



**City Council
Regular Meeting Minutes - Draft**

Tuesday, August 8, 2017

2:00 PM

1. CALL TO ORDER AND ROLL CALL

Mayor Coursey called the closed session to order at 2:03 p.m.

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

2. ANNOUNCEMENT OF CLOSED SESSION ITEMS

Mayor Coursey recessed the meeting to closed session at 2:03 p.m. to discuss Items 2.1 and 2.2 as listed on the agenda:

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

Name of Case: CVSR Holdings, LLC v. City of Santa Rosa, et al.
Sonoma County Superior Court Case No. SCV-2563504

2.2 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.

Mayor Coursey adjourned the closed session at 4:23 p.m. and reconvened the meeting to open session in the Council Chamber at 4:30 p.m.

3. STUDY SESSION - NONE.

4. ANNOUNCEMENT OF ROLL CALL

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

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

City Attorney Gallagher reported on Items 2.1 and 2.2 that Council provided direction and that there was no action to report.

6. PROCLAMATIONS/PRESENTATIONS - NONE.

7. STAFF BRIEFINGS

7.1 QUARTERLY CAPITAL IMPROVEMENT PROGRAM PROJECTS UPDATE: APRIL - JUNE 2017

Staff will provide an update on Capital Improvement Program (CIP) projects. The briefing will summarize expenditures and major project updates from April to June 2017. CIP projects provide the infrastructure that is critical to the economic vitality and quality of life in Santa Rosa.

Presented by Brad Hoffman, Supervising Land Surveyor.

This item was received and filed.

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

City Manager McGlynn provided a brief report regarding a fatal incident.

8.1 QUARTERLY REPORT OF SETTLEMENTS AND ACTIVE LITIGATION

The City Attorney will report on settlements over \$50,000 within the second quarter of 2017 (04/01/2017 - 06/30/2017) as well as provide a summary of pending litigation against the City.

Item was continued to the August 15, 2017 meeting.

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.

Council Member Olivares announced his appointment of Tulio Meza to the Community Advisory Board.

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

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)

Council Member Rogers provided a brief report.

10.1.7 Sonoma County Waste Management Agency (SCWMA)

10.1.8 Other

Mayor Coursey and Council Member Schwedhelm provided a brief report on the Infrastructure and Housing Ad Hoc Subcommittee.

Mayor Coursey announced the appointments of Vice Mayor Tibbetts, Council Member Schwedhelm, and himself to the Performance Review Ad Hoc Subcommittee.

11. APPROVAL OF MINUTES

July 11, 2017, Regular Meeting.

Approved as submitted.

12. CONSENT ITEMS

PUBLIC COMMENT

Canini spoke regarding Item 12.4.

Approval of the Consent Agenda

A motion was made by Vice Mayor Tibbetts, seconded by Council Member Olivares, 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 Tibbetts, Council Member Combs, Council Member Olivares, Council Member Rogers, Council Member Sawyer and Council Member Schwedhelm

12.1 RESOLUTION - APPROPRIATION OF MEASURE M FUNDS FOR FULTON ROAD IMPROVEMENTS BETWEEN GUERNEVILLE ROAD AND PINER ROAD

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by resolution, authorize the Chief Financial Officer to increase appropriations of Measure M Funds in the Capital Improvement Program (CIP) budget by \$1,200,000.

This Consent - Resolution was adopted.

RESOLUTION NO. 2017-148 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROPRIATING \$1.2 MILLION OF MEASURE M FUNDS FROM THE SONOMA COUNTY TRANSPORTATION AUTHORITY FOR THE FULTON ROAD IMPROVEMENTS BETWEEN GUERNEVILLE ROAD AND PINER ROAD

12.2 RESOLUTION - AMENDED COOPERATIVE AGREEMENT WITH THE SONOMA COUNTY TRANSPORTATION AUTHORITY (SCTA) FOR FULTON ROAD IMPROVEMENTS

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by resolution, approve the amended Cooperative Agreement between the Sonoma County Transportation Authority (SCTA) and the City of Santa Rosa for the Fulton Road Improvements. That shifts \$7,000,000 of Measure M appropriations for construction to FY 2020/21.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2017-149 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AMENDMENT NO. 1 TO COOPERATIVE FUNDING AGREEMENT NO. M30406 BETWEEN THE

SONOMA COUNTY TRANSPORTATION AUTHORITY AND CITY OF SANTA ROSA FOR MEASURE M FUNDS FOR THE FULTON ROAD IMPROVEMENTS

- 12.3** RESOLUTION - SOLE SOURCE CONTRACT FOR PARKING ACCESS AND REVENUE CONTROL SOFTWARE, CREDIT CARD PROCESSING AND REPAIR SERVICES WITH SCHEIDT & BACHMANN USA, INC.

RECOMMENDATION: It is recommended by the Finance Department that the Council, by resolution, (1) approve a waiver of competitive bidding and a sole source agreement for parking access and revenue control software, credit card processing and repair services to Scheidt & Bachmann USA, Inc., a Delaware Corporation, for a three-year term in an amount not to exceed \$296,000 and (2) ratify prior payments made pursuant to purchase orders or blanket purchase orders issued to Scheidt & Bachmann in the amount of \$337,782.95.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2017-150 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING A WAIVER OF COMPETITIVE BIDDING AND A SOLE SOURCE AGREEMENT WITH SCHEIDT & BACHMANN USA, INC. FOR PARKING ACCESS AND REVENUE CONTROL SOFTWARE, CREDIT CARD PROCESSING AND REPAIR SERVICES AND RATIFYING PAYMENTS MADE PURSUANT TO PURCHASE ORDERS AND BLANKET PURCHASE ORDERS

- 12.4** RESOLUTION - PARKING USER FEES EFFECTIVE DATES

RECOMMENDATION: It is recommended by the Finance Department that the Council, by resolution, 1) approve a September 1, 2017 effective date for the Low Wage Employee Permit; and 2) approve a January 1, 2018 effective date for the remainder of the Schedule of Parking User Fees.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2017-151 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AMENDED EFFECTIVE DATES FOR PARKING USER FEES

- 12.5** RESOLUTION - AGREEMENT WITH PACKET FUSION, INC.

RECOMMENDATION: It is recommended by the Information Technology Department, that the Council, by resolution, authorize a) utilization of the WSCA-NASPO cooperative purchase agreement (State of Utah Cooperative Contract No. AR627 and California Participating Addendum No. 7-14-70-09), and b) approval of a 5-Year Agreement, which includes a 15% discount, with Packet Fusion, Inc., Pleasanton, California, for support, licenses and equipment for the City's telephone system, for a total amount not to exceed \$300,000 over the five-year period.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2017-152 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE USE OF THE WSCA-NASPO COOPERATIVE PURCHASE AGREEMENT AND CALIFORNIA PARTICIPATING ADDENDUM FOR THE PURCHASE OF TELEPHONE EQUIPMENT, SUPPORT AND LICENSES THROUGH PACKET FUSION, INC., IN THE CUMULATIVE TOTAL OF \$300,000 OVER A PERIOD ENDING AUGUST 30, 2022

12.6 RESOLUTION - ASSESSMENT LIEN AGAINST THE REAL PROPERTY LOCATED AT 1358 PAGE COURT, SANTA ROSA, CA 95407

RECOMMENDATION: It is recommended by the Department of Housing and Community Services that the Council, by resolution, approve the special assessment lien in the amount of \$1,608.00 against the property located at 1358 Page Court for violations of the City Code that remain uncorrected by the responsible parties, Kenneth Vorreiter, and authorize recording of a lien and placing the assessment on the property tax roll for collection.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2017-153 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 1358 PAGE COURT, SANTA ROSA, A.P.N. 125-342-032, AND ORDERING THE ASSESSMENT BE COLLECTED ON THE TAX ROLL BY THE SONOMA COUNTY TAX COLLECTOR

The time not yet being 5:00 p.m. Mayor Coursey took Item 14.1 before Item 13 - Public Comment on Non-Agenda Items.

13. PUBLIC COMMENT ON NON-AGENDA MATTERS

Canini spoke regarding his concerns of loss of employment.

David Paul spoke regarding the concerns of 5679 Queen Anne Drive.

Lynn Hughes spoke regarding the concerns of 5679 Queen Anne Drive.

Bob Hughes spoke regarding the concerns of 5679 Queen Anne Drive.

Steve McCullagh spoke the need of senior housing and his concerns of understaffed city planners.

JoAnn Albers spoke regarding the concerns of 5679 Queen Anne Drive.

Peter Tscherneff spoke regarding various topics.

Duane DeWitt spoke regarding the concerns of the increasing number of homeless and presented inexpensive solutions.

14. REPORT ITEMS

14.1 REPORT - AMENDMENT TO THE MEASURE O IMPLEMENTATION PLAN FOR ALL PROGRAMS AND FISCAL YEAR 2017-18 BUDGET AMENDMENT

BACKGROUND: City staff is proposing changes to the Measure O Transaction and Use Tax Implementation Plan (Implementation Plan). Staff proposes to adjust the budget and forecasted budget for all Measure O programs to align with the FY 2017-18 budget and budget assumptions. In addition, staff proposes to make a change to the Implementation Plan specific to the Violence Prevention program. The

change was reviewed and approved by the Measure O Citizen Oversight Committee at their April 27, 2017 meeting.

RECOMMENDATION: It is recommended by the Finance, Police, Fire, Recreation and Parks Departments, the City Manager's Office, the Office of Community Engagement and the Measure O Citizens' Oversight Committee that the Council, by resolution,

- (1) amend the Transaction and Use Tax Implementation Plan to
 - a. adjust for Fiscal Year (FY) 2017-18 budget and forecasted budget amounts for all Measure O programs, and
 - b. to make a specific Implementation Plan change to the Gang Prevention/Intervention Services (Violence Prevention Partnership) program; and
- (2) amend the Fiscal Year (FY) 2017-18 adopted budget within Measure O funds to match the amended Implementation Plan.

Presented by Debbi Lauchner, Chief Financial Officer.

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

RESOLUTION NO. RES-2017-154 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING THE TRANSACTION AND USE TAX IMPLEMENTATION PLAN FOR POLICE, FIRE, AND GANG PREVENTION/INTERVENTION SERVICES AND AMENDING THE FISCAL YEAR 2017-18 ADOPTED BUDGET

The motion carried by the following vote:

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

14.2 REPORT - QUALITY OF LIFE ORDINANCES - ENFORCEMENT

BACKGROUND: Staff will provide a follow-up to the May 2, 2017 study session which provided the City Council with an overview of the City's existing ordinances regarding quality of life in the City, and of past, current and intended practices to enforce those ordinances.

RECOMMENDATION: It is recommended that Council provide direction to staff if desired.

Presented by Sue Gallagher, City Attorney; Rainer Navarro, Captain of the Police Department; and Carmelita Howard, Deputy Director of the Housing and Community Services Department.

PUBLIC COMMENT

Eileen Bill spoke in opposition to enforcing laws against the homeless.

Darryl Paule spoke in opposition to enforcing laws against the homeless.

Susan Chunco spoke in opposition to enforcing laws against the homeless.

Anita Lafollette spoke in opposition to enforcing laws against the homeless.

Glenn Stoneking-Jones spoke in opposition to enforcing laws against the homeless and his concerns of the weed abatement.

Jay Foxworthy spoke in opposition to enforcing laws against the homeless.

Tracy Weitzenberg, Director of Public Policy of the Santa Rosa Chamber of Commerce, spoke in support of enforcing laws.

Attila Nagy, representative from the Peace and Justice Center of Sonoma County, spoke in opposition to enforcing laws against the homeless.

Alice Linn, member of Homeless Action, spoke in opposition to enforcing laws against the homeless.

Merlin spoke in opposition to enforcing laws against the homeless.

Marscell Rodin spoke in opposition to enforcing laws against the

homeless.

Gerry LaLonde Berg spoke in opposition to enforcing laws against the homeless.

Peter Tscherneff spoke in opposition to enforcing laws against the homeless.

Thomas Morabito spoke in opposition enforcing laws against the homeless.

Laura Aguirre, member of Homeless Action, spoke in opposition to enforcing laws against the homeless.

Bernice Espinoza spoke in opposition to enforcing laws against the homeless.

Kathleen Finigan spoke in opposition to enforcing laws against the homeless.

Jennifer LaPorta spoke in opposition to enforcing laws against the homeless.

Dana Bellwether spoke in opposition to enforcing laws against the homeless.

Canini spoke in opposition to enforcing the law against the homeless.

Gary Lentz, with Santa Rosa Chamber of Commerce, spoke in support of the item.

Elizabeth Neylon spoke in opposition to the item.

Bob Hansen spoke in opposition to the item.

Celeste Austin, Director of Special Programs from The Living Room

Program, spoke in opposition to the item.

Hugh Futrell spoke in support of the item.

Thomas Ells spoke in opposition to the item.

Rolf Nelson spoke in support of the item.

Mayor and Council Members provided direction to staff and requested that staff provide a status report to Council in approximately two (2) to three (3) months.

15. PUBLIC HEARINGS

15.1 PUBLIC HEARING - SANTA ROSA FIRE DEPARTMENT ANNUAL WEED ABATEMENT PROGRAM REPORT CONFIRMATION

BACKGROUND: Santa Rosa City Code section, Chapter 9.08 requires a public hearing to hear objections to the cost of weeds and/or rubbish abatement. The City Council grants or overrules such protests. The City Council, by resolution, may confirm the itemized report of the costs of abatement.

The City Council authorizes the Santa Rosa Fire Department, County Auditor and Tax Collector to enact a special assessment as a lien upon respective parcels subject to the Weed and Rubbish Abatement Program.

RECOMMENDATION: It is recommended by the Santa Rosa Fire Department that the Council, by resolution, confirm the itemized report of the Fire Department of the cost of weed and rubbish abatement pursuant to Section 9-08-080 of the Santa Rosa City Code.

Presented by Paul Lowenthal, Assistant Fire Marshall.

PUBLIC HEARING

Seeing no one wishing to speak, Mayor Coursey opened and closed the public hearing at 7:43 p.m.

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

RESOLUTION NO. RES-2017-155 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA CONFIRMING THE ITEMIZED REPORT OF THE SANTA ROSA FIRE DEPARTMENT OF THE COST OF REMOVING WEEDS AND/OR RUBBISH FROM, UPON, OR IN FRONT OF CERTAIN LOTS OR PARCELS OF LAND WITHIN THE CITY OF SANTA ROSA

The motion carried by the following vote:

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

15.2 PUBLIC HEARING - PUBLIC HEARING ON PLACEMENT OF ANNUAL STORM WATER ENTERPRISE CHARGES ON THE SONOMA COUNTY PROPERTY TAX ROLL UNLESS THOSE CHARGES DO NOT MEET THE COUNTY MINIMUM OF \$10 AND/OR PARCEL OWNER CONTACT INFORMATION IS KNOWN TO BE INCORRECT

BACKGROUND: The City of Santa Rosa was required under the federal Clean Water Act to obtain and comply with a National Pollutant Discharge Elimination System (NPDES) and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (Storm Water Permit). To comply with permit requirements and to control and reduce flooding, property damage, erosion, and storm water quality degradation in the City, the Council, in 1996, added Title 16 to the City Code, which created a Storm Water Enterprise and Utility ("Storm Water Enterprise") as an agency of the City. Under Title 16, the City Council was authorized to prescribe and collect charges (special assessments) for the services and facilities of the enterprise. The Council's intention to collect the Storm Water Enterprise charges on the Sonoma County Property Tax Roll was stated in Resolution 22880, which levied the annual charges.

RECOMMENDATION: It is recommended by the Water Department that Council, by 2/3 vote, pass a resolution adopting the Storm Water Enterprise Charge Report and approving placement of the Storm Water Enterprise charges on the Sonoma County Property Tax Roll to be collected by the Sonoma County Auditor-Controller-Treasurer-Tax Collector at the same time and in the same manner as Sonoma County property taxes are collected, unless those charges do not meet the

county minimum of \$10 and/or parcel owner contact information is known to be incorrect.

Presented by Heather Moore, Supervising Engineering of Water Department.

PUBLIC HEARING

Seeing no one wishing to speak, Mayor Coursey opened and closed the public hearing at 7:48 p.m.

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

RESOLUTION NO. RES-2017-156 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AND ADOPTING REPORT FOR PROPOSAL TO PLACE STORM WATER AND DRAINAGE CHARGES ON SONOMA COUNTY PROPERTY TAX ROLL FOR COLLECTION WITH COUNTY PROPERTY TAXES - FISCAL YEAR 2017-2018 AND ORDERING THAT CITY'S ANNUAL STORM WATER ENTERPRISE CHARGES BE COLLECTED ON THE SONOMA COUNTY PROPERTY TAX ROLL UNLESS THOSE CHARGES DO NOT MEET THE COUNTY MINIMUM OF \$10 AND/OR PARCEL OWNER CONTACT INFORMATION IS KNOWN TO BE INCORRECT

The motion carried by the following vote:

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

16. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)

16.1 QUARTERLY CAPITAL IMPROVEMENT PROGRAM PROJECTS UPDATE: APRIL TO JUNE 2017. Provided for information.

This item was received and filed.

16.2 FINAL MAP - MISSION VILLAGE SUBDIVISION - Provided for information. This project will subdivide into 62 Airspace units and 1 common parcel.

This item was received and filed.

16.3 FINAL MAP - THE MEADOWS AT TAYLOR MOUNTAIN SUBDIVISION:

Provided for information. This project will subdivide into 2 lots.

This item was received and filed.

17. 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

Mayor Coursey adjourned the meeting at 7:50 p.m. The next regularly scheduled meeting will be held on August 15, 2017, at a time to be set by the Mayor.

Approved on:

Daisy Gomez
City Clerk