

**SANTA ROSA CITY COUNCIL MINUTES
REGULAR MEETING
CITY HALL, 100 SANTA ROSA AVENUE
DECEMBER 10, 2013**

1. CALL TO ORDER AND ROLL CALL

Mayor Bartley called the regular meeting to order at 1:00 p.m. in the Mayor's Conference Room. Council Members present: Mayor Bartley, Vice Mayor Swinth, Council Members Combs, Olivares, Ours, and Wysocky. Council Member Carlstrom arrived at 1:07 p.m. and left the closed session at 1:50 p.m.

2. ANNOUNCEMENT OF CLOSED SESSION ITEMS

City Attorney Fowler announced the Council will meet in Closed Session regarding the Closed Session items as listed on the agenda.

There were no public comments made regarding the closed sessions.

Mayor Bartley recessed the meeting to closed session at 1:00 p.m. to discuss the following matters as listed on the agenda.

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

Agency Designated Representatives: Fran Elm, Human Resources Director, Chris Sliz, Employee Relations Manager, and Carol Stevens of Burke, Williams & Sorensen, LLP.

Employee Organizations: Santa Rosa Firefighters Association Local 1401 (representing City Employee Unit 2); Operating Engineers Local 3, Maintenance and Utility System Operators (Employee Units 3 and 16); Santa Rosa City Employees Association (Employee Units 4, 6, 7); Santa Rosa Police Officers Association, (Employee Unit 5); Service Employees International Union Local 1021, (Employee Units 8 and 14); Public Safety Management Association (Employee Unit 9); Santa Rosa City Attorneys' Association (Employee Unit 17), Santa Rosa Management Association (Employee Unit 18).

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

Agency Designated Representatives: Kathleen Millison, City Manager and Jennifer Phillips, Assistant City Manager. Unrepresented Executive Management, Middle Management, and Confidential Employees (Employee Units 10, 11 and 12).

2.3 CONFERENCE WITH LEGAL COUNCIL ANTICIPATED LITIGATION

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

Mayor Bartley recessed the closed sessions at 2:00 p.m. and reconvened the meeting to open session in the Council Chamber at 2:03 p.m. All Council Members were present except Council Member Carlstrom, who was seated at 2:41 p.m.

3. STUDY SESSION

3.1 FALL FINANCIAL UPDATE

This study session will provide an update on the current and projected status of General Fund finances beginning with a discussion of preliminary General Fund year end closing results for Fiscal Year (FY) 2012/13. First quarter activity for the current FY 2013/14, along

with updated projections for the remainder of the year will be presented. An economic outlook will be provided that discusses current and projected trends that will affect this fiscal year and beyond.

During the presentation, General Fund revenues will be reviewed and an updated forecast will be provided. The Five Year Forecast, incorporating updated revenue, expenditure and reserve projections, will be presented for FY 2013/14 through FY 2017/18

Presenters: Lawrence Chiu, Chief Financial Officer, and Jean Gill, Budget and Financial Analysis Manager

PUBLIC COMMENT

Duane DeWitt suggested the City increase its revenues by applying a one cent charge per gallon to the recycled water provided to the Geysers.

No action was taken by the Council.

3.2 AFFORDABLE HOUSING AND EMERGENCY SHELTER BEDS

Staff will conduct a brief presentation to review: 1) the existing inventory of shelter beds, homeless services and affordable housing; 2) outline the need to restore local funding resources for affordable housing; and, 3) funding options for the City Council to consider during the budget deliberation process. City staff, affordable housing developers, and homeless service providers will be available to assist the discussion.

Presenters: Dave Gouin, Director of Economic Development and Housing, Nancy Gornowicz, Economic Development and Housing Manager, Jenny Abramson, Coordinator, Sonoma County Continuum of Care, and Jenni Lynn Holmes, Program Manager of Shelter and Housing Operations, Catholic Charities

PUBLIC COMMENT

Gerry LaLonde-Berg submitted written comments to the Council and recommended the City permit camping and overnight parking in designated places and requested law enforcement ensure that the homeless not lose their belongings.

Erika Klohe spoke in support of service providers and encouraged short and long term solutions to homelessness.

Carolyn Epple requested information regarding affordable housing needs broken down by low income, very low income, and extremely low income and spoke regarding the armory's availability at \$438 per night for staffing, Denver's practices before homeless sweeps, the number of homeless who have died in Sonoma County, and changing the percentage of housing that goes to the homeless in the housing element.

Attila Nagy spoke regarding the tombstones placed throughout the Chamber, read a declaration of independence for the homeless and suggested applying funding toward housing instead of the golf course during the budget process.

Lilinda R. Picton spoke regarding peer tutoring programs for literacy issues, the lack of increases for people receiving entitlements, and the ability for public agency retirees to collect another pension.

Adam Kirshenbaum read from the Homeless Bill of Rights a definition of homelessness and spoke regarding the rights of those who are homeless and other options for temporary housing

Duane DeWitt spoke regarding the Housing Authority's provision of funding for affordable housing and recommended the Council direct staff to conserve, protect and restore the City's existing housing stock as affordable housing for veterans.

David Grabill, Housing Advocacy Group, spoke regarding the homeless crisis and the lack of shelter beds for youth, encouraged the Council to expedite the SAY project, establish

additional shelter beds during the winter months, increase the percentage of redevelopment boomerang money for affordable housing to at least 30%, and endorse and support SB 391. Chuck Cornell, Executive Director of Burbank Housing, spoke regarding issues that caused affordable housing projects to stall, the need for local financing for affordable housing, and in support of SB 391.

Ellen Zebrowski spoke in support of the creation of more permanent housing and regarding the gap between available housing and the numbers of people who need housing, the need to include solutions such as a safe parking program and open land for temporary camping, and the criminalization of the homeless.

Adrienne Lauby suggested the Council direct staff to survey unused and underutilized buildings in the county that can be used for the homeless, encourage churches and businesses to assist, and ask Santa Rosa Recycling and Collection to donate portable toilets.

Joe Dietson, Task Force for the Homeless and Sonoma County Consortium, agreed with comments made by Chuck Cornell and spoke regarding the need for affordable housing and concerns about homeless youth.

Peter Tscherneff spoke regarding various topics.

No action was taken by the Council.

Mayor Bartley recessed the meeting at 4:19 p.m. and reconvened the meeting at 4:28p.m.

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

4. ANNOUNCEMENT OF ROLL CALL

City Clerk Griffin announced all Council Members were present. Teen Council Member Taylor Wang was also present until 5:00 p.m.

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

City Attorney Fowler reported that the Council met in Closed Session with its labor negotiators regarding Items 2.1 and 2.2 and there were no actions to report. City Attorney Fowler further announced that the Council met in closed session with its legal counsel regarding one anticipated litigation matter and voted 6-0-1 (Council Member Carlstrom absent) to file a petition for review with the State Water Resources Control Board to review the Regional Water Quality Control Board's NPDES Permit and to not hold that in abeyance.

City Manager Millison reported on the study sessions regarding Fall Financial Update and Affordable Housing and Emergency Shelter Beds.

Due to a disruption by protesters in the Council Chamber, the Mayor recessed the meeting at 4:34 p.m. and reconvened the meeting at 5:02 p.m. All Council Members were present.

The Mayor announced that Public Hearing Item 13.1, Adoption of Fees, has been continued to January 7, 2014.

6. PROCLAMATIONS/PRESENTATIONS

6.1 PROCLAMATION POLICE CHIEF SCHWEDHELM RETIREMENT

Council Member Olivares presented the proclamation to Police Chief Thomas E. Schwedhelm.

PUBLIC COMMENT

Colleen Fernald expressed concerns regarding the Police Department and the death of her daughter Charlotte Molinari.

6.2 PROCLAMATION FIRE CHIEF McCORMICK RETIREMENT

Council Member Ours presented the proclamation to Fire Chief Mark McCormick.

6.3 PROCLAMATION DRIVE SOBER MONTH

Vice Mayor Swinth presented the proclamation to Vince Harper, Senior Program Manager, Sonoma County Community Action Partnership. Mr. Harper introduced DIG leaders in attendance: Yvette Guzman, Yuni Mendoza, Mario Aguilar, Maria Lopez, Itzel Martinez, and Deisy Vargas.

6.4 PRESENTATION RESPONSIBLE ALCOHOL MERCHANT AWARDS

This item was not heard and will be placed on a future agenda.

MOVED by Vice Mayor Swinth, seconded by Council Member Olivares, and **CARRIED** 6-1 (Council Member Wysocky voting no) to consider the Consent Items and Report Items 12.4, 12.5 and 12.6 at this time.

Council Member Carlstrom left the Chamber at 5:28 p.m. to view the meeting from the Mayor's Conference Room.

11. CONSENT ITEMS

Council Member Wysocky pulled Consent Item 11.7 for discussion

PUBLIC COMMENT

Jack Osborne spoke regarding Consent Items 11.1, 11.3, 11.5, 11.6, and 11.8.

MOVED by Vice Mayor Swinth, seconded by Council Member Olivares, and **CARRIED** 6-0-1 (Council Member Carlstrom absent) to waive reading of the text and adopt Consent Items 11.1 through 11.6, 11.8 and 11.9 as follows:

11.1 MOTION – PACIFIC GAS AND ELECTRIC COMPANY APPLICATION FOR SERVICE PERMANENT ELECTRICAL POWER TO WATER RESERVOIR R 11

MOTION TO DELEGATE AUTHORITY TO THE DIRECTOR OF UTILITIES TO SUBMIT AN APPLICATION TO PACIFIC GAS AND ELECTRIC COMPANY TO PROVIDE ELECTRICAL POWER TO EXISTING WATER RESERVOIR R 11.

11.2 MOTION – PACIFIC GAS AND ELECTRIC COMPANY SERVICE POINT AGREEMENT SAFE ROUTES TO SCHOOL COLLEGE AVENUE AND GLENN STREET

MOTION TO APPROVE THE TRAFFIC CONTROLLER SERVICE POINT AGREEMENT FOR \$6,810.20 AND AUTHORIZE THE DIRECTOR OF THE TRANSPORTATION AND PUBLIC WORKS DEPARTMENT TO EXECUTE THE AGREEMENT CONTRACT ID: 1153166: COLLEGE AVENUE.

11.3 MOTION – CONTRACT AWARD – SANTA ROSA AVE WIDENING YOLANDA AVE TO KAWANA SPRINGS ROAD

MOTION TO AWARD CONSTRUCTION CONTRACT NO. C00655, SANTA ROSA AVE WIDENING YOLANDA AVE TO KAWANA SPRINGS ROAD IN THE TOTAL AMOUNT OF \$ 6,148,524.57 TO THE LOWEST RESPONSIBLE BIDDER, GHILOTTI BROS / TERRACON JV OF SAN RAFAEL AND SANTA ROSA, RESPECTIVELY.

11.4 RESOLUTION – SPEED LIMITS ON MONTGOMERY DRIVE AND RUSSELL AVENUE

RESOLUTION NO. 28387 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ESTABLISHING SPEED LIMITS ON MONTGOMERY DRIVE AND RUSSELL AVENUE

11.5 RESOLUTION – ASSESSMENT LIEN AGAINST THE REAL PROPERTY LOCATED AT 2512 WEST STEELE LANE

RESOLUTION NO. 28388 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA CONFIRMING THE AMOUNT OF A SPECIAL ASSESSMENT, CONFIRMING AND ORDERING THE RECOVERY OF PENALTIES AND COSTS ASSESSED AND IMPOSED BY THE ADMINISTRATIVE HEARING OFFICER FOR VIOLATIONS OF CITY CODE PROVISIONS OCCURRING ON THE PROPERTY AT 2512 WEST STEELE LANE, SANTA ROSA, A.P.N. 015-563-004, AND ORDERING THE ASSESSMENT BE COLLECTED ON THE TAX ROLL BY THE SONOMA COUNTY TAX COLLECTOR

11.6 RESOLUTION – ASSESSMENT LIEN AGAINST THE REAL PROPERTY LOCATED AT 2508 MONTGOMERY DRIVE

RESOLUTION NO. 28389 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA CONFIRMING THE AMOUNT OF A SPECIAL ASSESSMENT, CONFIRMING AND ORDERING THE RECOVERY OF PENALTIES AND COSTS ASSESSED AND IMPOSED BY THE ADMINISTRATIVE HEARING OFFICER FOR VIOLATIONS OF CITY CODE PROVISIONS OCCURRING ON THE PROPERTY AT 2508 MONTGOMERY DRIVE, SANTA ROSA, A.P.N. 013-051-002, AND ORDERING THE ASSESSMENT BE COLLECTED ON THE TAX ROLL BY THE SONOMA COUNTY TAX COLLECTOR

11.8 RESOLUTION BICENTENNIAL MARKETPLACE RESOLUTION CORRECTION

RESOLUTION NO. 28390 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A GENERAL PLAN AMENDMENT FROM OFFICE AND VERY LOW DENSITY RESIDENTIAL TO RETAIL AND BUSINESS SERVICES FOR BICENTENNIAL MARKETPLACE LOCATED AT 3366, 3380 MENDOCINO AVENUE AND ASSORTED PARCELS (APN(S): 173-050-004/005/006/007/008/010/011) AND APPROXIMATELY 15,000 SQUARE FEET OF 3340 MENDOCINO AVENUE (APN: 173-050-009) - FILE NUMBER MJP10-003

11.9 ORDINANCE INTRODUCTION – BICENTENNIAL MARKETPLACE ORDINANCE CORRECTION – ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE RECLASSIFICATION OF BICENTENNIAL MARKETPLACE LOCATED AT 3366, 3380 MENDOCINO AVENUE AND ASSORTED PARCELS (APN(S): 173-050-004 / 005 / 006 / 007 / 008 / 010 / 011) AND APPROXIMATELY 15,000 SQUARE FEET OF 3340 MENDOCINO AVENUE (APN: 173-050-009) TO THE CG (GENERAL COMMERCIAL) DISTRICT – FILE NUMBER MJP10-003

ORDINANCE ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE RECLASSIFICATION OF BICENTENNIAL MARKETPLACE LOCATED AT 3366, 3380 MENDOCINO AVENUE AND ASSORTED PARCELS (APN(S): 173-050-004 / 005 / 006 / 007 / 008 / 010 / 011) AND APPROXIMATELY 15,000 SQUARE FEET OF 3340 MENDOCINO AVENUE (APN: 173-050-009) TO THE CG (GENERAL COMMERCIAL) DISTRICT – FILE NUMBER MJP10-003

ITEM PULLED FOR DISCUSSION

11.7 RESOLUTION CONTRACT BURKE, WILLIAMS, & SORENSEN FOR LEGAL SERVICES

Due to the omission of the agreement exhibits in the agenda packet, this item was continued to the January 7, 2014, regular meeting.

ITEM PULLED FOR SEPARATE VOTE

11.10 RESOLUTION - GRANTING PASEO VISTA UTILITY CERTIFICATE APPEAL

MOVED by Council Member Olivares and seconded by Council Member Ours to waive reading of the text and adopt Consent Item 11.10 as follows:

RESOLUTION NO. 28391 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA UPHOLDING THE APPEAL AND DIRECTING THE COMMUNITY DEVELOPMENT DEPARTMENT TO APPROVE A UTILITY CERTIFICATE FOR WATER SERVICE FOR THE PASEO VISTA RESIDENTIAL PROJECT WITH A WAIVER OF THE LANDSCAPE PLANTER STRIP REQUIREMENT FOR ALL OF THE PUBLIC STREETS FOR THE PROJECT LOCATED AT 1960, 2000, AND 2290 DUTTON AVENUE, SANTA ROSA; ASSESSOR'S PARCEL NOS. 125-501-015, 125-501-007, 043-041-001, AND 043-041-046

Council Member Carlstrom returned to the dais at 5:40 p.m. The motion **CARRIED** 4-3 (Mayor Bartley, Vice Mayor Swinth, and Council Member Combs voting no).

Council Member Carlstrom left the Chamber at 5:42 p.m. to view the meeting from the Mayor's Conference room.

MOVED by Council Member Wysocky, seconded by Vice Mayor Swinth, and **CARRIED** 6-0-1 (Council Member Carlstrom absent) to add Item 12.6 to the agenda as it did not appear on the preliminary agenda and there is a need to take action prior to the next regular Council meeting.

12.6* REPORT – ACCEPTANCE AND APPROPRIATION OF FUNDS FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) IN THE AMOUNT OF \$853,356 FOR THE HIRING OF (3) FTE FIREFIGHTER POSITIONS FOR THE TWO YEAR GRANT PERFORMANCE PERIOD AND AUTHORIZING THE CITY MANAGER TO IMPLEMENT THESE CHANGES

BACKGROUND: The Fire Department was awarded a FEMA SAFER grant in the amount of \$853,356 to hire (3) FTE firefighters for a two year period. These positions would staff a fourth person on the outlying Calistoga Road Station 6 to improve initial interior fire attack times to save lives and reduce property damage. This item seeks Council approval to accept the FEMA safer grant and add (3) FTE firefighter positions to the Fire Budget for the 2 year grant performance period.

RECOMMENDATION: It is recommended by the Fire Department that the Council, by resolution, authorize the acceptance of FEMA funds, authorize the addition of (3) FTE firefighter positions, authorize the City Manager to execute documents on behalf of the City and authorize the Chief Financial Officer to appropriate FEMA 2013 SAFER Grant funds in the amount of \$853,356 into JL Key 05089, entitled FEMA 2013 SAFER Grant. The revenue account for deposit is 001100-4411.

Presenter: Tony Gossner, Deputy Fire Chief

MOVED by Council Member Ours, seconded by Council Member Olivares, and **CARRIED** 6-0-1 (Council Member Carlstrom absent) to waive reading of the text and adopt:

RESOLUTION NO. 28392 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ACCEPTING AND APPROPRIATING FUNDS FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ADD (3) FTE FIREFIGHTER POSITIONS FOR THE TWO YEAR GRANT PERFORMANCE PERIOD AND AUTHORIZING THE CITY MANAGER TO IMPLEMENT THESE CHANGES

Council Member Carlstrom returned to the dais at 5:50 p.m.

12.4 REPORT – AUTHORIZATION TO ENTER INTO A PRIVATE PLACEMENT LEASE FINANCING RELATED TO THE RELOCATION AND NEW CONSTRUCTION OF FIRE STATION 5

BACKGROUND: This agenda item is to seek Council authorization by Resolution, (1) approve documents relating to the financing of construction for Fire Station 5 at 2201 Newgate Court in an amount not to exceed \$3,600,000, and (2) approve and authorize the execution of related documents by the City Manager, Chief Financial Officer or their respective delegates and actions with respect thereto.

Based on a study conducted by FireScope Inc. in 2002 and the Santa Rosa General Plan 2035, it has been determined that the relocation of Fire Station at Parker Hill Road to a new location near Fountaingrove Parkway to better serve the community.

The City received bids on the construction of Fire Station 5 at 2201 Newgate Court on October 15, 2013. The lowest bid was \$3,117,000.

Added to this amount are other costs associated with the construction, such as inspections and contingency in the amount of \$790,765, for a total project cost of approximately \$3,907,765.

The Fire Department has identified \$4,350,000 in available funding should addition funds be needed. Funding for the Fire Station consists of \$750,000 from other Fire Station projects and up to \$3,600,000 will be financed through private placement lease financing. Unspent funds will be returned to Measure O Fire Department fund balance.

BBVA Compass Bank, headquartered in Alabama, was selected to be the lender on the proposed Fire Station financing. Jones Hall is the City's bond counsel, and the Public Property Financing Corporation of California will be the counterparty on the Site Lease and Lease Agreement.

The financing will be structured as a lease/leaseback with the Public Property Financing Corporation of California, repayable through lease payments funded by Measure O.

Based on the current market conditions, the projected interest rate would be 2.43%. The one time costs of issuance are estimated at \$85,000. The annual debt services payment is projected not to exceed \$350,000 between Fiscal Years 2013/14 and 2023/24; and \$265,000 in Fiscal Year 2024/25. The Fire Station is scheduled to be fully repaid by June 2025 in concert with the sunset of Measure O in March 2025.

A detailed explanation of the proposed financing will be provided by staff, bond counsel, and the financial advisor.

RECOMMENDATION: It is recommended by the Fire and Finance Departments that the Council, by Resolution, (1) approve documents relating to the financing of Fire Station 5 at 2201 Newgate Court in an amount not to exceed \$3,600,000, and (2) approve and authorize the execution of related documents by the City Manager, Chief Financial Officer or their respective delegates and actions with respect thereto.

Presenters: Lawrence Chiu, Chief Financial Officer, Bill Madison, Jones Hall, and Sarah Hollenbeck, PFM

Council Member Olivares left the Chamber at 6:00 p.m.

MOVED by Council Member Carlstrom, seconded by Vice Mayor Swinth, and **CARRIED** 6-0-1 (Council Member Olivares absent) to waive reading of the text and adopt:

RESOLUTION NO. 28393 ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ROSA APPROVING CERTAIN LEASE FINANCING DOCUMENTS RELATING TO THE FINANCING OF A NEW FIRE STATION, AND AUTHORIZING AND

DIRECTING ACTIONS WITH RESPECT THERETO

Council Member Olivares returned to the dais at 6:04 p.m.

12.5 REPORT – CONTRACT AWARD – FIRE STATION 5 – RELOCATION AND NEW CONSTRUCTION

BACKGROUND: In 2002 a Fire Station Location and Deployment study was conducted by Firescope Inc. identifying the need for a Fountaingrove area Fire Station to improve response times in the northeast Santa Rosa area. In 2004 a Sonoma County Grand Jury Report specified that the City of Santa Rosa must promptly establish a time table for the relocation of Fire Station 5 from its current location at 3480 Parker Hill Road to the Fountaingrove area. Subsequent studies identified the most suitable location to be an undeveloped parcel at 2201 Newgate Court in Fountaingrove.

The Fire Station 5 project was advertised on September 16, 2013, and bids were received on October 15, 2013. A total of 10 bids were received, ranging from \$3,117,000.00 to \$3,646,000.00. Construction is anticipated to begin approximately January 2014. The length of the contract is 230 working days.

RECOMMENDATION: It is recommended by the Fire Department and the Transportation and Public Works Department that Council, by motion, award construction contract no. C01174, Fire Station 5 2201 Newgate Court in the total amount of \$ 3,117,000.00 to the lowest responsible bidder, GCCI, Inc. of Santa Rosa, CA, and establish a total contract amount of \$ 3,428,700.00 (the original contract amount plus a 10% contingency). Funding for this project will be provided by Private Placement Lease Financing, Measure O Funds and existing funds. These funds will be appropriated to Account No. 05060 New Fire Station Fountaingrove Parkway.

Presenter: David Vandever, Associate Civil Engineer

MOVED by Council Member Combs, seconded by Council Member Ours, and **CARRIED** unanimously to award construction contract no. C01174, Fire Station 5 – 2201 Newgate Court in the total amount of \$ 3,117,000.00 to the lowest responsible bidder, GCCI, Inc. of Santa Rosa, CA, and establish a total contract amount of \$ 3,428,700.00 (the original contract amount plus a 10% contingency).

7. STAFF BRIEFINGS – NONE.

8. APPROVAL OF MINUTES – NONE.

9. MAYOR'S/COUNCILMEMBERS' REPORTS

9.1 STATEMENTS OF ABSTENTION BY COUNCILMEMBERS

No statements of abstention were made.

9.2 MAYOR /COUNCILMEMBERS' REPORTS

Vice Mayor Swinth read a statement regarding the Council's Code of Conduct. The Mayor and members of the Council made comments, announcements and reports of interest to the Council.

MOVED by Council Member Wysocky, seconded by Council Member Combs, and **CARRIED** unanimously to add an item to the agenda to discuss the use of the National Guard Armory as a homeless shelter prior to the Council's first meeting in January due to the current exceedingly cold temperatures and their impact on public health and safety.

MOVED by Council Member Wysocky, seconded by Council Member Combs, and **CARRIED** unanimously to authorize the City Manager to make emergency expenditures if

there is a cost to open the Armory and return with an agenda item in January for further action if needed and to authorize the Mayor in conjunction with Board of Supervisors Chair Rabbitt to immediately discuss efforts to open the Armory with the Governor directly and through elected representatives in Sacramento.

PUBLIC COMMENT

Alex Mallonee spoke in support of Council consideration of a resolution supporting six days of postal service.

9.3 REPORTS BY MAYOR/COUNCILMEMBERS REGARDING VARIOUS AGENCY MEETINGS ATTENDED AND POSSIBLE COUNCIL DIRECTION TO ITS REPRESENTATIVES ON PENDING ISSUES BEFORE SUCH BOARDS (IF NEEDED)

- a) Sonoma County Transportation Authority/Regional Climate Protection (SCTA/RCPA) – Council Members Carlstrom and Combs provided reports.
- b) Sonoma County Water Agency (SCWA) – Water Advisory Committee – None.
- c) Association of Bay Area Governments (ABAG) – None.
- d) Sonoma County Agricultural Preservation and Open Space District Advisory – None.
- e) Sonoma Clean Power Authority (SCPA) – None.

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

None.

12. REPORT ITEMS

12.1 REPORT – ADOPTION OF HOUSING IMPACT FEE AND AMENDMENT TO THE CITY CODE CHAPTER 21 02 (HOUSING ALLOCATION PLAN) REGARDING TIMING OF FEE PAYMENT

BACKGROUND: On September 24, 2013, the City Council held a public hearing in consideration of revised housing impact fees for rental and for sale housing units and revision to the city code to change the timing of payment of the fee for for sale units to the close of escrow. The Council requested more information about the impact of the fee on smaller units and how a future fee might be revenue neutral. Based on an analysis of fee options, the fee for for sale units is proposed to be 2.5% of unit sales price, and the fee for rental units is proposed to remain based on unit square footage, with no change except for charging the fee for units less than 910 square feet.

RECOMMENDATION: It is recommended by the Departments of Community Development and Economic Development and Housing that the City Council introduce an ordinance amending City Code Chapter 21-02 (Housing Allocation Plan) and adopt a resolution revising housing impact fees for for-sale units and adding rental units less than 910 square feet or less to the existing fee schedule.

Presenters: Lisa Kranz, Supervising Planner, and Darrin Smith, Economic and Planning Systems

PUBLIC COMMENT

Curt Nichols, representing the Construction Coalition and Sonoma County Alliance, spoke in support of alternative 3 and the predictability of the fee based on unit size, expressed concerns regarding basing the fee on the sales price of the home and charging fees on top of fees, and spoke in support of the staff recommendation regarding rental unit fees except for the fees on smaller units.

Daniel Sanchez, North Bay Association of Realtors, expressed concerns regarding 2.5% fee

at close of escrow being a fee charged on top of other fees, the possibility that the fee might be passed on to consumers, and concerns that the fee might be regressive by making affordable housing more expensive and asked Council to consider increasing the real estate transfer tax for affordable housing.

James Bennett spoke regarding taxation without representation, questioned whether the fee would result in affordable housing, and spoke in support of the free market.

MOVED by Council Member Ours, seconded by Council Member Olivares, and **CARRIED** 6-1 (Council Member Wysocky voting no) to waive reading of the text and introduce by reading the title:

ORDINANCE ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING CITY CODE CHAPTER 21-02 (HOUSING ALLOCATION PLAN)

MOVED by Council Member Ours, seconded by Council Member Olivares, and **CARRIED** unanimously to waive reading of the text and adopt:

RESOLUTION NO. 28394 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA REVISING THE HOUSING IMPACT FEE AS PROVIDED IN CHAPTER 21-02 OF THE SANTA ROSA CITY CODE – FILE NUMBER ST 12-007

Mayor Bartley recessed the meeting at 7:34 p.m. and reconvened the meeting at 7:48 p.m. All Council Member were present except Council member Carlstrom, who viewed the meeting from the Mayor's Conference Room.

Mayor Bartley reordered the agenda to consider Item 13.2 at this time.

13.2 PUBLIC HEARING – REZONING OF 2150 WEST COLLEGE AVENUE

BACKGROUND: On October 24, 2013, the Planning Commission held a public hearing and adopted a resolution (5 0 2) recommending rezoning of a 7.46 acre site located at 2150 West College Avenue. The rezoning would change the zoning of the site from PD (Planned Development) to R 3 30 (Multi Family Residential), consistent with the site's General Plan land use designation of Medium High Density Residential. The rezoning was initiated by the Planning Commission on September 12, 2013 to bring the site's zoning into consistency with the General Plan.

RECOMMENDATION: It is recommended by the Planning Commission and the Department of Community Development that the Council introduce an ordinance rezoning 2150 West College Avenue to the R 3 30 Multi Family Residential zoning district.

Presenter: Erin Morris, Senior Planner

PUBLIC HEARING

Mayor Bartley opened the public hearing at 7:52 p.m. Seeing no one wishing to speak, Mayor Bartley closed the public hearing at 7:52 p.m.

MOVED by Council Member Olivares, seconded by Vice Mayor Swinth, and **CARRIED** 6-0-1 (Council Member Carlstrom absent) to waive reading of the text and introduce by reading the title:

ORDINANCE ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE – RECLASSIFICATION OF PROPERTY LOCATED AT 2150 WEST COLLEGE AVENUE TO THE R-3-30 MULTI-FAMILY RESIDENTIAL ZONING DISTRICT – FILE NUMBER REZ13-006

Council Member Carlstrom returned to the dais at 7:55 p.m.

12.2 REPORT – FY 2012/13 MEASURE O ANNUAL REPORT

BACKGROUND: Ordinance No. 3680 added Chapter 3 26 to the Santa Rosa City Code establishing a special transactions and use tax. The special tax measure, known as Measure O, increased sales tax by a quarter cent to fund specific Police, Fire, and Gang Prevention/Intervention programs, as set forth in the Ordinance.

In accordance with the Ordinance, a Citizen Oversight Committee was established, with members appointed by the City Council, to ensure the proper use of the Measure O funds. Each year, an Annual Report is prepared by City staff, reviewed by the Citizen Oversight Committee and presented to the City Council reporting on expenditures and activities during the past fiscal year.

RECOMMENDATION: It is recommended by the Finance, Police, Fire, and Recreation and Parks Departments, the City Manager's Office and the Measure O Citizen Oversight Committee, that the Council, by motion, formally accept the Measure O Annual Report for FY 2012/13.

Presenters: Michelle Comerford, Administrative Services Officer, Craig Schwarz, Police Captain, Tony Gossner, Deputy Fire Chief, Serena Lienau, Administrative Analyst, Kelly Magnuson, Deputy Director of Recreation, and Jane Bender, Chair of the Measure O Oversight Committee

MOVED by Council Member Ours, seconded by Council Member Olivares, and **CARRIED** unanimously to formally accept the Measure O Annual Report for FY 2012/13.

12.3 REPORT – AMENDMENT TO MEASURE O IMPLEMENTATION PLAN, FIRE STATION 5 RELOCATION, AND GANG PREVENTION AND RELATED BUDGET APPROPRIATIONS

BACKGROUND: In accordance with Chapter 3 26, the Council adopted a Transaction and Use Tax Implementation Plan (Measure O) on September 21, 2004, by Resolution No. 26069, which outlines the uses and purposes for which the special tax revenues may be used over time. This agenda item is to seek Council approval to amend the Measure O Implementation Plan to allow the Fire Department to transfer funds in the amount of \$600,000 from two Measure O funded CIP project accounts into a third Measure O funded CIP project account to be used towards the construction costs of the new location of Fire Station 5. This agenda item also seeks approval for Gang Prevention/Intervention to use Measure O funds for one time expenditures to include a limited term 1.0 FTE Senior Administrative Assistant, to fund \$125,000 for the Mayors Gang Prevention Task Force Strategic Plan Implementation and \$250,000 for the Responsive Grant Program.

The Ordinance specifies that the Plan may only be amended by six affirmative votes of the Council.

RECOMMENDATION: It is recommended by the City Manager's Office, the Fire and Finance Departments that the Council, by two resolutions, 1) amend the Transaction and Use Tax Implementation Plan for the Gang Prevention/Intervention Program and the Fire Department, as presented, 2) amend the City's Classification and Salary Plan in GL 020400 to include a limited term 1.0 FTE Senior Administrative Assistant between January 1, 2014 and June 30, 2014, and 3) increase appropriations in 020400 20 in the amount of \$125,000 for the MGPTF Strategic Plan Implementation and in 350610 21 in the amount of \$250,000 for the Responsive Grant Program, source of funds being from Measure O reserves, and 4) transfer \$500,000 of Measure O funds from CIP Project 05054 (New Fire Station South Santa Rosa) and \$100,000 from CIP Project 05064 (Interim Fire Station Southeast) and \$150,000 from CIP Project 05045 (Interim Fire Station Fountaingrove) to Measure O funded CIP Project 05060 (New Fire Station Fountaingrove Parkway).

Michelle Comerford, Administrative Services Officer, Khaalid Muttaqi, Gang Prevention and Intervention Services Manager, and Mark McCormick, Fire Chief, provided the staff report.

PUBLIC COMMENT

David Hoffman, Co-chair of North Bay Organizing Project, Education Task Force, spoke in support of the proposed amendments.

Jenni Klose, Santa Rosa School Board, spoke in support of the proposed amendments and the Responsive Grant Program.

Bill Carle, President of the Santa Rosa School Board, spoke regarding the impact of the Restorative Justice Program and in support of the Responsive Grant Program.

Duane DeWitt spoke in support of outdoor activities for youth and using Measure O for development of parks in the southwest.

MOVED by Council Member Olivares, seconded by Council Member Carlstrom, and **CARRIED** unanimously to waive reading of the text and adopt:

RESOLUTION NO. 28395 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING THE TRANSACTION AND USE TAX IMPLEMENTATION PLAN FOR THE FIRE DEPARTMENT

MOVED by Council Member Olivares, seconded by Vice Mayor Swinth, and **CARRIED** unanimously to waive reading of the text and adopt:

RESOLUTION NO. 28396 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING THE TRANSACTION AND USE TAX IMPLEMENTATION PLAN FOR GANG PREVENTION/INTERVENTION SERVICES

13. PUBLIC HEARINGS

13.1 PUBLIC HEARING – ADOPTION OF FEES – COMMUNITY DEVELOPMENT DEPARTMENT (CONTINUED TO JANUARY 7, 2014)

BACKGROUND: The Full Cost of Services Study for the Community Development Department was completed in April 2013, and it outlines the costs of the City's development review activities. Many department services are funded by fees, and the study includes the rate of cost recovery for these services. The fee adjustment strategy under consideration includes changing building fees to cost based system and phasing in increases to Building and Planning fees over a three to five year time frame. When the phase in is complete, building fees are expected to recover 90% and Planning fee are expected to recover 75%.

By message dated November 21, 2013, the Construction Coalition and the North Coast Builders Exchange expressed concern about the timing of the public hearing to consider development review fee increases and the implementation of new development review fees scheduled for Tuesday, December 10, 2013. The reason for this concern is that this is the date of the North Bay Business Journal's 2013 "Top Real Estate Projects in the North Bay" Reception & Awards Ceremony, which is being held that afternoon and evening. Based on this scheduling conflict, the Construction Coalition and the North Coast Builders Exchange are requesting that the public hearing be continued so that key members of the construction, development, and business communities may participate in the public hearing.

RECOMMENDATION: Pursuant to Council Policy 000 13, the public hearing to consider development review fee increases and the implementation of new development review fees that is scheduled for Tuesday, December 10, 2013, has been continued to January 7, 2014, at 5:00 p.m.

14. **WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)**
- 14.1 **MEMO FROM MARIN/SONOMA MOSQUITO & VECTOR CONTROL BOARD OF TRUSTEES SANTA ROSA REPRESENTATIVE BILL PITCHER INFORMATION ONLY.**
15. **PUBLIC COMMENTS ON NON-AGENDA MATTERS**

Duane DeWitt spoke regarding parks and public comment.
John Jenkel spoke regarding unconstitutional wars and submitted a proposed resolution.
16. **ANNOUNCEMENT OF CONTINUED CLOSED SESSION ITEM(S), RECESS TO CLOSED SESSION(S) IN THE MAYOR'S CONFERENCE ROOM, RECONVENE TO OPEN SESSION, AND ANNOUNCEMENTS, IF ANY – NONE.**
17. **ADJOURNMENT OF MEETING**

Hearing no further business, Mayor Bartley adjourned the meeting at 9:10 p.m. The next regularly scheduled meeting will take place on January 7, 2014, at a time to be set by the Mayor.

Approved on: January 7, 2014

/s/ Terri A. Griffin, City Clerk