



**City Council
Regular Meeting Minutes - Draft**

Tuesday, August 3, 2021

1:30 PM

1. CALL TO ORDER AND ROLL CALL

Mayor Rogers called the meeting to order at 1:30 p.m.

Present: 7 - Mayor Chris Rogers, Vice Mayor Natalie Rogers, Council Member Eddie Alvarez, Council Member Victoria Fleming, Council Member John Sawyer, Council Member Tom Schwedhelm, and Council Member Jack Tibbetts

2. ANNOUNCEMENT OF CLOSED SESSION ITEMS - NONE.

3. STUDY SESSION

3.1 CHARTER REVIEW

The City of Santa Rosa is a Charter City formed pursuant to the provisions of the California Constitution. The City's Charter provides the fundamental framework for the City's governance. It is, in essence, the City's "constitution." The City Charter is subject to periodic review for possible revision or refinement. Any proposed amendments to the City Charter are subject to approval by the City's voters.

Section 12 of the City Charter requires review of the Charter not less than every 10 years, with the review to be conducted by a committee to be appointed by the City Council. The last Charter review began in 2011 and resulted in proposed revisions placed on the November 2012 ballot. In accordance with Section 12, the City Council has directed that a new Charter review begin this fall. That review may result in proposed revisions, additions or deletions to the existing Charter. Any proposed changes to the Charter will be placed on the November 2022 ballot for voter consideration.

On June 8, 2021, the Council held an initial study session and gave direction to staff concerning the proposed Charter review process. Council was particularly interested in having additional opportunities to hear from the community as to issues of concern that might be addressed through Charter revision. This study session will begin the

process of community engagement and education, and staff invites the public to join. The Council will take no formal action but may give further direction to staff regarding (a) the composition of the Charter review committee, (b) the general scope of the committee's assignment, and (c) any specific topics the Council wishes the committee to consider.

City Attorney Sue Gallagher presented and answered questions from the Council.

PUBLIC COMMENT

Duane De Witt spoke on past Charter Review Committees creating a disadvantage towards working class people by not having representation on the Committee and the need to have citizen's priorities come first.

Deborah McKay spoke on the Committee needing to carefully look at having an At-Large elected mayor, and being able to have a removal process if they become unfit to serve.

Renee Riggs, Santa Rosa Together, spoke on the importance of partnering with residents, and having a broad citywide process using local neighborhood venues.

This item was received and filed.

3.2 ADA SELF-EVALUATION AND TRANSITION PLAN

Transportation and Public Works Department and the Human Resources Department will present a review of the Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan process.

Camron MacDonald, Facilities Planning Coordinator, presented and answered questions from Council.

Assistant City Manager Jason Nutt was available to answer questions from Council.

No public comments were made.

This item was received and filed.

The time not yet being 4:00 p.m. to start the Regular session, Mayor Rogers recessed the meeting at 3:07 p.m. to reconvene the meeting at 4:00 p.m. Mayor Rogers left the meeting.

4. ANNOUNCEMENT OF ROLL CALL

Present: 6 - Vice Mayor Natalie Rogers, Council Member Eddie Alvarez, Council Member Victoria Fleming, Council Member John Sawyer, Council Member Tom Schwedhelm, and Council Member Jack Tibbetts

Absent: 1 - Mayor Chris Rogers

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

City Attorney Gallagher reported Council held two study sessions, one on Charter Review and one on American with Disabilities Act (ADA) compliance, and that Council provided direction to staff at both sessions.

6. PROCLAMATIONS/PRESENTATIONS - NONE.

7. STAFF BRIEFINGS

No public comments were made.

7.1 COVID-19 RESPONSE UPDATE

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

Interim City Manager Jeff Kolin provided an update on the indoor mask mandate, regardless of vaccination status, from the Sonoma County Health Officer, provided information on the spread of the Delta Variant, and an update on vaccination availability.

7.2 COMMUNITY EMPOWERMENT PLAN UPDATE

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

Magali Telles, Deputy Director - Community Engagement, provided an update on the draft resolution declaring racism as a public health crisis, on the multi-cultural roots project, the Mary Lou lowrider patrol car, the citizens guidebook, the Civic 101 video, and answered questions from Council.

7.3 PUBLIC ART PROGRAM UPDATE

Council will receive a staff briefing on the Public Art Program within the Planning & Economic Development Department, including an overview of a recently adopted 3-year strategic plan.

Tara Thompson, Arts and Culture Coordinator, provided a brief update on the public art policy, public art fund, recent and current projects, the strategic plan for FY 2021-24, and answered questions from Council.

7.4 STORM WATER AND CREEKS PROGRAM UPDATE (CONTINUED FROM JULY 13, 2021 REGULAR MEETING)

Staff will update Council on work undertaken by the Storm Water and Creeks Team in the 2020/2021 fiscal year, as well as current programs. The Council may discuss this item and give direction to staff.

Clair Meyers, Storm Water & Creeks Manager, presented information on the mission of the Creeks Team, the storm water assessment funds, public and outreach education, and answered questions from Council.

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

Interim City Manager Kolin reported the return to work date was extended to September 20, 2021, due to an increase of COVID cases, made comments of congratulations to Bill Rose, Supervising Planner, on his new position in the private sector, and thanked and acknowledged Mr. Rose on his contributions to the organization.

No public comments were made.

9. STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS

No statements of abstention were made.

10. MAYOR'S/COUNCIL MEMBERS' REPORTS

Council Member Schwedhelm echoed the comments of Mr. Kolin regarding Mr. Rose's contributions to the organization and thanked him for his contributions to the organization.

Mayor Rogers announced his appointment of Cynthia Rich to the Board of Community Services.

Council Member Tibbetts echoed the comments regarding Mr. Rose's contributions to the organization and thanked him for his contributions to the organization.

PUBLIC COMMENT

Gregory Fearon spoke on ABAG housing issues and cautioned the Council on following ABAG's mandates.

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

Council Member Schwedhelm provided a brief report on the Waterways Advisory Committee water supply report.

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

10.1.12 Other

11. APPROVAL OF MINUTES

11.1 June 8, 2021, Regular Meeting.

Approved as submitted.

12. CONSENT ITEMS

No public comments were made.

Approval of the Consent Agenda

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

Yes: 6 - Vice Mayor Rogers, Council Member Alvarez, Council Member Fleming, Council Member Sawyer, Council Member Schwedhelm, and Council Member Tibbetts

Absent: 1 - Mayor Rogers

12.1 RESOLUTION - SANTA ROSA TOURISM BUSINESS IMPROVEMENT AREA FISCAL YEAR 2020-2021 ANNUAL REPORT AND FISCAL YEAR 2021-2022 WORK PLAN

RECOMMENDATION: It is recommended by the Planning and Economic Development Department that the Council, by resolution, approve the Santa Rosa Tourism Business Improvement Annual Report for Fiscal Year 2020-2021, approve the continuation of the annual assessment on Santa Rosa lodging businesses, and adopt the Fiscal Year 2021-2022 Budget and Work Plan.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2021-134 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE 2020-2021 SANTA ROSA TOURISM BUSINESS IMPROVEMENT AREA ANNUAL REPORT; ADOPTING THE WORK PLAN FOR 2021-2022; AND APPROVING THE CONTINUATION OF THE ANNUAL ASSESSMENT ON SANTA ROSA LODGING BUSINESSES

12.2 RESOLUTION - FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT NUMBER F001963 WITH PRESERVATION

ARTS, LLC

RECOMMENDATION: It is recommended by the Planning and Economic Development Department that the Council, by resolution, approve the First Amendment to Professional Services Agreement Number F001963 with Preservation Arts, LLC for continued assessment, conservation, and maintenance services for the Public Art Collection to increase compensation by \$150,000, for a total not to exceed \$243,900, and extend the time of performance to June 30, 2024.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2021-135 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT NUMBER F001963 WITH PRESERVATION ARTS, LLC

12.3 RESOLUTION - SUBMITTAL OF AN APPLICATION TO THE STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT'S INFILL INFRASTRUCTURE GRANT PROGRAM FOR AN AMOUNT NOT TO EXCEED \$30 MILLION FOR A QUALIFIED INFILL AREA

RECOMMENDATION: It is recommended by the Housing and Community Services and the Transportation and Public Works Departments, in conjunction with the Renewal Enterprise District, that the Council, by resolution, authorize the submittal of a grant application to the State of California Department of Housing and Community Development's In-fill Infrastructure Grant program in an amount not to exceed \$30 million for a Qualified Infill Area - Downtown Santa Rosa QIA and authorize the approval and execution of a Standard Agreement and any amendments thereto and any other necessary documents related to the grant.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2021-136 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR UP TO \$30 MILLION IN FUNDING FROM THE IN-FILL INFRASTRUCTURE GRANT PROGRAM AND AUTHORIZING THE EXECUTION OF A STANDARD AGREEMENT AND ANY AMENDMENTS

THERE TO AND OTHER GRANT-RELATED DOCUMENTS

12.4 RESOLUTION - SMALL ENTERPRISE AGREEMENT NUMBER F001808 WITH ESRI FOR GIS SOFTWARE

RECOMMENDATION: It is recommended by the Information Technology Department that the Council, by resolution: 1) waive competitive bidding pursuant to Section 3-08.100, subdivision (D) of the Santa Rosa City Code; and 2) approve a new three-year Small Enterprise Agreement with Environmental Systems Research Institute, Inc. (ESRI) for Geographic Information System (GIS) software in the amount of \$495,000, which when combined with the City's prior three year agreement represents a total contract amount with ESRI of \$945,000 over six years.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2021-137 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA WAIVING COMPETITIVE BIDDING PURSUANT TO SECTION 3-08.100(D) OF THE SANTA ROSA CITY CODE AND APPROVING A THREE YEAR SMALL ENTERPRISE AGREEMENT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. (ESRI) FOR GIS SOFTWARE

12.5 ORDINANCE ADOPTION - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 9 OF THE SANTA ROSA CITY CODE BY ADDING CHAPTER 9-30, ZERO WASTE FOOD WARE ORDINANCE

RECOMMENDATION: This ordinance, introduced at the July 20, 2021, Regular Meeting by a (5-0-2) vote (Council Members Alvarez and Fleming absent), adds Chapter 9-30 to the City Code to enact polices to reduce or eliminate dine-in, takeout, retail sales, certain City operations, and select City-sponsored and special events, the use and disposal of specified single-use (1) food ware, (2) food ware accessories (e.g. straws, utensils, plastic bags) and (3) specified retail products that contribute to street litter, marine pollution, harm to wildlife, greenhouse gas emissions and waste sent to landfill.

This Consent - Ordinance was adopted.

ORDINANCE NO. ORD-2021-008 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 9 OF THE

SANTA ROSA CITY CODE BY ADDING CHAPTER 9-30, ZERO WASTE FOOD WARE ORDINANCE

The time not yet being 5:00 p.m., Vice Mayor Rogers recessed the meeting at 4:58 p.m. and reconvened the meeting at 5:03 p.m.

13. PUBLIC COMMENT ON NON-AGENDA MATTERS - NONE.

14. REPORT ITEMS - NONE.

15. PUBLIC HEARINGS

- 15.1** PUBLIC HEARING - CASA ROSELAND DESIGN REVIEW APPEAL. APPEAL OF ZONING ADMINISTRATOR ACTION ON THE DESIGN REVIEW FOR THE CASA ROSELAND PROJECT LOCATED AT 665 & 883 SEBASTOPOL ROAD, SANTA ROSA, CA (FILE NO. DR21-001).

BACKGROUND: On June 1, 2021, the Zoning Administrator approved the Casa Roseland project, a project that includes the demolition of existing structures and the construction of a 4-story, 75-unit multi-family, affordable housing project in the Roseland Priority Development Area, located at 665 & 883 Sebastopol Road. The appeal asserts that this project, as approved, violates the recorded reciprocal parking and circulation easement benefiting Roseland Village; and, that this project reduces the deeded and historical 272 retail business parking spaces dedicated expressly to the historical commercial use of this property.

RECOMMENDATION: It is recommended by the Planning and Economic Development Department that Council, by resolution, deny the appeal and uphold the Zoning Administrator's action by approving the Casa Roseland Project Design Review.

There were no exparte communications made by Council Members.

Kristinae Toomians, Senior Planner, presented and answered questions from the Council.

Devon Neary, Mid-Pen Housing, provided a presentation on the project.

Rick Williams, Architect for Casa Roseland, presented and answered questions from the Council.

John Paulsen, Appellant, provided information on his appeal of the project.

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

Jen Klose, Executive Director Generation Housing, spoke in support of the Casa Roseland Project.

Galaxy A7, representing Max's Tamales, spoke in opposition to the project.

Amro Abed, Metro Cell, spoke on his concerns of losing parking spaces for his business and in opposition to the project.

Juana, Chulas Party Supplies, spoke on her concerns of losing parking spaces for her business and in opposition to the project.

Vice Mayor Rogers closed the public hearing at 5:49 p.m.

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

RESOLUTION NO. RES-2021-138 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DENYING AN APPEAL AND UPHOLDING THE ZONING ADMINISTRATOR'S DESIGN REVIEW APPROVAL FOR CASA ROSELAND, A PROJECT THAT INCLUDES THE DEMOLITION OF EXISTING STRUCTURES AND THE CONSTRUCTION OF A 4-STORY, 75-UNIT MULTI-FAMILY AFFORDABLE HOUSING PROJECT, LOCATED AT 665 AND 883 SEBASTOPOL ROAD, SANTA ROSA, APN 125-101-031, AND -037 (FILE NO. DR21-001)

The motion carried by the following vote:

Yes: 6 - Vice Mayor Rogers, Council Member Alvarez, Council Member Fleming, Council Member Sawyer, Council Member Schwedhelm, and Council Member Tibbetts

Absent: 1 - Mayor Rogers

15.2 PUBLIC HEARING - PLACEMENT OF ANNUAL STORM WATER ENTERPRISE CHARGES ON THE SONOMA COUNTY PROPERTY

TAX ROLL - MANNER OF COLLECTION

BACKGROUND: The City of Santa Rosa is 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 is 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, adopted in 1996, which levied the annual charges. The amount of the annual charges of the Storm Water Enterprise for fiscal year 2021-22 were adopted by the Santa Rosa City Council on June 22, 2021. This action only considers the manner which the annual charges will be collected and not the amount of the fee.

RECOMMENDATION: It is recommended by Santa Rosa Water that the Council, by resolution, adopt by 2/3 vote the Storm Water Enterprise Charge Report and approve 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.

Claire Myers, Storm Water & Creeks Manager, presented and answered questions from Council.

Vice Mayor Rogers opened the public hearing at 6:00 p.m.

No public comments made.

Vice Mayor Rogers closed the public hearing at 6:00 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-2021-139 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 2021-2022"

The motion carried by the following vote:

Yes: 6 - Vice Mayor Rogers, Council Member Alvarez, Council Member Fleming, Council Member Sawyer, Council Member Schwedhelm, and Council Member Tibbetts

Absent: 1 - Mayor Rogers

16. WRITTEN COMMUNICATIONS - NONE.

17. PUBLIC COMMENTS ON NON-AGENDA MATTERS

Duane De Witt submitted comment on a decision made by the Board of Community Services regarding the Roseland Creek Master Plan.

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, Vice Mayor Rogers adjourned the meeting at 6:06 p.m. The next regularly scheduled meeting will be held on August 17, 2021, at a time to be set by the Mayor.

20. UPCOMING MEETINGS

20.1 UPCOMING MEETINGS LIST

This item was received and filed.

Approved on:

Stephanie A. Williams
City Clerk