



**City Council
Regular Meeting Minutes - Draft**

Tuesday, May 28, 2019

3:00 PM

1. CALL TO ORDER AND ROLL CALL

Mayor Schwedhelm called the closed session meeting to order at 3:00 p.m.

Present: 7 - Mayor Tom Schwedhelm, Vice Mayor Chris Rogers, Council Member Julie Combs, Council Member Victoria Fleming, Council Member Ernesto Olivares, Council Member John Sawyer, and Council Member Jack Tibbetts

2. ANNOUNCEMENT OF CLOSED SESSION ITEMS

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

Name of Case: Nicholle Vannucci, et al. v. County of Sonoma, et al.
Court Case No. USDC Northern District of California Case No.
3:18-cv-01955-VC

Mayor Schwedhelm adjourned the closed session at 3:57 p.m. and reconvened the meeting at 4:00 p.m.

3. STUDY SESSION - NONE.

4. ANNOUNCEMENT OF ROLL CALL

Present: 7 - Mayor Tom Schwedhelm, Vice Mayor Chris Rogers, Council Member Julie Combs, Council Member Victoria Fleming, Council Member Ernesto Olivares, Council Member John Sawyer, and Council Member Jack Tibbetts

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

City Attorney Gallagher announced that Council provided direction to staff for Item 2.1.

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.

City Manager McGlynn provided a brief report of the three recovery and rebuilding community meetings which have been scheduled for residents of Fountaingrove and Hidden Valley Neighborhood Areas.

PUBLIC COMMENT

Duane DeWitt spoke regarding the assistance needed for the residents in Journey's End Mobile Homes park and relocating them to safer sites.

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

City Manager McGlynn provided a brief report on the proclamations provided to Santa Rosa staff members for assisting as mutual aids to Butte County.

9.. STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS

Council Member Tibbetts announced his abstention to Item 12.1.

10. MAYOR'S/COUNCIL MEMBERS' REPORTS

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

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 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)

Council Member Combs provided a brief report and announced her withdrawal to the Renewal Enterprise District and Association of Bay Area Governments Regional Planning Committee.

Mayor Schwedhelm announced his assignment of Council Member Fleming to the Renewal Enterprise District.

11. Other

11.1 BOARD, COMMISSION & COMMITTEE APPOINTMENTS

- 11.1.1 It is recommended by the City Clerk, and by direction from the Mayor, that the Council consider re-appointments for two of four vacancies on the Board of Building Regulations Appeals.

PUBLIC COMMENT

George Uberti spoke regarding Government Code section 815.2(a) and the role of the Board of Building Regulations Appeals.

A motion was made by Council Member Combs, seconded by Vice Mayor Rogers, to reappoint Greg Hurd and Peter Hendrickson to the Board of Building Regulation Appeals. The motion carried by the following vote:

Yes: 7 - Mayor Schwedhelm, Vice Mayor Rogers, Council Member Combs, Council Member Fleming, Council Member Olivares, Council Member Sawyer, and Council Member Tibbetts

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

11.2.1 The City Council will, by motion, provide direction to the Mayor regarding letters of interest received for appointment to the following vacancies, which will be made by the Board of Directors of the Sonoma County Mayors' and Councilmembers' Association at its meeting on June 13, 2019:

- (1) Association of Bay Area Governments Executive Board, one position. Two year fixed term.
 - No Letters received.
- (2) Association of Bay Area Governments Executive Board (Alternate), one position. Two year fixed term.
 - No Letters received.
- (3) Association of Bay Area Governments (ABAG) Regional Planning Committee, one position. Term expires two year from appointment.
 - Letter received from Susan Adams (Rohnert Park)
- (4) Sonoma County Agricultural Preservation & Open Space District Citizens Advisory Committee. Term expires two years from appointment.
 - Letter received from John Dell'Osso (Cotati)

A motion was made by Vice Mayor Rogers, seconded by Council Member Sawyer, to leave the nomination of any additional applicants provided at the Board of Directors of the Sonoma County Mayors' and Councilmembers' Association at its meeting on June 13, 2019, to the Mayor's discretion. The motion carried by the following vote:

Yes: 7 - Mayor Schwedhelm, Vice Mayor Rogers, Council Member Combs, Council Member Fleming, Council Member Olivares, Council Member Sawyer, and Council Member Tibbetts

12. APPROVAL OF MINUTES

12.1 April 30, 2019, Regular Meeting Minutes.

Approved as submitted.

12.2 May 7, 2019, Regular Meeting Minutes.

Approved as amended to include that the Upcoming Meetings List would be brought back to Council for further discussion.

13. CONSENT ITEMS

PUBLIC COMMENT

Duane DeWitt spoke regarding Item 13.2.

George Uberti spoke regarding Item 13.2.

Victoria Yanez spoke regarding spoke regarding Item 13.2.

Approval of the Consent Agenda

A motion was made by Vice Mayor Rogers, seconded by Council Member Tibbetts, to waive reading of the text and adopt Consent Items 13.1 and 13.2. The motion carried by the following vote:

Yes: 7 - Mayor Schwedhelm, Vice Mayor Rogers, Council Member Combs, Council Member Fleming, Council Member Olivares, Council Member Sawyer, and Council Member Tibbetts

13.1 RESOLUTION - EXTENSION OF PROCLAMATION OF EXISTENCE OF LOCAL EMERGENCY DUE TO FIRES

RECOMMENDATION: It is recommended by the City Attorney's Office that the Council, by resolution, declare that the proclamation of a state of local emergency within the City of Santa Rosa has been and remains in full force and effect without interruption.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2019-056 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA EXTENDING THE PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY DUE TO FIRES

13.2 RESOLUTION - EXTENSION OF PROCLAMATION OF LOCAL HOMELESS EMERGENCY

RECOMMENDATION: It is recommended by the Housing and Community Services Department that the Council, by resolution, approve an extension of Resolution No. 28839 which formally proclaimed a local homeless emergency within Santa Rosa.

This Consent - Resolution was adopted.

RESOLUTION RES-2019-057 ENTITLED: RESOLUTION OF THE COUNCIL

OF THE CITY OF SANTA ROSA EXTENDING A PROCLAMATION OF LOCAL HOMELESS EMERGENCY (Government Code Sections 8630 et seq.)

14. PUBLIC COMMENT ON NON-AGENDA MATTERS

Christine Houx, with 350 Sonoma, spoke in support of the all electric-ready ordinance as soon as possible.

Mike Turgeon spoke in support of the all electric-ready ordinance as soon as possible.

Alima Silverman, with Rebuild Green Coalition, spoke in support of the all electric-ready ordinance as soon as possible.

Elizabeth Neylon spoke regarding various topics.

Allen Thomas spoke regarding the concern of the building code and noise violations.

Laura Neish, with 350 Sonoma, spoke in support of the all electric-ready ordinance as soon as possible.

15. REPORT ITEMS

15.1 REPORT - ORDINANCE ADDING CHAPTER 1-06 TO THE SANTA ROSA CITY CODE, AUTHORIZING THE USE OF ELECTRONIC RECORDS, AND ELECTRONIC AND DIGITAL SIGNATURES

BACKGROUND: The use of electronic signatures on legally-binding documents has become increasingly prevalent in the private sector but has yet to find widespread adoption in public agencies. There are many benefits to utilizing electronic signatures including cutting down on paper, time, and costs that are associated with transmitting and approving physical documents.

In 1995, the California legislature passed a statute authorizing public entities to accept “digital signatures” if and only if they comply with stringent verification procedures established by the Secretary of State. (Gov. Code Section 16.5.) In 1999, California adopted a version of the Uniform Electronic Transactions Act (UETA), guaranteeing that

electronic signatures would have the same legal effect as a “wet” or manual signature. (Civ. Code Sections 1633.1-1633.17.) In 2016, AB 2296 was signed by Governor Brown to clarify how state government agencies can accept signatures electronically. This bill resolved issues around perceived discrepancies in the 1990’s legislation, making it easier for agencies to use electronic signature technology. Now, because of AB 2296, California government agencies can transition to the use of electronic records with clear understanding of the law.

RECOMMENDATION: It is recommended by the Information Technology Department and the City Manager’s Office that the Council, by ordinance, add Chapter 1-06 to the Santa Rosa City Code, authorizing the use of Electronic Records, and Electronic and Digital Signatures.

Presented by Eric McHenry, Chief Information Technology Officer.

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

ORDINANCE ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ADDING CHAPTER 1-06 TO THE SANTA ROSA CITY CODE, AUTHORIZING THE USE OF ELECTRONIC RECORDS AND ELECTRONIC AND DIGITAL SIGNATURES

The motion carried by the following vote:

Yes: 7 - Mayor Schwedhelm, Vice Mayor Rogers, Council Member Combs, Council Member Fleming, Council Member Olivares, Council Member Sawyer, and Council Member Tibbetts

16. PUBLIC HEARINGS

- 16.1 PUBLIC HEARING - (CONTINUED TO JUNE 25, 2019, REGULAR MEETING) ROSELAND VILLAGE TENTATIVE MAP AND DENSITY BONUS. APPEAL OF PLANNING COMMISSION ACTION ON THE TENTATIVE MAP AND DENSITY BONUS FOR THE PLANNED ROSELAND VILLAGE MIXED USE PROJECT AT 665 & 883 SEBASTOPOL ROAD, SANTA ROSA, CA PRJ17-075; MAJ17-006, DB19-001.**

BACKGROUND: On February 28, 2019, the Planning Commission approved the Roseland Village Tentative Map and Density Bonus by voting 6 ayes, 0 noes, and 1 absent. The Tentative Map would

subdivide a 7.41-acre site into five lots, require subdivision infrastructure improvements, and establish public and private street circulation to accommodate the planned future development of three apartment buildings with 175 units, including 75 affordable units, a 25,000 square foot civic building, a 5,000 square foot market place, and a 1-acre public plaza. The Density Bonus allows a 34% increase in residential density and three incentives/concessions which allow phased development of the affordable units within a separate apartment building, and grant an 18 percent parking reduction. The planned Roseland Village Mixed Use project including Design Review of individual buildings and the plaza within Roseland Village will occur at a future date to be determined. The appeal asserts the Planning Commission's action is contrary to a private easement in that the approved Tentative Map eliminates access across the back of the neighboring Roseland Village Shopping Center; the Density Bonus allows housing units which is contrary to the private recorded easement and is against requirements affordable housing be incorporated within and constructed simultaneously; and the project will eliminate over 270 currently available parking spaces to 70 spaces. PRJ17-075; MAJ17-006, DB19-001.

RECOMMENDATION: It is recommended by the Planning Commission and the Planning and Economic Development Department that the Council, by resolution, approved the Tentative Map and Density Bonus.

This public hearing was continued to the June 25, 2019, Council meeting.

17. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION) - NONE.

PUBLIC COMMENTS ON NON-AGENDA MATTERS - NONE.

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

20. UPCOMING MEETINGS (AND POSSIBLE COUNCIL ACTION)

20.1 UPCOMING MEETINGS LIST

City Manager McGlynn discussed the Upcoming Meetings List as requested from the May 7, 2019 Council meeting, which included the scheduling of the Open Government Task Force Implementation

Plan, \$15 dollar an hour minimum wage, all electric-ready ordinance, and non-discrimination ordinance.

PUBLIC COMMENT

Tish Levee spoke in support of the all electric-ready ordinance as soon as possible.

Gregory Fearon spoke in support of the all electric-ready ordinance, the general calendar discussion, and requested for a detail description be provided for future discussions of the Upcoming Meetings List.

Tom Amato spoke in support of the all electric-ready ordinance as soon as possible.

Wayne Yamagishi in support of the all electric-ready ordinance as soon as possible.

Abigail Zoger spoke in support of the all electric-ready ordinance as soon as possible.

Kevin Conway, Friends of the Climate Action Plan, spoke in support of the all electric-ready ordinance as soon as possible.

Sunny Galbraith, with 350 Sonoma, spoke in support of the all electric-ready ordinance as soon as possible.

A motion was made by Vice Mayor Rogers, seconded by Council Member Tibbetts, to approve the set dates for Open Government Task Force Implementation Subcommittee recommendations to Council on October 22, 2019. Open Government Task Force Implementation Subcommittee meetings will be held on July 18, 2019 and September 5, 2019. The motion carried by the following vote:

Yes: 7 - Mayor Schwedhelm, Vice Mayor Rogers, Council Member Combs, Council Member Fleming, Council Member Olivares, Council Member Sawyer, and Council Member Tibbetts

A motion was made by Council Member Combs, seconded by Council Member Tibbetts, to approve to move up the nondiscrimination ordinance

to the August 13, 2019, Council meeting; and move the Bennett Valley Senior Center Operator Contract and Developer Selection to the September 24, 2019, Council meeting. The motion carried by the following vote:

Yes: 7 - Mayor Schwedhelm, Vice Mayor Rogers, Council Member Combs, Council Member Fleming, Council Member Olivares, Council Member Sawyer, and Council Member Tibbetts

A motion was made by Council Member Combs, seconded by Council Member Tibbetts, to maintain the scheduled date of July 16, 2019, to hear the fifteen dollar (\$15) minimum wage discussion. The motion carried by the following vote:

Yes: 7 - Mayor Schwedhelm, Vice Mayor Rogers, Council Member Combs, Council Member Fleming, Council Member Olivares, Council Member Sawyer, and Council Member Tibbetts

A motion was made by Council Member Tibbetts, seconded by Council Member Combs, to move the all electric-ready ordinance to the August 6 or 13, 2019, Council meeting. The motion failed by the following vote:

Yes: 3 - Council Member Combs, Council Member Fleming, and Council Member Tibbetts

No: 4 - Mayor Schwedhelm, Vice Mayor Rogers, Council Member Olivares, and Council Member Sawyer

A motion was made by Mayor Schwedhelm, seconded by Council Member Olivares, to maintain the scheduled date of October 29, 2019, to hear the all electric-ready ordinance. The motion carried by the following vote:

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

No: 1 - Council Member Combs

21. ADJOURNMENT OF MEETING

Hearing no further business, Mayor Schwedhelm adjourned the meeting at 6:18 p.m. The next regularly scheduled meeting will take place on June 4, 2019, at a time to be set by the Mayor.

Approved on:

Daisy Gomez
City Clerk