW FIRM OF BURKE, WILLIAMS & SORENSEN, LLP AS INTERIM CITY ATTORNEY

RECOMMENDATION: This ordinance, introduced at the July 11, 2023, Regular Meeting by a 7-0-0 vote, establishes the salary and other compensation and benefits for the Law Firm of Burke, Williams & Sorensen, LLP, as interim City Attorney.

Attachments: Ordinance

13. PUBLIC COMMENT ON NON-AGENDA MATTERS

This is the time when any person may address the Council on matters not listed on this agenda, but which are within the subject matter jurisdiction of the Council. This public comment period will begin no earlier than 5:00 p.m. and will be limited to twelve speakers selected randomly by the Mayor. Each speaker will be allowed three minutes. Speakers who do not have an opportunity to speak during this time will be allowed to make public comment under Agenda Item 17.

Voice message public comments received for non-agenda items may be played under Agenda Item 13 or at Item 17. Recorded public comments are limited to three minutes to mirror in-person meeting protocols.

14. REPORT ITEMS

14.1 REPORT - WATER SUPPLY ASSESSMENT FOR THE SANTA ROSA GENERAL PLAN 2050

BACKGROUND: State Senate Bill 610 (SB 610), chaptered in 2001 and codified as California Water Code Section 10910 et seq (California Water Code), requires water suppliers to provide a Water Supply Assessment (WSA) to land use planning agencies for any proposed projects which are subject to the California Environmental Quality Act (CEQA) and would demand an amount of water equivalent to or greater than the amount of water required by 500 dwelling units. The proposed Santa Rosa General Plan 2050 (Project) prepared by the City of Santa Rosa (City) Planning & Economic Development Department (PED) is

subject to CEQA, fits the definition of a "project" under California Water Code (CWC) 10912(a)(7), and is subject to California Water Code requirements. As requested by PED, Santa Rosa Water prepared a WSA for the Project. The WSA concludes that the City's existing and projected water supplies are sufficient to meet the projected new water demand associated with the Project in addition to current and future uses for a 20-year horizon through 2043, with implementation of demand management measures in dry years as needed. After approval, the WSA will be included as an attachment to the Environmental Impact Report for the Project.

RECOMMENDATION: It is recommended by Santa Rosa Water that the Council, by resolution, approve the Water Supply Assessment for the Santa Rosa General Plan 2050.

<u>Attachments:</u> Staff Report

Resolution
Exhibit A
Presentation

14.2 REPORT - POLICE DEPARTMENT ANNUAL MILITARY EQUIPMENT REPORT

BACKGROUND: The Santa Rosa Police Department will provide a presentation to summarize the contents of their annual military equipment report as required per Assembly Bill No. 481. Upon approval of a resolution by Council, The Santa Rosa Police Department will be allowed to continue to use the military equipment they possess and make any future purchases they have identified.

RECOMMENDATION: It is recommended by the Police Department that the Council, by resolution: 1) approve the Santa Rosa Police Department Annual Military Equipment Report which complies with the requirements of AB 481; 2) review Ordinance No. ORD-2022-007; and 3) renew Ordinance No. ORD-2022-007, codified as Chapter 2-38 of the Santa Rosa City Code per California Assembly Bill No. 481.

<u>Attachments:</u> Staff Report

Attachment 1-Military Equipment Use Ordinance

Attachment 2- Policy

Resolution

Exhibit A-SRPD Military Equipment Report

Presentation

14.3 REPORT - DECLARING THE FUTURE SOUTHEAST GREENWAY PROPERTY FOR A PUBLIC PURPOSE, APPROVING A DEED RESTRICTION FOR SAME, AND ESTABLISHING PARK LAND REQUIREMENTS FOR LAND RETAINED BY THE CALIFORNIA DEPARTMENT OF TRANSPORTATION

BACKGROUND: The California Department of Transportation is the owner of approximately 58 acres of excess land between Farmers lane and Spring Lake Regional Park. The City now desires to purchase approximately 49 acres (Southeast Greenway Property) for the Southeast Greenway Project and Caltrans shall retain the remainder for housing development (Developable Parcels). Caltrans has requested the City to declare the Southeast Greenway Property for a public purpose in perpetuity, approve a deed restriction at transfer for same, establish park land requirements for the Developable Parcels, and approve negotiation and execution authority for the purchase and sale agreement.

RECOMMENDATION: It is recommended by Real Estate Services, the Transportation and Public Works and Recreation and Parks Departments that the Council, by resolution: 1) declare that the future Southeast Greenway Property will be used for a public purpose in perpetuity; 2) approve a deed restriction to be recorded upon the transfer of the Southeast Greenway Property for same; 3) declare that the future development of one or more dwelling units located within the Developable Parcels shall not be required to comply with Santa Rosa City Code Sections 19-70.020 through 19-70.050 pertaining to park land dedication; 4) authorize the Real Property Manager to negotiate the price and terms of the agreement; and 5) authorize the City Manager to execute an agreement with the California Department of Transportation for the purchase and sale of the Southeast Greenway

Property.

<u>Attachments:</u> Staff Report

Attachment 1 - Southeast Greenway Illustrative Map

Resolution

Exhibit A - Appraisal Mapping

Presentation

Resolution - Redlined (Uploaded 07-25-2023)
Resolution - Revised (Uploaded 07-25-2023)

Presentation (Uploaded 07-25-2023)

Late Correspondence (Uploaded 07-25-2023)

15. PUBLIC HEARINGS

Public Hearing matters will begin no earlier than 5:00 p.m. or as soon thereafter as the matters are reached on the agenda.

15.1 PUBLIC HEARING - SANTA ROSA FIRE DEPARTMENT ANNUAL WEED ABATEMENT PROGRAM REPORT

BACKGROUND: Santa Rosa City Code section, Chapter 9-08 requires a public hearing to hear objections to the cost of weeds and/or rubbish abatement. The City Council grants or overrules such protests. The City Council, by resolution, may confirm the itemized report of the costs of abatement. The City Council authorizes the Santa Rosa Fire Department, County Auditor and Tax Collector to enact a special assessment as a lien upon respective parcels subject to the Weed and Rubbish Abatement Program.

RECOMMENDATION: It is recommended by the Santa Rosa Fire Department that the Council, by resolution, confirm the itemized report of the Fire Department of the cost of weed and rubbish abatement as provided for in Sections 9-08.020, 9-08.080, and 9-08.090 of the Santa Rosa City Code.

Attachments: Staff Report

Attachment 1 - Weed Abatement Summary

Resolution

Exhibit A - Unpaid Weed Abatement Report - 2022

Presentation

Public Hearing Notice

16. WRITTEN COMMUNICATIONS

16.1 STATE AND FEDERAL LEGISLATIVE UPDATES:

- Support for AB 334 (Rubio) -- Public contracts: conflicts of interest. Provided for information.
- Support for AB436 (Alvarez) -- Vehicles. Provided for information.
- Opposition to AB 480 (Ting) -- Surplus land. Provided for information.
- Support for AB 557 (Hart) -- Open meetings: local agencies: teleconferences. Provided for information.
- Support for AB 1594 (Garcia) -- Medium- and heavy-duty zero-emission vehicles: public agency utilities. Provided for information.
- Support for SB 233 (Skinner) -- Electric vehicles and electric vehicle supply equipment: bidirectional capability. Provided for information.
- Support for SB 504 (Dodd) -- Wildfires: defensible space: grant programs: local governments. Provided for information.
- Support for SB 747 (Caballero) -- Land use: economic development: surplus land. Provided for information.
- Support for H.R. 3238 (LaHood) -- The Affordable Housing Credit Improvement Act. Provided for information.
- Support for S. 1557 (Cantwell): The Affordable Housing Credit Improvement Act. Provided for information.

<u>Attachments:</u> <u>Legislative Memo</u>

Bill Text AB 334 - Public contracts: conflicts of interest

AB 334 Letter of Support

Bill Text AB 436 - Vehicles

AB 436 Letter of Support

Bill Text AB 480 - Surplus Land

AB 480 Letter of Opposition

Bill Text AB 557 - Open meetings: local agencies: teleconfe

AB 557 Letter of Support

Bill Text AB 159 - Medium and heavy duty zero emissions

AB 1594 Letter of Support

Bill Text SB 233 - Electric vehicles and electric vehicle sup

SB 233 Letter of Support

Bill Text SB 504 - Wildfires: defensible space: grant progra

SB 504 Letter of Support

Bill Text SB 747 - Land use: economic development: surplu

SB 747 Letter of Support

Bill Text HR 3238 - The Affordable Housing Credit Improve

HR 3238 Letter of Support

Bill Text Senate 1557 - The Affordable Housing Credit Impl

S 1557 Letter of Support

17. PUBLIC COMMENTS ON NON-AGENDA MATTERS

This is the time when any person may address the Council on matters not listed on this agenda, but which are within the subject matter jurisdiction of the Council and not able to speak under Agenda Item 13. Each speaker will be allowed three minutes.

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

19. ADJOURNMENT OF MEETING

20. UPCOMING MEETINGS

This schedule is tentative and subject to change pending final publication and

posting of the City Council Meeting Agenda.

20.1 UPCOMING MEETINGS LIST

Attachments: Upcoming Meetings List

*Did not appear on the preliminary agenda.

**Quasi-judicial or adjudicative action, ex-parte communication disclosure is required.

The Open Government Ordinance (ORD-2020-018) was adopted by City Council in December 2020. This ordinance, adds Chapter 1-10 to the City Code to codify the City of Santa Rosa's commitment to embrace a culture of open government to ensure public trust, engage the community, and establish a system of transparency, public participation, and collaboration. To view a full version of the Open Government Ordinance go to http://srcity.org/OpenGovOrdinance. To request a paper copy of the Open Government Ordinance contact the City Clerk's Office at 707-543-3015 (TTY Relay at 711) or cityclerk@srcity.org.

The City of Santa Rosa does not discriminate against individuals with disabilities in its employment, services, benefits, facilities, programs, or activities. Requests for accommodations, auxiliary aids, or services necessary to participate in a City program, service, or activity, including printed information in alternate formats, are available by contacting the City Clerk's Office at 707-543-3015 (TTY Relay at 711) or cityclerk@srcity.org. If the request is received at least 7 business days prior to the City Council meeting, the copy shall be provided no later than two (2) business days prior to the City Council meeting. Meeting information can also be accessed via the internet at http://srcity.org

Any writings or documents provided to a majority of the City Council prior to this meeting regarding any item on this agenda, excluding closed session items, are available for public review in the City Clerk's Office, Room 10, City Hall, 100 Santa Rosa Ave, during normal business hours.