



**City Council
Regular Meeting Minutes - Final**

Tuesday, December 1, 2020

3:30 PM

1. CALL TO ORDER AND ROLL CALL

Mayor Schwedhelm called the meeting to order at 3:32 p.m.

Present: 6 - Mayor Tom Schwedhelm, Vice Mayor Victoria Fleming, Council Member Ernesto Olivares, Council Member Chris Rogers, Council Member Richard Dowd, and Council Member John Sawyer

Absent: 1 - Council Member Jack Tibbetts

2. ANNOUNCEMENT OF CLOSED SESSION ITEMS

Mayor Schwedhelm recessed the meeting to closed session at 3:33 p.m. to discuss Item 2.1 as listed on the agenda:

2.1 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, related to claims filed by Terracon in connection with C02081 - Post Ct and Simpson PI Sewer Replacements

This item was received and filed.

Mayor Schwedhelm recessed closed session at 3:42 p.m. and reconvened to regular session at 4:00 p.m.

3. STUDY SESSION - NONE.

4. ANNOUNCEMENT OF ROLL CALL

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

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

City Attorney Sue Gallagher reported Council met in Closed Session on Item 2.1 and gave direction to staff.

6. PROCLAMATIONS/PRESENTATIONS - NONE.

7. STAFF BRIEFINGS

7.1 COMMUNITY EMPOWERMENT PLAN UPDATE

This will be a standing item on the agenda. No action will be taken except for possible direction to staff.

No report was provided.

7.2 COVID-19 RESPONSE UPDATE

This will be a standing item on the agenda. No action will be taken except for possible direction to staff.

City Manger Sean McGlyn provided an update from the Sonoma County Health Officer and from Governor Newsom on statewide orders related to the pandemic.

This item was received and filed.

7.3 GLASS FIRE RECOVERY UPDATE

Staff will provide an update on the Glass Fire Recovery. No action will be taken except for possible direction to staff.

Paul Lowenthal, Assistant Fire Marshal, provided an update on the work of the Task Force in Phase I of the Household Hazardous Waste Removal, the opt in deadline of Phase II for removal, and answered questions from Council.

This item was received and filed.

7.4 TUBBS FIRE RECOVERY UPDATE

Staff will provide an update on the Tubbs Fire Recovery. No action will be taken except for possible direction to staff.

Attachments: [Presentation \(Uploaded 12-01-2020\)](#)

Jennielynn Holmes and Adam Peacocke, Co-Chairs of Rebuilding Our Community (ROC) Sonoma County, provided an update on the long-term recovery groups initiated by FEMA to help fire survivors with various resources, the accomplishments of ROC Sonoma County and next steps.

No public comments were made on the Staff Briefings.

This item was received and filed.

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

City Manager Sean McGlynn reported the City's Fulton Road Reconstruction Project was the recipient of two awards, 2020 Award of Merit and Infrastructure project of the Year Award.

No public comments were made.

9. STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS

Council Member Tibbetts announced he will be abstaining on Item 12.6 due to projects related to his employment.

10. MAYOR'S/COUNCIL MEMBERS' REPORTS

Council Member Fleming stated she reinforced the City Manager's report related to COVID-19 and abiding by the regulations.

No public comments were made.

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 Home Sonoma County (HSC)

10.1.10 Renewal Enterprise District (RED)

10.1.11 Public Safety Subcommittee

Mayor Schwedhelm provided a brief report on the Public Safety Subcommittee meeting.

10.1.12 Other

11. APPROVAL OF MINUTES - NONE.

12. CONSENT ITEMS

PUBLIC COMMENT

Philisa submitted comment in opposition to Item 12.3.

Duane De Witt submitted comment in opposition of Item 12.3, and expressed his concern the Roseland area was left out of the Specific Plan in Item 12.4.

Miranda submitted comment in opposition to Item 12.3 and in support of Item 12.2.

Sean submitted comment in opposition to Item 12.3.

Approval of the Consent Agenda

A motion was made by Vice Mayor Fleming, seconded by Council Member Rogers, to waive reading of the text and adopt Consent Items 12.1 through 12.5 and Item 12.7. The motion carried by the following vote:

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

- 12.1 RESOLUTION - PROFESSIONAL SERVICES AGREEMENT WITH AECOM TECHNICAL, INC. FOR CITY FACILITY ENERGY AUDIT AND MICROGRID STUDY**

RECOMMENDATION: It is recommended by the Department of Transportation and Public Works, that the Council, by resolution, approve a Professional Services Agreement with AECOM Technical Services, Inc. of Los Angeles, California, to conduct a City Facility Microgrid Study and Energy Audit for City owned structures and property, in the amount of \$254,090 and appropriate the funding for the contract from the General Fund unassigned reserves.

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

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2020-205 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A PROFESSIONAL SERVICE AGREEMENT WITH AECOM TECHNICAL SERVICES, INC. FOR A CITY FACILITY ENERGY AUDIT AND MICROGRID STUDY

12.2 RESOLUTION - AUTHORIZING SUBMITTAL OF SUBSTANTIAL CARES ACT AMENDMENT NO. 2 TO FISCAL YEAR 2019/2020 ACTION PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND ACCEPTANCE AND APPROPRIATION OF \$1,281,401 ALLOCATED TO THE CITY OF SANTA ROSA UNDER THE THIRD ROUND OF CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT) COMMUNITY DEVELOPMENT BLOCK GRANT - CDBG-CV3

RECOMMENDATION: It is recommended by the Housing & Community Services Department that the Council, by resolution: (1) approve and authorize submittal of Substantial CARES Act Amendment No. 2 to the Fiscal Year 2019/2020 Action Plan to the U.S. Department of Housing and Urban Development's (HUD) to utilize \$1,281,401 in Coronavirus Aid, Relief, and Economic Security Act (CARES Act) Community Development Block Grant - Coronavirus (CDBG-CV3) funds for rental assistance/housing instability in response to COVID-19; and (2) authorize the City Manager to execute all amendments to the City's federal funding agreements for CDBG-CV3 along with any additional documents required by HUD to implement the CARES Act funding.

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

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2020-006 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING SUBMITTAL OF SUBSTANTIAL CARES ACT AMENDMENT NO. 2 TO THE FISCAL YEAR 2019/2020 ACTION PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND ACCEPTANCE AND APPROPRIATION OF \$1,281,401 IN ADDITIONAL COMMUNITY DEVELOPMENT BLOCK GRANT ALLOCATED UNDER THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT) - CDBG-CV3

12.3 ORDINANCE ADOPTION SECOND READING - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA INCREASING THE COMPENSATION OF THE CITY MANAGER BY PROVIDING, EFFECTIVE JULY 7, 2019, (1) A 2.5% COST OF LIVING SALARY ADJUSTMENT AND (2) AN INCREASE TO CONTRIBUTION BY THE CITY FOR THE 2019-2020 FISCAL YEAR EQUAL TO 0.25% OF BASE WAGE TO THE CITY MANAGER'S RETIREE HEALTH SAVINGS PLAN, FOR A TOTAL CONTRIBUTION OF 0.75% OF BASE WAGE

RECOMMENDATION: This ordinance, introduced at the November 17, 2020, Regular Meeting by a (7-0-0) vote, increases the compensation of the City Manager by providing, effective July 7, 2019, (1) a 2.5% cost of living salary adjustment, and (2) increases in contribution by the City for Fiscal Year 2019-2020 in an amount equal to 0.25% of base wage to the City Manager's Retiree Health Savings Plan, for a total contribution of 0.75% of base wage.

Attachments: [Ordinance](#)

This Consent - Ordinance was adopted.

ORDINANCE NO. ORD-2020-013 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA INCREASING THE COMPENSATION OF THE CITY MANAGER BY PROVIDING, EFFECTIVE JULY 7, 2019, (1) A 2.5% COST OF LIVING SALARY ADJUSTMENT AND (2) AN INCREASE TO CONTRIBUTION BY THE CITY FOR THE 2019-2020 FISCAL YEAR EQUAL TO 0.25% OF BASE WAGE TO THE CITY

MANAGER'S RETIREE HEALTH SAVINGS PLAN, FOR A TOTAL CONTRIBUTION OF 0.75% OF BASE WAGE

- 12.4** ORDINANCE ADOPTION SECOND READING - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE TO IMPLEMENT THE DOWNTOWN STATION AREA SPECIFIC PLAN - FILE NUMBER REZ20-008

RECOMMENDATION: This ordinance, introduced at the November 17, 2020, Regular Meeting by a (7-0-0) vote, amends Title 20 of the Santa Rosa City Code to implement the Downtown Station Area Specific Plan - File Number REZ20-008.

Attachments: [Ordinance Redlined \(11.17.2020\)](#)
[Ordinance](#)

This Consent - Ordinance was adopted.

ORDINANCE NO. ORD-2020-014 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE TO IMPLEMENT THE DOWNTOWN STATION AREA SPECIFIC PLAN - FILE NUMBER REZ20-008

- 12.5** ORDINANCE ADOPTION SECOND READING - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE - RECLASSIFICATION OF 888 PROPERTIES LOCATED WITHIN THE BOUNDARIES OF THE DOWNTOWN STATION AREA SPECIFIC PLAN - FILE NUMBER REZ20-008

RECOMMENDATION: This ordinance, introduced at the November 17, 2020, Regular Meeting by a (7-0-0) vote, amends Title 20 of the Santa Rosa City Code to reclassify 888 properties located within the boundaries of the Downtown Area Specific Plan - File Number REZ20-008.

Attachments: [Ordinance](#)

This Consent - Ordinance was adopted.

ORDINANCE NO. ORD-2020-015 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE - RECLASSIFICATION OF 888 PROPERTIES LOCATED WITHIN THE BOUNDARIES OF THE DOWNTOWN STATION AREA SPECIFIC PLAN - FILE NUMBER REZ20-008

- 12.7** **ORDINANCE ADOPTION SECOND READING - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING PLANNED DEVELOPMENT (PD) 403 POLICY STATEMENT TO INCLUDE "COFFEE SHOP - COUNTER ORDERING" TO THE LIST OF CONDITIONALLY PERMITTED USES AT THE PARCEL LOCATED AT 4620 HIGHWAY 12 IN ORDER TO SUPPORT THE OPERATION OF A COFFEE SHOP WITH ACCESSORY DRIVE-THROUGH SERVICE AND EXTENDED HOURS OF OPERATION - APN 032-190-029 - FILE NUMBER: PRJ20 006**

RECOMMENDATION: This ordinance, introduced at the November 17, 2020, Regular Meeting by a (4-3-0) vote (Council Members Olivares and Rogers, and Vice Mayor Fleming voted no), amends Policy Statement for Planned Development 403 to include "Coffee Shop - Counter Ordering" to the list of conditionally approved uses at "Parcel B", also identified as Sonoma County Assessor's Parcel Number 032-190-029, to support the operation of a coffee shop with accessory drive-through and extended hours of operation.

Attachments: [Ordinance](#)

This Consent - Ordinance was adopted.

ORDINANCE NO. ORD-2020-016 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING PLANNED DEVELOPMENT (PD) 403 POLICY STATEMENT TO INCLUDE "COFFEE SHOP - COUNTER ORDERING" TO THE LIST OF CONDITIONALLY PERMITTED USES AT THE PARCEL LOCATED AT 4620 HIGHWAY 12 IN ORDER TO SUPPORT THE OPERATION OF A COFFEE SHOP WITH ACCESSORY DRIVE-THROUGH SERVICE AND EXTENDED HOURS OF OPERATION - APN 032-190-029 - FILE NUMBER: PRJ20 006

- 12.6** **ORDINANCE ADOPTION SECOND READING - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE TO EXTEND AND MODIFY CHAPTER 20-16, RESILIENT CITY DEVELOPMENT MEASURES, FILE NUMBER REZ20-007**

RECOMMENDATION: This ordinance, introduced at the November 17, 2020, Regular Meeting by a (6-0-0-1) vote (Council Member Tibbetts recused/abstained), amends Title 20 of the Santa Rosa City Code to

extend and modify Chapter 20-16, Resilient City Development Measures, to address housing needs and economic development within the City following community emergency events including fires and the COVID-19 pandemic.

Attachments: [Ordinance](#)

A motion was made by Vice Mayor Fleming, seconded by Council Member Sawyer, to waive reading of the text and adopt Consent Item 12.6

ORDINANCE NO. ORD-2020-017 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE TO EXTEND AND MODIFY CHAPTER 20-16, RESILIENT CITY DEVELOPMENT MEASURES, FILE NUMBER REZ20-007

The motion carried by the following vote:

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

Abstain: 1 - Council Member Tibbetts

13. PUBLIC COMMENT ON NON-AGENDA MATTERS

Doron Amiran, representing the Climate Center, spoke on Ygrene Energy fund and asked Council to expedite their application.

Mike Lemyre, Senior Vice President of Ygrene, spoke on expediting their application and the benefits Ygrene provides.

Duane De Witt submitted comment regarding the annexation of Roseland raising taxes for residents, and the conditions for the roads in the area.

Mayor recessed the meeting at 5:24 p.m. and reconvened the meeting at 5:40 p.m.

Present: 6 - Mayor Tom Schwedhelm, Vice Mayor Victoria Fleming, Council Member Ernesto Olivares, Council Member Chris Rogers, Council Member Richard Dowd, and Council Member John Sawyer

Absent: 1 - Council Member Jack Tibbetts

14. REPORT ITEMS

14.1 REPORT - ORDINANCE INTRODUCTION - OPEN GOVERNMENT ORDINANCE

BACKGROUND: In 2014, then Mayor Scott Bartley convened the Mayor's Open Government Task Force to study and make recommendations to improve openness and transparency in Santa Rosa municipal government. The Task Force presented its report in December 2014. Among its recommendations was the adoption of a "Sunshine Ordinance" that would support transparency and open government through local policies that would strengthen the minimum requirements of state law.

The Sunshine Ordinance now proposed is the result of a lengthy series of meetings of the Council's Open Government Task Force Implementation Subcommittee. Those meetings provided an extensive opportunity for public participation. Among other provisions, the proposed Sunshine Ordinance would require: (1) posting of the Council's preliminary agenda twelve business days prior to any regularly-scheduled Council meeting; (2) posting of supporting documents on a rolling basis, as those documents become available; (3) posting of the Council's final agenda four business days prior to any regularly-scheduled Council meeting; (4) expansion of the contents of City Council agendas; (5) all Council agendas to be provided in English and Spanish and all Council meetings to include Spanish translation; (6) management of Council meetings to facilitate public participation; (7) enhanced procedures for the processing of public records requests and an administrative appeal process for requests not granted; (8) website posting of specified data generated by City departments; and (9) preparation of a Citizens Guidebook to support and encourage public participation.

RECOMMENDATION: It is recommended by the Open Government Task Force Implementation Subcommittee that the Council introduce an Open Government Ordinance to improve openness and transparency in Santa Rosa municipal government through the establishment of new local standards to supplement the provisions of the Ralph M. Brown Act and the Public Records Act.

Attachments: [Staff Report](#)
[Ordinance](#)
[Presentation](#)
[REVISED Presentation \(Uploaded 12-01-2020\)](#)

City Attorney Sue Gallagher presented and answered questions from Council. Stephanie Williams, City Clerk, Magali Telles, Deputy Director Community Engagement, and Danielle Garduno, Community Engagement Coordinator, were also available to answer questions.

PUBLIC COMMENT

Eric Fraser spoke on SB 272 requirements, reports needing to be complete and accurate, media management and use of the Legistar calendar; the application of Zoom once public can physically attend meetings; California Public Records Act and how the public uses NextRequest.

Karen Weeks, member of the original Open Government Task Force, spoke on the ordinance being improved from what was presented in 2016, questioned why the change from calendar to business days, supporting documents being sent via GovDelivery, and inquired when the Citizens Guidebook would be coming out.

Colin Metcalfe spoke expressing his appreciation of the ordinance, felt the City does a good job publishing the agenda early, his concern about using telecommunications devices for the hard of hearing and asked if meetings are being transcribed live and the possibility of having sign language interpreters in the future.

Sonia Taylor spoke on remembering the Sierra Club lawsuit and it resulting in good things, the importance of remembering that public business is being conducted, felt the City does an excellent job in responding to public records requests, and in support of the ordinance.

Duane De Witt submitted comment in support of the ordinance, having authentic community engagement; and his concern about

posting the final agenda using the business days deadline.

A motion was made by Council Member Rogers, seconded by Council Member Tibbetts, to waive reading of the text and introduce as amended

ORDINANCE ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ADDING CHAPTER 1 10 TO THE SANTA ROSA CITY CODE ENTITLED "OPEN GOVERNMENT"

The motion carried by the following vote:

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

Mayor recessed the meeting at 7:49 p.m. and reconvened the meeting at 8:00 p.m.

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

15. PUBLIC HEARINGS - NONE.

16. WRITTEN COMMUNICATIONS

- 16.1** NOTICE OF FINAL MAP - MARLOW COMMONS. Provided for information.

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

This item was received and filed.

17. PUBLIC COMMENTS ON NON-AGENDA MATTERS

No public comments were made.

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

Mayor Schwedhelm adjourned the meeting in memory of Art Ibleto, the Pasta King at 9:23 p.m.

20. UPCOMING MEETINGS

20.1 **UPCOMING MEETINGS LIST**

Attachments: [Upcoming Meetings List](#)

This item was received and filed.

Approved on: July 20, 2021
/s/ Stephanie A. Williams, City Clerk