



City of Santa Rosa

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

CITY COUNCIL REGULAR MEETING AGENDA AND SUMMARY REPORT - CANCELLED FEBRUARY 26, 2019

CANCELLED

Public Hearing Item 15.1 will be continued to March 12, 2019; entitled APPEAL OF PLANNING COMMISSION DECISION TO APPROVE A CONDITIONAL USE PERMIT FOR BKIND LLC, A CANNABIS RETAIL AND DELIVERY BUSINESS FOR MEDICINAL AND ADULT USE, IN AN EXISTING BUILDING LOCATED AT 1128 SONOMA AVE, SANTA ROSA, CA; ASSESSOR'S PARCEL NUMBER 014-121-002; FILE NO. CUP18-079.

2:00 P.M. - CLOSED SESSION (MAYOR'S CONFERENCE ROOM)

3:00 P.M. - STUDY SESSION (COUNCIL CHAMBER)

4:00 P.M. - REGULAR SESSION (COUNCIL CHAMBER)

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.

Comments from the public on non-agenda items will be heard under Agenda Items 13 and 17. 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. 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 ten 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.

To address the Council you are requested to complete a yellow Speaker Card and give it to the City Clerk. If you are unable to or do not wish to wait for the public comment portion of the agenda, you are encouraged to contact

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the Council or City Clerk directly by submitting your comments to 100 Santa Rosa Avenue, Room 10, Santa Rosa 95404 or cityclerk@srcity.org.

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 Representatives: Gloria Hurtado, Deputy City Manager, Jon Holtzman of Renne Public Law Group, Jeremia Mills, Interim Human Resources Director, Anthony Gossner, Fire Chief, and Chuck McBride, Chief Financial Officer.

Employee Organizations: Santa Rosa Firefighters Association - Local 1401 (representing City Employee Unit 2).

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

Name of Case: Timothy Aboudara, Jr. et al. v. City of Santa Rosa
Court Case No. USDC Northern District of CA 3:17-cv-01661-HSG

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

3:00 P.M. (CITY COUNCIL CHAMBER)

3. STUDY SESSION

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

3.1 CITYBUS FLEET ELECTRIFICATION

The Transit Division's largest ongoing capital obligation is the periodic replacement of the 28 fixed-route buses in its active fleet. With the developments in the Zero Emissions Bus (ZEB) industry and the California Air Resources Board's (CARB) Innovative Clean Transit (ICT)

regulation requiring statewide transit bus electrification by 2040, the timing to begin the transition from diesel vehicles to electric buses is optimal. This transition requires collaboration with state and local partners and a comprehensive understanding of the electrification process. This study session will provide an overview of the Transit Division's fleet electrification activities and allow Council to provide feedback to staff on CityBus's fleet plan and anticipated electrification timeline in light of fiscal, regulatory, and infrastructure-related factors.

4:00 P.M. (CITY COUNCIL CHAMBER)

4. ANNOUNCEMENT OF ROLL CALL

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

6. PROCLAMATIONS/PRESENTATIONS - NONE.

7. STAFF BRIEFINGS

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.

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.

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 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

11. APPROVAL OF MINUTES - NONE.

12. CONSENT ITEMS

12.1 RESOLUTION - AUTHORIZATION TO APPLY FOR PG&E FLEETREADY PROGRAM

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by resolution, authorize the Director of Transportation and Public Works to approve and submit a grant application under the PG&E's FleetReady program for electric vehicle charging infrastructure.

12.2 RESOLUTION - MEASURE O CHOICE GRANT PROGRAM CYCLE IX YEAR 2 FUNDING RECOMMENDATION AND APPROVAL TO EXECUTE A GRANT FUNDING AGREEMENT WITH BREAKOUT PRISON OUTREACH, DBA CALIFORNIA YOUTH OUTREACH UNDER THE CHOICE GRANT PROGRAM

RECOMMENDATION: It is recommended by the Office of Community Engagement that the Council, by Resolution: 1) Adopt the funding recommendation of the Grant Review Team for California Youth Outreach under the Measure O (2004) Community Helping Our Indispensable Children Excel (CHOICE) Cycle IX Grant Program; 2) direct the City Manager or designee to approve and execute a funding agreement with California Youth Outreach for an amount not to exceed \$120,000; and 3) authorize the City Manager or his designee to approve and execute any amendments to the funding agreement.

12.3 RESOLUTION - FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT - FIRST AMERICAN TITLE COMPANY

RECOMMENDATION: It is recommended by the City's Right Of Way Agent that the Council, by resolution, approve the First Amendment to Professional Services Agreement Number F001200 with First American Title Company to increase compensation under the Agreement for City-wide title and escrow services by \$120,000 for a total amount not to exceed \$170,000, paid out of various project keys as approved by the Chief Financial Officer.

12.4 RESOLUTION - APPROVAL OF USE OF DESIGN-BUILD PROCUREMENT FOR REMOVAL AND REPLACEMENT OF UTILITIES FIELD OPERATIONS AUDIO/VISUAL SYSTEM

RECOMMENDATION: It is recommended by the Information Technology and Finance Departments, that the Council, by resolution, approve the use of the design build method of procurement for the removal and replacement of the Audio/Video system at the Utilities Field Operations building at 35 Stony Point Road.

12.5 RESOLUTION - APPROVAL OF TWO AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION FOR THE COLLECTION OF MEASURE O REVENUE PASSED BY VOTERS IN NOVEMBER 2018

RECOMMENDATION: It is recommended by the Finance Department and City Attorney that the Council, by resolution, approve two required agreements with the California Department of Tax and Fee

Administration to administer the revenues collected under Measure O, passed by voters in November 2018.

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 ten 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.

14. REPORT ITEMS

- 14.1** REPORT - APPEAL OF CANNABIS POLICY SUBCOMMITTEE DECISION TO SELECT GREEN QI, LLC TO MOVE FORWARD IN THE CONDITIONAL USE PERMIT ENTITLEMENT PROCESS FOR A PROPOSED COMMERCIAL CANNABIS ADULT USE RETAIL FACILITY, LOCATED AT 925 PINER RD; ASSESSOR'S PARCEL NUMBERS 015-680-024; FILE NO. CUP18-056.

BACKGROUND: On October 25, 2018, the Cannabis Policy Subcommittee, by motion, selected Green Qi, LLC (File No. CUP18-056) to move forward in the Conditional Use Permit entitlement process, voiding Bear Flag Supply, Inc. On November 5, 2018, Jerred Kiloh and Amos Flint, representing Bear Flag Supply, Inc. filed an appeal of the Cannabis Policy Subcommittee's decision based on four grounds for appeal. The grounds for appeal question the validity of the merit based review process.

RECOMMENDATION: The Planning and Economic Development Department recommends that Council, by resolution, deny the appeal and uphold the Cannabis Policy Subcommittee's decision to select Green Qi, LLC (Applicant A) to move forward in the Conditional Use Permit Process for a proposed commercial cannabis adult use retail facility, located at 925 Piner Rd.; Assessor's Parcel Numbers 015-680-024; File No. CUP18-056.

- 14.2** REPORT - APPEAL OF CANNABIS POLICY SUBCOMMITTEE

DECISION TO SELECT HIGHWAY RETAIL OUTLET TO MOVE FORWARD IN THE CONDITIONAL USE PERMIT ENTITLEMENT PROCESS FOR A PROPOSED COMMERCIAL CANNABIS ADULT USE RETAIL FACILITY, LOCATED AT 470 SEBASTOPOL ROAD; ASSESSOR'S PARCEL NUMBER 044-072-008; FILE NO. CUP18-078.

BACKGROUND: On November 14, 2018, the Cannabis Policy Subcommittee, by motion, selected Highway Retail Outlet (File No. CUP18-078) to move forward in the Conditional Use Permit entitlement process, voiding Phenotopia. On November 26, 2018, Padraic Fahey, representing Phenotopia, filed an appeal of the Cannabis Policy Subcommittee's decision based on six grounds for appeal.

RECOMMENDATION: The City Council's Cannabis Policy Subcommittee recommends that Council, by resolution, deny the appeal of Phenotopia (Applicant B) and affirm the Cannabis Policy Subcommittee's decision to select Highway Retail Outlet (Applicant A) to move forward in the Conditional Use Permit Process for a proposed commercial cannabis adult use retail facility, located at 470 Sebastopol Road.

14.3 REPORT - FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT NO. F001622 WITH BUREAU VERITAS NORTH AMERICA FOR POST FIRE RECOVERY AND REBUILDING SERVICES; FISCAL YEAR 2018-19 BUDGET AMENDMENT

BACKGROUND: Over the past year, staff from the City of Santa Rosa and Bureau Veritas North America, Inc. have provided a variety of permit processing, plan check and inspection services for the repair and reconstruction activities associated with the Tubbs Fire. Over 1,500 permits were processed in 2018, resulting in approximately 16,000 inspections. Additionally, the Department continues to see a high volume of permit activity outside of the fire damaged areas. City staff time has been partially redirected from current development projects to support the rebuild efforts, resulting in an increased need for professional services to augment staffing support for the review and processing of new housing and commercial projects.

Revenue received from permit fees paid related to services provided by

Planning & Economic Development for all development and rebuilding projects are considerably more than budgeted estimates for FY 18-19. City staff is proposing to appropriate these funds to pay for one-time, professional services needs relative to Planning, Engineering, and Building to meet commitments associated with plan review and inspection turnaround times for all development and rebuild efforts.

RECOMMENDATION: It is recommended by the Planning and Economic Development and Finance Departments that the Council, by Resolution: 1) approve the First Amendment to Professional Services Agreement No. F001622 with Bureau Veritas North America, Inc., increasing compensation by \$377,052 for a total amount not to exceed \$9,263,312; and, 2) amend the Fiscal Year (FY) 2018-19 adopted budget to increase appropriations for plan check and inspection professional services in the amount of \$4,357,322, which will be offset by an increase in associated fee revenue.

(THE COUNCIL MAY RECESS DURING THE EVENING FOR A DINNER BREAK)

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 - APPEAL OF PLANNING COMMISSION DECISION TO APPROVE A CONDITIONAL USE PERMIT FOR BKIND LLC, A CANNABIS RETAIL AND DELIVERY BUSINESS FOR MEDICINAL AND ADULT USE, IN AN EXISTING BUILDING LOCATED AT 1128 SONOMA AVE, SANTA ROSA, CA; ASSESSOR'S PARCEL NUMBER 014-121-002; FILE NO. CUP18-079.

BACKGROUND: On November 29, 2018, the Planning Commission approved (6-1) a Conditional Use Permit for a cannabis retail dispensary and delivery for medicinal and adult use in an existing 2,314 square foot building located at 1128 Sonoma Ave. On December 10, 2018, the Santa Rosa City School District filed an appeal of the Planning Commission's action. The grounds for the appeal are the proximity of the dispensary to the Santa Rosa French-American Charter School and to the abutting residences.

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 1128 Sonoma Ave; Assessor's Parcel Number 014-121-002: File No. CUP 18-079.

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

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. 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

***Did not appear on the preliminary agenda.**

****Quasi-judicial or adjudicative action.**

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. Requests should be submitted as far in advance as possible, but no later than two business days before the scheduled 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.