



# City of Santa Rosa

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

## City Council Regular Meeting Minutes - Draft

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Tuesday, April 3, 2018

12:30 PM

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**Council Member Julie Combs participated in the meeting via teleconference from the Loews Ventana Canyon Resort  
7000 N. Resort Drive, Tucson, AZ 85750  
This agenda was posted at this location.**

### 1. CALL TO ORDER AND ROLL CALL

Mayor Coursey called the closed session to order at 12:31 p.m.

**Present:** 6 - Mayor Chris Coursey, Vice Mayor Chris Rogers, Council Member Ernesto Olivares, Council Member John Sawyer, Council Member Tom Schwedhelm and Council Member Jack Tibbetts

**Absent:** 1 - Council Member Julie Combs

### 2. ANNOUNCEMENT OF CLOSED SESSION ITEMS

#### PUBLIC COMMENT

Duane DeWitt spoke regarding Item 2.2 and in support of the City Manager taking on strong positions for federal funding with Governor Jerry Brown for wildfire relief and recovery efforts.

Mayor Coursey recessed the meeting to closed session at 12:33 p.m. to discuss Items 2.1 through 2.6 as listed on the agenda:

#### 2.1 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

#### 2.2 PUBLIC EMPLOYEE - EVALUATION OF PERFORMANCE (Government Code section 54957(b))

Title: City Manager

#### 2.3 CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)

Agency Designated Representatives: Joanne Narloch, Interim Human Resources Director, Jeremia Mills, Employee Relations Manager, Art Hartinger of Renne Public Law Group, Anthony Gossner, Fire Chief and Alan Alton, Interim Chief Financial Officer.

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

**2.4** 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

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

Name of Case: Santa Rosa Fire Fighters, IAFF Local 1401 v. City of Santa Rosa, et al.  
State of California Public Employment Relations Board (PERB) Case No.: SF-CE-1559-M

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

Name of Case: Santa Rosa Fire Fighters, IAFF Local 1401 v. City of Santa Rosa, et al.  
State of California Public Employment Relations Board (PERB) Case No.: SF-CE-1390-M

Mayor Coursey adjourned closed session at 3:33 p.m. and reconvened the meeting to open session in the Council Chamber at 4:01 p.m.

**3. STUDY SESSION - NONE.**

**4. ANNOUNCEMENT OF ROLL CALL**

**Present:** 6 - Mayor Chris Coursey, Vice Mayor Chris Rogers, Council Member Julie Combs, Council Member John Sawyer, Council Member Tom Schwedhelm 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 provided direction to staff for Items 2.1, 2.3 through 2.6; and that she was not present for Item 2.2. Mayor Coursey announced that Council provided direction to the consultant for Item 2.2.

## **6. PROCLAMATIONS/PRESENTATIONS**

### **6.1 PROCLAMATION - PARENT ENGAGEMENT MONTH**

Council Member Schwedhelm read and presented the proclamation to Jason Carter, Violence Prevention Partnership Program Manager and team.

### **6.2 PROCLAMATION - CHILD ABUSE PREVENTION MONTH**

Council Member Tibbetts read and presented the proclamation to Robin Bowen, Executive Director, Child Parent Institute.

## **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.

Paul Lowenthal, Assistant Fire Marshall; and David Gouin, Assistant City Manager.

#### **PUBLIC COMMENT**

John Stratton spoke regarding the concerns of the benzene water contamination and the challenges to rebuilding within the 24-month insurance allowance.

Scott Adams spoke regarding the concerns of the benzene water contamination and the challenges to rebuilding within the 24-month insurance allowance.

Richard Canini spoke in opposition to rebuilding underground.

Duane DeWitt spoke regarding the need of providing more

information to the public about recovery and rebuild.

## **7.2 PARKING GARAGE SOLAR PROJECT UPDATE**

This item is provided to update Council on the Parking Garage Solar Project progress and is for information only. No action will be taken.

Presented by Kim Nadeau, Parking Manager and Luke Morse, Parking Supervisor.

Council Member Olivares joined the meeting at 4:35 p.m.

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

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

City Attorney Gallagher provided a brief report on claim settlement on the California River Watch.

## **9. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS**

There were no abstentions made.

## **10. MAYOR'S/COUNCILMEMBERS' REPORTS**

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

### **10.1 MAYOR'S/COUNCILMEMBERS' 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 Schwedhelm 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)**

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

**10.1.8 Groundwater Sustainability Agency (GSA)**

**10.1.9 Other**

**10.2 BOARD, COMMISSION & COMMITTEE APPOINTMENTS**

On December 31, 2017, the Council's representative Art Deicke's term expired on the Marin/Sonoma Mosquito & Vector Control District Board of Trustees. At that time, Mr. Deicke decided not seek reappointment; however, he was able to continue to serve in the Trustee position for 90 days past the expiration of his term. The City Clerk's Office conducted a recruitment using Nextdoor, Facebook and a print ad in the Press Democrat to solicit applications of interest to fill the vacancy. No applications were received by the deadline to submit. In order for Mr. Deicke to continue to serve as a voting member on the Board of Trustees, the Council needs to reappoint him as their representative. Mr. Deicke has agreed to continue to serve until a new appointment can be made. The City Clerk's Office is conducting a new recruitment to solicit applications of interest for this appointment. The Council may make a motion and vote to reappoint Mr. Deicke to serve as the Santa Rosa representative to the Board of Trustees until a new appointment is made.

**A motion was made by Council Member Sawyer, seconded by Vice Mayor Rogers, to appoint Art Diecke to the Marin/Sonoma Mosquito and Vector Control District. The motion carried by the following vote:**

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

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

**12. CONSENT ITEMS**

PUBLIC COMMENT

Duane DeWitt spoke regarding the response to Item 12.5 and 12.6.

Adrien Shader spoke regarding Item 12.6 and in support of meeting the needs of the homeless encampments.

Merlin Davis spoke in support of Item 12.6; in support of meeting the needs of the homeless encampments; and concerns of the police targeting the homeless encampments.

### **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 12.1 through 12.6. The motion carried by the following vote:**

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

**12.1** MOTION - APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH A CONSORTIUM OF LEGAL FIRMS, LED BY THE LAW FIRM OF BARON & BUDD, P.C., TO PROVIDE LEGAL REPRESENTATION ON BEHALF OF THE CITY OF SANTA ROSA IN CONNECTION WITH POTENTIAL LITIGATION AGAINST PG&E ARISING FROM THE WILDFIRES OF OCTOBER 2017

RECOMMENDATION: It is recommended that the Council, by motion, approve a Professional Services Agreement with a consortium of legal firms, led by the law firm of Baron & Budd, P.C., for legal representation on behalf of the City of Santa Rosa in connection with potential litigation against PG&E arising from the wildfires of October 2017.

**This Consent - Motion was approved.**

**12.2** RESOLUTION - STATE WATER RESOURCES CONTROL BOARD GRANT FUNDS FOR FREEWAY WELL PLANNING PROJECT

RECOMMENDATION: It is recommended by the Board of Public Utilities and the Water Department that the Council, by resolution: 1) authorize the Director of Santa Rosa Water or designee to negotiate and execute a grant funding agreement with the State Water Resources Control Board for the Freeway Well Planning Project (Project); 2) authorize and designate the Director of Santa Rosa Water or designee

as a City Representative for the Project; 3) authorize use of existing non-General Funds to match the State Funds being awarded; and 4) authorize the Chief Financial Officer to increase appropriations in the amount of the grant award.

**This Consent - Resolution was adopted.**

**RESOLUTION NO. RES-2018-047 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE DIRECTOR OF SANTA ROSA WATER TO NEGOTIATE AND EXECUTE A GRANT FUNDING AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR THE FREEWAY WELL PLANNING PROJECT; DESIGNATING THE DIRECTOR OF SANTA ROSA WATER AS A REPRESENTATIVE FOR THE PROJECT; AUTHORIZING USE OF NON-GENERAL FUNDS TO MATCH THE STATE FUNDS BEING AWARDED; AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO INCREASE APPROPRIATIONS IN THE AMOUNT OF THE GRANT AWARD**

**12.3 RESOLUTION - GRANT FUNDED PURCHASE ORDER AWARD - SELF CONTAINED BREATHING APPARATUS (SCBA) EQUIPMENT**

RECOMMENDATION: It is recommended by the Finance and Fire Departments that the Council, by resolution, approve the bid award and issuance of a purchase order for one hundred and twelve (112) Self Contained Breathing Apparatus units (SCBAs) and eight (8) additional SCBA face pieces to the lowest responsible bidder, Bauer Compressors, Inc. of Norfolk, VA, in the total amount not to exceed \$726,188.54. This is a grant funded purchase authorized under Consent Item 12.4 at the November 15, 2016 City Council Meeting.

**This Consent - Resolution was adopted.**

**RESOLUTION NO. RES-2018-048 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A BID AWARD AND ISSUANCE OF A PURCHASE ORDER FOR ONE HUNDRED AND TWELVE (112) SELF CONTAINED BREATHING APPARATUS UNITS AND EIGHT (8) ADDITIONAL SCBA FACE PIECES TO BAUER COMPRESSORS, INC., NORFOLK, VA. IN AN AMOUNT NOT TO EXCEED \$726,188.54**

**12.4 RESOLUTION - THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT - LAND LOGISTICS, INC.**

RECOMMENDATION: It is recommended by the Planning and

Economic Development Department that the Council, by Resolution: 1) waive the competitive selection procedures in Council Policy 600-01 in the best interests of the City; and 2) approve the Third Amendment to the Professional Services Agreement with Land Logistics, Inc. for plan review services, extending the time of performance to March 31, 2019 and increasing compensation by \$150,000 for a total amount not to exceed \$450,000.

**This Consent - Resolution was adopted.**

**RESOLUTION NO. RES-2018-049 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA WAIVING THE COMPETITIVE SELECTION PROCEDURES IN COUNCIL POLICY 600-01 IN THE BEST INTERESTS OF THE CITY AND APPROVING THE THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH LAND LOGISTICS, INC. FOR PLANNING PLAN REVIEW SERVICES**

**12.5 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-2018-050 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA EXTENDING THE PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY DUE TO FIRES**

**12.6 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 NO. RES-2018-051 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA EXTENDING A PROCLAMATION**



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**OF LOCAL HOMELESS EMERGENCY (Government Code Sections 8630 et seq.)**

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

Adrien Shader spoke regarding the concerns of the police activity against the homeless.

Duane DeWitt spoke in opposition to the Recreation and Parks Department developing on open space in parks.

Merlin presented a video of police activity at the homeless encampments.

**14. REPORT ITEMS - NONE.**

**15. PUBLIC HEARINGS**

**15.1 PUBLIC HEARING - DISTRICT BASED CITY COUNCIL ELECTIONS: REVIEW OF DRAFT MAPS AND COMPOSITION OF DISTRICTS (CALIFORNIA VOTING RIGHTS ACT) - FOURTH OF SIX PUBLIC HEARINGS**

**BACKGROUND:** On August 29, 2017, the City Council adopted a resolution declaring its intent to initiate proceedings to transition the City from at-large to district-based Council member elections pursuant to Elections Code Section 10010 and Government Code Section 34886 (RES-2017-13).

Pursuant to Elections Code Section 10010, the City Council is required to hold at least five public hearings in connection with the establishment of electoral districts, before the Council moves to consider an ordinance to transition the City to district-based elections. In accordance with law, the first two public hearings were held prior to the drafting of any proposed district maps. These two initial public hearings, held on February 6, 2018 and February 13, 2018, provided the public an opportunity to provide input regarding the criteria for and composition of voting districts, as well as the sequence of elections.

On March 6, 2018, proposed maps were posted for public review on the City's website. On March 13, 2018, Council held a public hearing to provide the public an opportunity to comment on the proposed district

maps, to offer alternatives, and to weigh in on an appropriate sequencing of elections.

On March 30, 2018, additional proposed maps will be posted for public review on the City's website. On April 3, 2018, Council is adding an additional public hearing, the fourth of six, to provide the public an opportunity to comment on the additional proposed district maps, to offer alternatives, and to weigh in on an appropriate sequencing of elections.

The final two public hearings regarding the proposed maps and sequence of elections (the fifth and sixth in the series) will be held on April 10th and April 17th. At the conclusion of the final public hearing, it is anticipated that the City Council will adopt an ordinance establishing district-based elections.

**RECOMMENDATION:** It is recommended by the City Attorney that the City Council hold a public hearing to receive comments from the community regarding composition of new voting districts, draft maps, and the sequencing of elections to be established for the district-based election of Council members beginning in 2018, in accordance with Elections Code Section 10010.

Presented by Sue Gallagher, City Attorney.

Mayor Coursey opened the public hearing at 5:42 p.m.

#### PUBLIC COMMENT

Ron Taylor spoke in support of map ID 130B.

Duane DeWitt spoke in support of map ID 101B.

Sandy Reynolds spoke in support of map ID 130B.

Bob Hansen spoke regarding the concerns of separating the commercial businesses and residents, and the concerns of political and financial gain.

Jack Buckhorn, Executive Director of the North Bay Central Labor

Council, spoke in support of map ID 130B.

James Duncan spoke in support of map ID 114B.

Mayor Coursey closed the public hearing at 5:56 p.m.

**This public hearing was received and filed.**

Mayor Coursey recessed the meeting at 6:33 p.m. and reconvened at 7:04 p.m.

**15.2 PUBLIC HEARING - RESILIENT CITY DEVELOPMENT MEASURES**

BACKGROUND: Beginning on the evening of October 8, 2017, and continuing for days thereafter, a series of wildfire events damaged or destroyed thousands of residential and commercial structures within the City of Santa Rosa. On October 9, 2017, the City Manager, in his capacity as Director of Emergency Services, proclaimed the existence of local emergency in the City, which proclamation was ratified by the City Council on October 13, 2017. Prior to the wildfires, the Council had identified "housing for all" as a priority due to the City's ongoing, unmet housing needs. As a result of both the devastation of the wildfires and the previously existing significant shortage of housing, the Council has stated the need for immediate measures to address both housing and the rebuilding of uses such as lodging and childcare facilities Citywide. The proposed Resilient City Development Measures were prepared to facilitate these priorities. The draft ordinance was unanimously recommended for approval, with minor changes, by the Planning Commission on February 8, 2018.

RECOMMENDATION: It is recommended by the Planning Commission and the Planning and Economic Development Department that the Council introduce an ordinance amending Title 20 of the Santa Rosa City Code, adding Chapter 20-16, Resilient City Development Measures, to address housing needs and economic development within the City of Santa Rosa following the Tubbs and Nuns fires of October 2017.

Presented by David Guhin, Assistant City Manager, and

Jessica Jones, Supervising Planner, Planning and Economic Development.

Mayor Coursey opened the public hearing at 9:04 p.m.

#### PUBLIC COMMENT

Teri Shore, North Bay Regional Director with Greenbelt Alliance, spoke in support of adding provisions of citing affordable housing standards, prioritizing multi-family dwellings, and new development to the ordinance.

Duane DeWitt spoke in opposition to the item; and in support of rebuilding with modern technology, respecting the space, and adopting inclusionary zoning.

Anne Seeley spoke in support of splitting the ordinance into more than one type of ordinance, and in opposition of reducing the review authority to the Zoning Administrator, support accessory dwelling unit and temporary housing.

Amy Bolten, on behalf of Medtronic, spoke in support of the item.

Katelynn Wiley, Rebuilding Together, spoke in support of the item with revisions.

Charles Metz spoke in support of long-term accessory dwelling unit and junior accessory dwelling unit.

Robin Stephani, Homes for Sonoma, spoke in support of the item with revisions.

Curt Nichols spoke in support of the item with revisions and development standards.

Aaron Jobson, Homes for Sonoma, spoke in support of the

item with revisions.

Steve Birdlebough, Transportation and Land Use Coalition, spoke in support of the item with revisions.

Keith Christopherson spoke in support of the item.

Bob Hansen spoke in opposition to the item.

Marianne McBride, Council on Aging, spoke in support of affordable housing for seniors.

Mayor Coursey closed the public hearing at 9:38 p.m.

**A motion was made by Council Member Tibbetts, seconded by Council Member Schwedhelm, to waive reading of the text and introduce Chapters 20-16.010 through 20-16.050 to amend temporary housing and structure extentions to five (5) years, daytime on-site manager, preventing vacation rentals in temporary housing, and identifying a single person to be the zoning administrator. The motion carried by the following vote:**

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

**No:** 1 - Mayor Coursey

**A motion was made by Council Member Tibbetts, seconded by Council Member Sawyer, to waive reading of the text and introduce Chapters 20-16.060 through 20-16.080 as amended to include monthly updates on decisions that have been made, emergency shelters, and establishing the meeting time to 5:00 p.m.**

**A motion was made by Mayor Coursey, seconded by Vice Mayor Rogers, to continue amendments for Chapters 20-16.060 through 20-16.080 at a future meeting. The motion carried by the following vote:**

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

## 16. WRITTEN COMMUNICATIONS

**16.1** LETTERS OF SUPPORT - Provided for information.

This item was received and filed.

**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 Coursey adjourned the meeting at 10:47 p.m. The next regularly scheduled meeting will take place on April 10, 2018, at a time set by the Mayor.

**20. UPCOMING MEETINGS**

**20.1** UPCOMING MEETINGS LIST

This item was received and filed.

Approved on:

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Daisy Gomez  
City Clerk