



**City Council  
Regular Meeting Minutes - Final**

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Tuesday, April 9, 2019

12:30 PM

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**1. CALL TO ORDER AND ROLL CALL**

Mayor Schwedhelm called the meeting to order at 12:30 p.m. All Council Members were present with the exception of Council Member Olivares.

**Present:** 6 - Mayor Tom Schwedhelm, Vice Mayor Chris Rogers, Council Member Julie Combs, Council Member Victoria Fleming, Council Member John Sawyer, and Council Member Jack Tibbetts

**Absent:** 1 - Council Member Ernesto Olivares

**2. ANNOUNCEMENT OF CLOSED SESSION ITEMS**

Mayor Schwedhelm recessed the meeting to closed session at 12:31 p.m. to discuss Items 2.1 through 2.3 as listed on the agenda:

**2.1 CONFERENCE WITH LABOR NEGOTIATORS**  
(Government Code Section 54957.6)

Agency Designated Representatives: Gloria Hurtado, Deputy City Manager, Jon Holtzman of Renne Public Law Group, Amy Reeve, Human Resources Director, Jeremia Mills, Employee Relations Manager, Hank Schreeder, Police Chief, and Chuck McBride, Chief Financial Officer.

Employee Organizations: Santa Rosa Police Officers Association (Employee Unit 5); Public Safety Management Association (Employee Unit 9).

**2.2 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: one potential case.

**2.3 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.

Mayor Schwedhelm adjourned the closed session at 2:35 p.m. and reconvened the meeting at 2:40 p.m.

### 3. STUDY SESSION

#### 3.1 REVIEW OF FISCAL YEAR 2019-20 GENERAL FUND BUDGET CONDITION

It is recommended by the Finance Department that the City Council hold a Study Session to provide an opportunity for the City Council to receive information and ask questions relative to the condition of the Fiscal Year (FY) 2019-20 General Fund budget. No action is necessary.

Attachments: [Staff Report Presentation](#)  
[Presentation - REVISED \(Uploaded 4/9/2019\)](#)

Presented by Chuck McBride, Chief Financial Officer.

#### PUBLIC COMMENT

Mike Mullins spoke in support of funding Legal Aid.

Reece Foxen spoke in support of funding the Roseland Library.

Duane DeWitt spoke in support of more revenues, maintaining parks, assisting the homeless, and unfunded liabilities, and funding the Roseland Library.

Pat Kuta spoke in support funding the Roseland Library.

Stephen Zollman spoke in support of funding the Roseland Library.

Adriana Arrizon spoke in support of funding the Roseland Library.

Raquel Gomez spoke in funding the Roseland Library.

Gregory Fearon spoke in support of funding the homeless, staffing the Planning and Economic Development Department, and public

restrooms.

Briana Pawka spoke in support of transient occupancy tax, increase revenues, and support the homeless.

Richard Canini spoke regarding public assistance, FEMA, and mitigation programs.

George Uberti spoke in support of public banking.

**This item was received and filed.**

#### **4. ANNOUNCEMENT OF ROLL CALL**

**Present:** 6 - Mayor Tom Schwedhelm, Vice Mayor Chris Rogers, Council Member Julie Combs, Council Member Victoria Fleming, Council Member John Sawyer, and Council Member Jack Tibbetts

**Absent:** 1 - Council Member Ernesto Olivares

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

City Attorney Gallagher announced that Council gave direction to staff for Items 2.1 through 2.3.

#### **6. PROCLAMATIONS/PRESENTATIONS - NONE**

#### **7. STAFF BRIEFINGS**

##### **7.1 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.

There was nothing to report.

##### **7.2 2019 EARTH DAY ONSTAGE FESTIVAL**

Water Department staff will provide information on Santa Rosa's 10th annual Earth Day OnStage event, which will take place on Saturday, April 27, from 12:00 - 4:00 p.m., at Courthouse Square. Staff will provide an overview of the event and information on the activities that will take place.

**Attachments:** [Presentation](#)

Presented by B Amador, Administrative Technician of the Water Department.

This item was received and filed.

**8. CITY MANAGER'S/CITY ATTORNEY'S REPORTS**

**9. STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS**

**10. MAYOR'S/COUNCIL MEMBERS' REPORTS**

Vice Mayor Rogers provided a brief report on the SMART, MTC, and SCTA.

**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**

Council Member Fleming provided a brief report.

**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)**

Vice Mayor Rogers provided a brief report.

**10.1.7 Sonoma County Waste Management Agency (SCWMA)**

**10.1.8 Groundwater Sustainability Agency (GSA)**

**10.1.9 Homeless System of Care (HSC)**

**10.1.10 Renewal Enterprise District (RED)**

**10.1.11 Other**

REQUEST FOR A STUDY SESSION ITEM ON A CITYWIDE

**\$15 MINIMUM WAGE MEASURE BACKGROUND:** At the April 9, 2019, City Council meeting, Council Member Combs requested a future study session item to discuss a citywide \$15 minimum wage measure. Council Member Tibbetts concurred with the request.

## **11. APPROVAL OF MINUTES - NONE**

## **12. CONSENT ITEMS**

### **PUBLIC COMMENT**

Gregory Fearon spoke in support of Item 12.7.

Mayor recessed the meeting at 4:39 p.m. and reconvened at 5:00 p.m.

### **Approval of the Consent Agenda**

**A motion was made by Vice Mayor Rogers, seconded by Council Member Sawyer, to waive reading of the text and adopt Consent Items 12.1 through 12.7. The motion carried by the following vote:**

**Yes:** 6 - Mayor Schwedhelm, Vice Mayor Rogers, Council Member Combs, Council Member Fleming, Council Member Sawyer, and Council Member Tibbetts

**Absent:** 1 - Council Member Olivares

#### **12.1 RESOLUTION - SECOND AMENDMENT TO GENERAL SERVICES AGREEMENT NUMBER F001393 WITH SMOTHERS PARTS INTERNATIONAL, INC.**

**RECOMMENDATION:** It is recommended by the Finance and Transportation and Public Works Departments that the Council, by Resolution, approve the Second Amendment to General Services Agreement Number F001393 with Smothers Parts International, Inc., Santa Rosa, California, extending the term of the Agreement for one year and increasing compensation by \$253,009, for a total cumulative amount not to exceed \$651,073.47. Funds for this expense are included in the Fiscal Year 2018-19 proposed budget within the Transportation and Public Works Department. As a regular operating expenditure, the parts are expected to be included in subsequent years' budget

proposals when presented to the City Council.

**Attachments:**    [Staff Report](#)  
                          [Resolution](#)  
                          [Exhibit A](#)  
                          [Presentation](#)

**This Consent - Resolution was adopted.**

**RESOLUTION NO. RES-2019-037 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE SECOND AMENDMENT TO GENERAL SERVICES AGREEMENT NUMBER F001393 WITH SMOTHERS PARTS INTERNATIONAL, INC.**

**12.2            MOTION - CONTRACT AWARD - COOPER DRIVE SLOPE STABILIZATION AND DRAINAGE IMPROVEMENTS**

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by motion, award Contract No. C01133, Cooper Drive Slope Stabilization and Drainage Improvements, in the amount of \$543,170.00 to the lowest responsive bidder, Rege Construction, Inc. of Cloverdale, CA, approve a 15% contract contingency, and authorize a total contract amount of \$624,645.50 The source of funds is the Capital Improvement Fund. No City General Fund money is included in this project.

**Attachments:**    [Staff Report](#)  
                          [Attachment 1](#)  
                          [Attachment 2](#)  
                          [Presentation](#)

**This Consent - Motion was approved.**

**12.3            RESOLUTION - ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017 SENATE BILL 1 (SB1) TRANSPORTATION FUNDING FISCAL YEAR (FY) 2019/2020 PROJECT LIST**

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council by Resolution, authorize the Department of Transportation and Public Works to submit the Sonoma Avenue Pavement Rehabilitation - Bobelaine Drive to E Street Project to the California Transportation Commission for Fiscal Year 2019/2020 apportionment of Senate Bill 1 Road Maintenance and Rehabilitation Account funding in the amount of \$2,834,676.

**Attachments:** [Staff Report](#)  
[Resolution](#)  
[Presentation](#)

**This Consent - Resolution was adopted.**

**RESOLUTION NO. RES-2019-038 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE SUBMITTAL OF THE SONOMA AVENUE PAVEMENT REHABILITATION - BOBELAINE DRIVE TO E STREET PROJECT TO THE CALIFORNIA TRANSPORTATION COMMISSION FOR FISCAL YEAR 2019/2020 APPORTIONMENT OF SENATE BILL 1 ROAD MAINTENANCE AND REHABILITATION ACCOUNT FUNDING IN THE AMOUNT OF \$2,834,676**

**12.4** RESOLUTION - TRANSPORTATION DEVELOPMENT ACT (TDA)  
ARTICLE 3 GRANT APPLICATION FOR FISCAL YEAR 2019/2020

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by Resolution: 1) request that the Metropolitan Transportation Commission allocate \$612,091 from Fiscal Year 2019/2020 Transportation Development Act Article 3 funds; 2) authorize the Director of Transportation and Public Works to file the application and other required documents to install bicycle and pedestrian enhancements on Santa Rosa Avenue between Sonoma Avenue and Maple Avenue; and, 3) authorize the Chief Financial Officer to increase appropriations in JL Key 17474 by \$612,091 of Transportation Development Act Article 3 funds for the project.

**Attachments:** [Staff Report](#)  
[Attachment 1](#)  
[Resolution](#)  
[Exhibit A](#)  
[Exhibit B](#)  
[Presentation](#)

**This Consent - Resolution was adopted.**

**RESOLUTION NO. RES-2019-039 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA REQUESTING THE ALLOCATION OF FISCAL YEAR 2019/2020 TRANSPORTATION DEVELOPMENT ACT, ARTICLE 3- PEDESTRIAN/BICYCLE PROJECT FUNDING FROM THE METROPOLITAN TRANSPORTATION COMMISSION**

**12.5** RESOLUTION - PROFESSIONAL SERVICES AGREEMENT WITH MCCAIN, INC. FOR ADVANCED TRAFFIC MANAGEMENT SYSTEM

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by Resolution, approve a Professional Services Agreement with McCain, Inc., for a traffic signal controller management system, in an amount not to exceed \$169,354.

**Attachments:**    [Staff Report](#)  
                          [Resolution](#)  
                          [Exhibit A](#)  
                          [Presentation](#)

**This Consent - Resolution was adopted.**

**RESOLUTION NO. RES-2019-040 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH MCCAIN, INC. FOR A TRAFFIC SIGNAL CONTROLLER CENTRAL SOFTWARE SYSTEM, IN AN AMOUNT NOT TO EXCEED \$169,354.00**

- 12.6      RESOLUTION - ADOPTION OF MEMORANDUM OF UNDERSTANDING, UNIT 2 - FIREFIGHTING, REPRESENTED BY THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF), LOCAL 1401 EFFECTIVE JULY 1, 2017 THROUGH JUNE 30, 2020

RECOMMENDATION: It is recommended by the Human Resources Department and the City Manager's Office that the Council, by resolution, adopt the Memorandum of Understanding for an agreement for, and on behalf of, the employees in the City's Bargaining Unit 2 - Firefighting, represented by the IAFF Local 1401, and effective July 1, 2017 to June 30, 2020.

**Attachments:**    [Staff Report](#)  
                          [Attachment 1](#)  
                          [Resolution](#)  
                          [Exhibit A](#)  
                          [Presentation](#)

**This Consent - Resolution was adopted.**

**RESOLUTION NO. RES-2019-041 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING A MEMORANDUM OF UNDERSTANDING FOR AND ON BEHALF OF THE EMPLOYEES IN THE CITY OF SANTA ROSA'S UNIT 2 - FIREFIGHTING, REPRESENTED BY THE SANTA ROSA FIRE FIGHTERS (IAFF L-1401) EFFECTIVE JULY 1, 2017 THROUGH JUNE 30, 2020**

- 12.7      ORDINANCE ADOPTION SECOND READING - ORDINANCE OF THE



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COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE, SECTIONS 20-50.040, 20-50.050, 20-52.030 AND 20-66.020 TO MODIFY PUBLIC NOTICING REQUIREMENTS - FILE NUMBER REZ19-001

RECOMMENDATION: This ordinance, introduced at the April 2, 2019 Regular Meeting by a (5-0-3) vote, amending Title 20 of the Santa Rosa City Code, sections 20-50.040, 20-50.050, 20-52.030 and 20-66.020 to modify public noticing requirements - file number rez19-001.

Attachments: [Ordinance](#)  
[Ordinance Summary](#)

**This Consent - Ordinance was adopted.**

**ORDINANCE NO. ORD-2019-003 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE, SECTIONS 20-50.040, 20-50.050, 20-52.030 AND 20- 66.020 TO MODIFY PUBLIC NOTICING REQUIREMENTS - FILE NUMBER REZ19-001**

### **13. PUBLIC COMMENT ON NON-AGENDA MATTERS**

Victoria Yanez spoke regarding homelessness.

Maji Rayne Osuji Bearskinner spoke regarding homelessness.

Elizabeth Neylon spoke regarding various topics.

Judy Kennedy spoke regarding the concerns of leaving the bathrooms locked at Julliard Park.

Briana Pawka spoke regarding various topics.

Fred Krueger spoke regarding housing needs.

### **14. REPORT ITEMS - NONE.**

### **15. PUBLIC HEARINGS**

- 15.1** PUBLIC HEARING - 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.

RECOMMENDATION: The Planning Commission recommends that Council, by resolution, deny the appeal and approve a Conditional Use Permit for the proposed cannabis retail dispensary and delivery for medicinal and adult use located at 4036 Montgomery Ave, Unit B, Santa Rosa, Ca; Assessor's Parcel Number 013-284-012; File No. CUP18-076.

**Attachments:**    [Staff Report](#)  
[Attachment 1](#)  
[Attachment 2](#)  
[Attachment 3](#)  
[Attachment 3b](#)  
[Attachment 4](#)  
[Attachment 5](#)  
[Attachment 6](#)  
[Attachment 7](#)  
[Attachment 8](#)  
[Attachment 9](#)  
[Attachment 10](#)  
[Attachment 11](#)  
[Resolution](#)  
[Presentation](#)  
[Presentation - REVISED \(Uploaded 4/9/2019\).pdf](#)  
[Presentation - REVISED \(Uploaded 4/10/2019\)](#)  
[Appellant Correspondence \(Uploaded 4/8/2019\)](#)  
[Applicant Correspondence \(Uploaded 4/8/2019\)](#)  
[Public Correspondence \(Uploaded 4/8/2019\)](#)  
[Late Correspondence \(Uploaded 4/10/2019\).pdf](#)

Presented by Clare Hartman, Deputy Director, and Bill Rose, Supervising Planner.

Michele Mackinnon and team, appellant, spoke in opposition to approving a conditional use permit for Fox Den Inc.

Nick Caston, applicant representative, spoke in support of approving a conditional use permit for Fox Den Inc.

Mayor Schwedhelm opened the public hearing at 6:54 p.m.

#### PUBLIC COMMENT

Travers Erling spoke in support of the appellant.

Nick Allen spoke in support of the appellant.

Kimberly Mullen spoke in support of the appellant.

Huria Clifton-Pope spoke in support of the appellant.

Nancy Richardson spoke in support of the appellant.

Greg Pope spoke in support of the appellant.

Andrew Kramer spoke in support of the applicant.

Noelle Tamba spoke in support of the appellant.

Evan Conklin spoke in support of the appellant.

Carlos Perezon spoke in support of the appellant.

Anthony Keeton spoke in support of the appellant.

Shane Bresnyan spoke in support of the appellant.

Frank Ammirata spoke in support of the appellant.

Forrest Johnson spoke in support of the appellant.

Kay Lynn Wheeler spoke in support of the appellant.

Craig Lawson spoke in support of the applicant.

Amber Streiff spoke in support of the appellant.

Joanna Cedar spoke in support of the applicant.

Tiffany Bagala spoke in support of the applicant.

Pedy Lawson spoke in support of the applicant.

Deborah Crippen spoke in support of the applicant.

Leah Murphy spoke in support of the appellant.

David Hazlin spoke in support of the applicant.

Caly Lawson spoke in support of the applicant.

Dow Winlde spoke in support of the applicant.

Charles Fant spoke in support of the appellant.

Ross Bale spoke in support of the appellant.

Matt Wolfinger spoke in support of the appellant.

Ciaran McCarthy spoke in support of the applicant.

Dave Townsend spoke in support of the appellant.

Merlin Davis spoke in support of the appellant.

Gary Lince spoke in support of the applicant.

Anne Seely, speaking for Concerned Citizens for Santa Rosa, spoke in support of the appellant.

Greg Pope spoke in support of the appellant.

Mike Schwartz spoke in support of the appellant.

Hearing no one else wishing to speak, Mayor Schwedhelm closed the public hearing at 8:07 p.m.

Nick Caston, applicant representative, provided a rebuttal.

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

**RESOLUTION 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**

**Council Member Sawyer withdrew his motion.**

**A motion was made by Vice Mayor Rogers, seconded by Council Member Fleming, to continue the public hearing to a future meeting. The motion carried by the following vote:**

**Yes:** 6 - Mayor Schwedhelm, Vice Mayor Rogers, Council Member Combs, Council Member Fleming, Council Member Sawyer, and Council Member Tibbetts

**Absent:** 1 - Council Member Olivares

## **16. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION) - NONE.**

**16.1** FINAL MAP - Auberge Du Soleil II - Provided for Information

**Attachments:** [Notice of Submittal of Final Map](#)  
[Location Map](#)

**This item was received and filed.**

**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 [IF NEEDED]**

**19. ADJOURNMENT OF MEETING**

Hearing no further business, Mayor Schwedhelm adjourned the meeting at 8:53 p.m. The next regularly scheduled meeting will take place on April 30, 2019, at a time set by the Mayor.

**20. UPCOMING MEETINGS**

**20.1 UPCOMING MEETINGS LIST**

**Attachments:** [Upcoming Meetings List.pdf](#)

**This item was received and filed.**

Approved on: May 21, 2019  
/s/ Daisy Gomez, City Clerk