



City of Santa Rosa

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

City Council Regular Meeting Minutes - Final

Tuesday, March 12, 2019

3:00 PM

Council Member Julie Combs participated in the meeting via teleconference from CUENCA 2-05, JOSE ASUTDILLO Y MIGUEL MOROCHO, 070701 ECUADOR.

The agenda was posted at this location.

1. CALL TO ORDER AND ROLL CALL

Vice Mayor Rogers called the meeting to order at 3:00 p.m.

Present: 5 - Vice Mayor Chris Rogers, Council Member Victoria Fleming, Council Member Ernesto Olivares, Council Member John Sawyer, and Council Member Jack Tibbetts

Absent: 2 - Mayor Tom Schwedhelm, and Council Member Julie Combs

2. ANNOUNCEMENT OF CLOSED SESSION ITEMS

Vice Mayor recessed the meeting to closed session at 3:00 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 Related Cases:

1) City of Santa Rosa v. Pacific Gas & Electric Company; PG&E Corporation

Court Case No.: Sonoma County Superior Court SCV-262772

2) Coordination Proceeding Special Title: California North Bay Fire Cases

Court Case No.: San Francisco Superior Court CGC-17-004955
(Judicial Council Coordination Proceeding No. 4955)

3) In re: PG&E Corporation and Pacific Gas and Electric Company, Debtors

Court Case No.: United States Bankruptcy Court, Northern District of California, San Francisco Division - Chapter 11 - 19-30088 (DM) and 19-30089 (DM)

2.2 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.

Public Utilities Commission of the State of California Proceedings related to Pacific Gas & Electric Utility.

Vice Mayor adjourned the closed session at 3:45 p.m. and reconvened the meeting at 4:01 p.m.

3. STUDY SESSION - NONE.

4. ANNOUNCEMENT OF ROLL CALL

Present: 5 - Vice Mayor Chris Rogers, Council Member Victoria Fleming, Council Member Ernesto Olivares, Council Member John Sawyer, and Council Member Jack Tibbetts

Absent: 2 - Mayor Tom Schwedhelm, and Council Member Julie Combs

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

City Attorney Gallagher reported that on Item 2.1 the Council provided direction to staff and on Item 2.2 that Council approved retention of outside counsel Megan Somogyi to represent the City in the California Public Utilities Commission (CPUC) proceedings regarding PG&E and wildfire resiliency.

6. PROCLAMATIONS/PRESENTATIONS

6.1 PROCLAMATION - SONOMA MOUNTAIN PRESERVATION 25 YEAR ANNIVERSARY

Attachments: [Proclamation](#)

Council Member Fleming read the proclamation to Arthur Dawson and Nancy Kirwan, with Sonoma Mountain Preservation.

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.

Jason Nutt, Director of Transit and Public Works, and Jaime Smedes, Marketing and Outreach Coordinator provided a brief report and presentation.

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

City Manager McGlynn provided a brief report on the following: Officer Andrew Castro was honored as the Santa Rosa Rotary Officer of the Year for his life saving efforts in March 2018; Detective Kevin Naugle was presented with the Enrique "Kiki" Camarena award by the Petaluma Elks Lodge for his outstanding narcotics enforcement efforts in 2018; Officer Tim Gooler was recognized by the California Robbery Investigator's Association at its annual conference in Las Vegas for his response to an in-progress robbery at an armored car facility; an act of kindness from Officer Christine Morrison to a special needs child at Slater Middle School was commended for being a very caring officer; Daisy Gomez has earned the designation of Master Municipal Clerk (MMC), which is awarded by the International Institute of Municipal Clerks (IIMC), Inc; in honor of Arbor Day (and Luther Burbank's birthday), 50 volunteers assisted Recreation and Parks in planting 31 trees in Mesquite and Northwest Parks; and the Office of Community Engagement, through the Violence Prevention Partnership's CHOICE Mini-Grant Program, recently invested in the Elsie Allen High School Foundation, LIME Foundation, and Movimiento Roseland Runners.

9. STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS

There were no abstentions announced.

10. MAYOR'S/COUNCIL MEMBERS' REPORTS

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

Council Member Fleming announced her appointments of Laney Wall to the Community Advisory Board and Casey Edmondson to the Cultural Heritage Board.

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 Sawyer provided a brief report on the Economic Development Subcommittee meeting.

Vice Mayor Rogers provided a brief report on the Open Government Task Force Implementation Task Force.

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 Sonoma County Waste Management Agency (SCWMA)

10.1.8 Groundwater Sustainability Agency (GSA)

10.1.9 Homeless System of Care (HCS)

10.1.10 Renewal Enterprise District (RED)

Council Member Tibbetts provided a brief report.

10.1.11 Other

11. APPROVAL OF MINUTES

11.1 February 12, 2019 Regular Meeting.

Attachments: [Draft Minutes](#)

Approved as submitted.

12. CONSENT ITEMS

Vice Mayor Rogers recessed the meeting at 4:41 p.m. and

reconvened at 5:00 p.m.

Approval of the Consent Agenda

A motion was made by Council Member Fleming, seconded by Council Member Olivares, to waive reading of the text and adopt Consent Items 12.1 through 12.10. The motion carried by the following vote:

Yes: 5 - Vice Mayor Rogers, Council Member Fleming, Council Member Olivares, Council Member Sawyer, and Council Member Tibbetts

Absent: 2 - Mayor Schwedhelm, and Council Member Combs

12.1 RESOLUTION - FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT - FIRST AMERICAN TITLE COMPANY
(Continued from February 26, 2019 Regular Meeting)

RECOMMENDATION: It is recommended by the City's Right Of Way Agent that the Council, by resolution, approve the First Amendment to Professional Services Agreement Number F001200 with First American Title Company to increase compensation under the Agreement for City-wide title and escrow services by \$120,000 for a total amount not to exceed \$170,000, paid out of various project keys as approved by the Chief Financial Officer.

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

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2019-016 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT NUMBER F001200 WITH FIRST AMERICAN TITLE COMPANY FOR TITLE AND ESCROW SERVICES

12.2 RESOLUTION - APPROVAL OF USE OF DESIGN-BUILD PROCUREMENT FOR REMOVAL AND REPLACEMENT OF UTILITIES FIELD OPERATIONS AUDIO/VISUAL SYSTEM
(Continued from February 26, 2019 Regular Meeting)

RECOMMENDATION: It is recommended by the Information Technology and Finance Departments, that the Council, by resolution, approve the use of the design build method of procurement for the removal and replacement of the Audio/Video system at the Utilities Field Operations building at 35 Stony Point Road.

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

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2019-017 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE DESIGN-BUILD METHOD OF PROCUREMENT FOR THE REMOVAL AND REPLACEMENT OF AUDIO/VISUAL SYSTEM IN THE UTILITIES FIELD OPERATIONS BUILDING TRAINING CENTER

12.3 RESOLUTION - APPROVAL OF TWO AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION FOR THE COLLECTION OF MEASURE O (ESSENTIAL CITY SERVICES) REVENUE PASSED BY VOTERS IN NOVEMBER 2018 (Continued from February 26, 2019 Regular Meeting)

RECOMMENDATION: It is recommended by the Finance Department and City Attorney that the Council, by resolution, approve two required agreements with the California Department of Tax and Fee Administration to administer the revenues collected under Measure O, passed by voters in November 2018.

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

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2019-018 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING TWO AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION FOR THE ADMINISTRATION AND COLLECTION OF A LOCAL TRANSACTIONS AND USE TAX

- 12.4** RESOLUTION - RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING REQUEST FOR \$383,271 IN LOW CARBON TRANSIT OPERATIONS PROGRAM (LCTOP) FUNDS FOR FY 2018-19; AUTHORIZING THE DIRECTOR OF TRANSPORTATION AND PUBLIC WORKS TO SIGN THE CERTIFICATIONS AND ASSURANCES; AUTHORIZING THE MAYOR TO SIGN THE AUTHORIZED AGENT FORM

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by Resolution: 1) authorize the Director of Transportation and Public Works or designee to request \$383,271 in Low Carbon Transit Operations Program funds to assist in operating the improved service on CityBus Routes 1 and 2; 2) authorize the Director of Transportation and Public Works or designee to execute the certifications and assurances documents; 3) authorize the Mayor to execute the authorized agent form; and 4) authorize the Chief Financial Officer to increase appropriations in revenue and expenditures by the approved grant award.

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

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2019-019 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING A REQUEST FOR \$383,271 IN LOW CARBON TRANSIT OPERATIONS PROGRAM FUNDS FOR FY 2018-19; AUTHORIZING THE DIRECTOR OF TRANSPORTATION AND PUBLIC WORKS TO EXECUTE THE CERTIFICATIONS AND ASSURANCES; AND AUTHORIZING THE MAYOR TO EXECUTE THE AUTHORIZED AGENT FORM

- 12.5** RESOLUTION - MEASURE O (PUBLIC SAFETY) CHOICE GRANT PROGRAM CYCLE IX YEAR 2 FUNDING RECOMMENDATION AND APPROVAL TO EXECUTE A GRANT FUNDING AGREEMENT WITH BREAKOUT PRISON OUTREACH, DBA CALIFORNIA YOUTH OUTREACH UNDER

THE CHOICE GRANT PROGRAM (Continued from the February 26, 2019 Regular Meeting)

RECOMMENDATION: It is recommended by the Office of Community Engagement that the Council, by Resolution: 1) Adopt the funding recommendation of the Grant Review Team for California Youth Outreach under the Measure O (2004) Community Helping Our Indispensable Children Excel (CHOICE) Cycle IX Grant Program; 2) direct the City Manager or designee to approve and execute a funding agreement with California Youth Outreach for an amount not to exceed \$120,000; and 3) authorize the City Manager or his designee to approve and execute any amendments to the funding agreement.

Attachments: [Staff Report](#)
 [Attachment 1](#)
 [Resolution](#)
 [Exhibit A](#)
 [Exhibit B](#)
 [Presentation](#)

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2019-020 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING THE FUNDING RECOMMENDATION OF THE GRANT REVIEW TEAM FOR YEAR TWO OF CYCLE IX OF THE CHOICE GRANT PROGRAM AND DIRECTING THE CITY MANAGER TO APPROVE AND EXECUTE A FUNDING AGREEMENT WITH BREAKOUT PRISON OUTREACH, DBA CALIFORNIA YOUTH OUTREACH

12.6 RESOLUTION - APPROVAL OF USE OF DESIGN-BUILD PROCUREMENT FOR ROOF REPLACEMENT FOR SAMUEL L. JONES HALL - 4020 FINLEY AVENUE, AND WATER STATIONS 4 - 2260 SONOMA AVENUE AND 13 - 801 WHITE OAK DRIVE

RECOMMENDATION: It is recommended by the Department of Transportation and Public Works that the Council, by resolution, approve the use of the Design-Build method of procurement for a roof replacement for Samuel L. Jones Hall and Santa Rosa Water Station 4 and Station 13.

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

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2019-021 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE USE OF THE DESIGN-BUILD METHOD OF PROCUREMENT FOR ROOF REPLACEMENT AT SAMUEL L. JONES HALL AND SANTA ROSA WATER STATION 4 AND STATION 13

12.7 RESOLUTION - AMENDMENT TO THE CITY CLASSIFICATION AND SALARY PLAN

RECOMMENDATION: It is recommended by the Human Resources Department that the Council, by resolution, amend the City's Classification and Salary Plan to reinstate the classification of Associate Traffic Engineer, reclassify one existing Associate Civil Engineer position to Associate Traffic Engineer, reclassify one vacant Sustainability Technician position to Sustainability Representative, and convert one Limited Term Administrative Technician position to a regular position.

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

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2019-022 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING THE CITY'S CLASSIFICATION AND SALARY PLAN

12.8 RESOLUTION - APPROVAL AND ADOPTION OF THE CITY'S SALARY PLAN AND SCHEDULE

RECOMMENDATION: It is recommended by the Human Resources Department that the Council, by Resolution, approve and adopt the City's Salary Plan and Schedule.

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

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2019-023 ENTITLED: RESOLUTION OF THE

COUNCIL OF THE CITY OF SANTA ROSA APPROVING AND ADOPTING THE CITY'S SALARY PLAN AND SCHEDULE

12.9 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.

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

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2019-024 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA EXTENDING A PROCLAMATION OF LOCAL HOMELESS EMERGENCY (Government Code Sections 8630 et seq.)

12.10 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.

Attachments: [Resolution](#)

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2019-025 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA EXTENDING THE PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY DUE TO FIRES

13. PUBLIC COMMENT ON NON-AGENDA MATTERS

Elizabeth Neylon spoke regarding various topics.

Anita Lafollette spoke in support of the Centers for Disease Control

and Prevention funds move towards housing the homeless.

Steve Dunnrite spoke in support of housing the homeless.

14. REPORT ITEMS

Public Hearing Items 15.1 and 15.2 were heard prior to Item 14.1.

- 14.1** REPORT - APPEAL OF CANNABIS POLICY SUBCOMMITTEE DECISION TO SELECT HIGHWAY RETAIL OUTLET TO MOVE FORWARD IN THE CONDITIONAL USE PERMIT ENTITLEMENT PROCESS FOR A PROPOSED COMMERCIAL CANNABIS ADULT USE RETAIL FACILITY, LOCATED AT 470 SEBASTOPOL ROAD; ASSESSOR'S PARCEL NUMBER 044-072-008; FILE NO. CUP18-078 (Continued from February 26, 2019 Regular Meeting)

BACKGROUND: On November 14, 2018, the Cannabis Policy Subcommittee, by motion, selected Highway Retail Outlet (File No. CUP18-078) to move forward in the Conditional Use Permit entitlement process, voiding Phenotopia. On November 26, 2018, Padraic Fahey, representing Phenotopia, filed an appeal of the Cannabis Policy Subcommittee's decision based on six grounds for appeal.

RECOMMENDATION: The City Council's Cannabis Policy Subcommittee recommends that Council, by resolution, deny the appeal of Phenotopia (Applicant B) and affirm the Cannabis Policy Subcommittee's decision to select Highway Retail Outlet (Applicant A) to move forward in the Conditional Use Permit Process for a proposed commercial cannabis adult use retail facility, located at 470 Sebastopol Road.

Attachments: [Staff Report](#)
[Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachment 4](#)
[Attachment 5](#)
[Attachment 6](#)
[Attachment 7](#)
[Attachment 8](#)
[Attachment 9](#)
[Attachment 10](#)
[Attachment 11](#)
[Attachment 12](#)
[Attachment 13](#)
[Resolution](#)
[Presentation](#)
[Presentation Revised \(Uploaded 3/12/19\)](#)
[Late Correspondence \(Uploaded 2/25/2019\)](#)
[Late Correspondence \(Uploaded 2/26/2019\)](#)
[Late Correspondence \(Uploaded 3/6/2019\)](#)
[Late Correspondence \(Uploaded 3/11/2019\)](#)
[Late Correspondence \(Uploaded 3/11/2019\)](#)
[Late Correspondence \(Uploaded 3/12/2019\)](#)
[Correspondence \(Uploaded 3/13/2019\)](#)

Presented by Clare Hartman, Deputy Director, and Kristinae Toomians, Senior Planner.

Blair Gue and Phenotopia team, on behalf of the appellant (Applicant B), provided a brief presentation.

Nick Caston, on behalf of Highway Retail Outlet, applicant (Applicant A), provided a brief presentation.

Vice Mayor Rogers opened the public hearing at 8:48 p.m.

PUBLIC COMMENT

David Morton spoke in support of Phenotopia.

Jose Gomez spoke in support of Phenotopia.

Ben Ferreiva spoke in support of Phenotopia.

Mitcho Thompson spoke in support of Phenotopia.

Tami Rackham spoke in support of Phenotopia.

Julie Mercer-Ingram spoke in support of Highway Retail Outlet.

Linda Frisby spoke in support of Phenotopia.

Vic Castro spoke in support of Phenotopia.

Tim Martin spoke in support of Phenotopia.

Ashley Nelson spoke in support of Phenotopia.

Chris Hayes spoke in support of Phenotopia.

Shivawn Brady spoke in support of Phenotopia.

Victrina Pilat spoke in support of Phenotopia.

Jessica Cole spoke in support of Phenotopia.

James Showalter-Garcia spoke in support of Phenotopia.

Jeff Callaghan spoke in support of Phenotopia.

Ryan Hunt spoke in support of Phenotopia.

Alfonso Ferrel spoke in support of Phenotopia.

Donovan Watt spoke in support of Phenotopia.

Diego Figueroa spoke in support of Phenotopia.

Felix Figueroa spoke in support of Phenotopia.

Clayton Taylor, Lobbyist, spoke in support of both Phenotopia

and Highway Retail Outlet.

Josh spoke in support of Phenotopia.

Shawn Sepulveda spoke in support of Phenotopia.

Grace Miranda-Leon spoke in support of Highway Retail Outlet.

Guillermo Sanchez spoke in support of Highway Retail Outlet.

Jeremie Macias spoke in support of Highway Retail Outlet.

Fredy Oseguera spoke in support of Highway Retail Outlet.

Mikel James spoke in support of Phenotopia.

Chinouyzura Dotson-Newman spoke in support of Highway Retail Outlet.

Bob Nichols spoke in support of Highway Retail Outlet.

Julian Aaron spoke in support of Highway Retail Outlet.

Marcos Suarez spoke in support of Highway Retail Outlet.

Luis Torres spoke regarding the concern of crime triggered by the cannabis industry.

Jorge Alcazar spoke in support of Highway Retail Outlet.

Jose Guzman spoke in support of Highway Retail Outlet.

Juan Gamino Mendoza spoke in support of Highway Retail Outlet.

Daniel Torres spoke in support of Phenotopia.

Maria Castillo spoke in support of Highway Retail Outlet.

Eddie Alvarez spoke in support of both Phenotopia and Highway Retail Outlet.

Freddie Alvarez spoke in support of Phenotopia.

Bianca Castillo spoke in support of Highway Retail Outlet.

Lindsay Whyte spoke in support of Phenotopia.

Selena Pardo spoke in support of Highway Retail Outlet.

Willie Villanueva spoke in support of Highway Retail Outlet.

Judity Yera spoke in support of Phenotopia.

Michael Walker spoke in support of Highway Retail Outlet.

Javier Autezana spoke in support of Phenotopia.

William Garcia spoke in Highway Retail Outlet.

Juan Jose Navarro spoke in support of Phenotopia.

Jeanne Kearns, Vice President of Boys and Girls Clubs of Central Sonoma County, spoke in support of both Phenotopia and Highway Retail Outlet.

Michael Perez spoke in support of Phenotopia.

Jude Frates spoke in support of Phenotopia.

Jesus Espinol spoke in support of Phenotopia.

Maurice Walker spoke in support of Highway Retail Outlet.

Vice Mayor Rogers recessed the meeting at 10:29 p.m. and reconvened at 10:35 p.m.

A motion was made by Council Member Olivares to waive reading the text to adopt: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DENYING THE APPEAL OF PHENOTOPIA (APPLICANT B) AND AFFIRMING THE CANNABIS POLICY SUBCOMMITTEE'S DECISION TO SELECT HIGHWAY RETAIL OUTLET (APPLICANT A) TO MOVE FORWARD IN THE CONDITIONAL USE PERMIT PROCESS FOR A PROPOSED COMMERCIAL CANNABIS ADULT USE RETAIL FACILITY - LOCATED AT 470 SEBASTOPOL RD; APN: 125-162-025; FILE NUMBER CUP18-078. Motion failed due to a lack of a second.

A motion was made by Council Member Tibbetts, seconded by Council Member Sawyer, to adopt as amended and bring back to Council as a Consent item affirming the appeal of Phenotopia (Applicant B) and denying the Cannabis Policy Subcommittee's decision to select Highway Retail Outlet (Applicant A). The motion carried by the following vote:

Yes: 5 - Vice Mayor Rogers, Council Member Combs, Council Member Fleming, Council Member Sawyer, and Council Member Tibbetts

No: 1 - Council Member Olivares

Absent: 1 - Mayor Schwedhelm

14.2 REPORT - APPEAL OF CANNABIS POLICY SUBCOMMITTEE DECISION TO SELECT FRIENDS & FARMERS (FORMERLY GREEN TROVE WELLNESS) TO MOVE FORWARD IN THE CONDITIONAL USE PERMIT ENTITLEMENT PROCESS FOR A PROPOSED COMMERCIAL CANNABIS ADULT USE RETAIL FACILITY, LOCATED AT 330/358 YOLANDA AVENUE; ASSESSOR'S PARCEL NUMBERS 044-072-006, -007, and -008; FILE NO. CUP18-070

BACKGROUND: On November 14, 2018, the Cannabis Policy Subcommittee, by motion, selected Friends & Farmers (File No. CUP18-070) to move forward in the Conditional Use Permit entitlement process, voiding CN Santa Rosa, Louies Gouies, and Black Elm. On November 26, 2018, Tyler Champlin, representing

CN Santa Rosa. filed an appeal of the Cannabis Policy Subcommittee's decision based on eight grounds for appeal. The grounds for appeal question the validity of the merit based review process.

RECOMMENDATION: The Planning and Economic Development Department recommends that Council, by resolution, deny the appeal and uphold the Cannabis Policy Subcommittee's decision to select Friends & Farmers (Applicant C) to move forward in the Conditional Use Permit Process for a proposed commercial cannabis adult use retail facility, located at 330/358 Yolanda Avenue; Assessor's Parcel Numbers 044-072-006, -007, and -008; File No. CUP18-070.

Attachments: [Staff Report](#)
[Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachment 4](#)
[Attachment 5](#)
[Attachment 6](#)
[Attachment 7](#)
[Attachment 8](#)
[Attachment 9](#)
[Attachment 10](#)
[Attachment 11](#)
[Resolution](#)
[Presentation](#)
[Appellant Presentation \(Uploaded 3/12/19\)](#)
[Late Correspondence \(Uploaded 3/11/2019\)](#)
[Correspondence \(Uploaded 3/13/2019\)](#)

Presented by Kristinae Toomians, Senior Planner.

Crystal Matter, on behalf of the appellant, requested for continuance and provided a presentation in support of CN Santa Rosa.

Erin Carlstrom, on behalf of applicant, and Alicia Kelley, applicant, provided a brief presentation in support of Friends and Farmers.

Erik Harvey spoke in support of Friends and Farmers.

PUBLIC COMMENT

Clayton Taylor spoke in support of Friends and Farmers.

Allison Kosta spoke in support of Friends and Farmers.

Brian Noble spoke in support of Friends and Farmers.

Devika Maskey spoke in support of Friends and Farmers.

Dennis Rosatti spoke in support of Friends and Farmers.

Allan Henderson spoke in support of Friends and Farmers.

Tom Woods spoke in support of Friends and Farmers.

Phil Natoley spoke in support of CN Santa Rosa.

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

RESOLUTION NO. RES-2019-028 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DENYING THE APPEAL OF CN SANTA ROSA (APPLICANT A) AND AFFIRMING THE CANNABIS POLICY SUBCOMMITTEE'S DECISION TO SELECT FRIENDS & FARMERS (APPLICANT C) TO MOVE FORWARD IN THE CONDITIONAL USE PERMIT PROCESS FOR A PROPOSED COMMERCIAL CANNABIS ADULT USE RETAIL FACILITY - LOCATED AT 330 & 358 YOLANDA AVENUE; APN: 044-072-006, -007, & -008; FILE NUMBER CUP18-070

The motion carried by the following vote:

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

Absent: 1 - Mayor Schwedhelm

14.3

REPORT - FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT NO. F001622 WITH BUREAU VERITAS NORTH AMERICA FOR POST FIRE RECOVERY AND

REBUILDING SERVICES; FISCAL YEAR 2018-19 BUDGET AMENDMENT(Continued from February 26, 2019 Regular Meeting)

BACKGROUND: Over the past year, staff from the City of Santa Rosa and Bureau Veritas North America, Inc. have provided a variety of permit processing, plan check and inspection services for the repair and reconstruction activities associated with the Tubbs Fire. Over 1,500 permits were processed in 2018, resulting in approximately 16,000 inspections. Additionally, the Department continues to see a high volume of permit activity outside of the fire damaged areas. City staff time has been partially redirected from current development projects to support the rebuild efforts, resulting in an increased need for professional services to augment staffing support for the review and processing of new housing and commercial projects.

Revenue received from permit fees paid related to services provided by Planning & Economic Development for all development and rebuilding projects are considerably more than budgeted estimates for FY 18-19. City staff is proposing to appropriate these funds to pay for one-time, professional services needs relative to Planning, Engineering, and Building to meet commitments associated with plan review and inspection turnaround times for all development and rebuild efforts.

RECOMMENDATION: It is recommended by the Planning and Economic Development and Finance Departments that the Council, by Resolution: 1) approve the First Amendment to Professional Services Agreement No. F001622 with Bureau Veritas North America, Inc., increasing compensation by \$377,052 for a total amount not to exceed \$9,263,312; and, 2) amend the Fiscal Year (FY) 2018-19 adopted budget to increase appropriations for plan check and inspection professional services in the amount of \$4,357,322, which will be offset by an increase in associated fee revenue.

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

Presented by Gabe Osburn, Deputy Director.

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

RESOLUTION NO. RES-2019-029 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT NUMBER F001622 WITH BUREAU VERITAS NORTH AMERICA, INC., TO INCREASE COMPENSATION AND UPDATE CONTRACTOR STAFF CLASSIFICATIONS FOR POST FIRE RECOVERY AND REBUILDING SERVICES; AMENDING THE FISCAL YEAR 2018-19 BUDGET FOR PLAN CHECK AND INSPECTION PROFESSIONAL SERVICES FOR PLANNING & ECONOMIC DEVELOPMENT, OFFSET BY ASSOCIATED FEE REVENUE

The motion carried by the following vote:

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

Absent: 1 - Mayor Schwedhelm

15. PUBLIC HEARINGS

- 15.1** PUBLIC HEARING - APPEAL OF PLANNING COMMISSION DECISION TO APPROVE A CONDITIONAL USE PERMIT FOR BKIND LLC, A CANNABIS RETAIL AND DELIVERY BUSINESS FOR MEDICINAL AND ADULT USE, IN AN EXISTING BUILDING LOCATED AT 1128 SONOMA AVE, SANTA ROSA, CA; ASSESSOR'S PARCEL NUMBER 014-121-002; FILE NO. CUP18-079 (Continued from the February 26, 2019 Regular Meeting)

BACKGROUND: On November 29, 2018, the Planning Commission approved (6-1) a Conditional Use Permit for a cannabis retail dispensary and delivery for medicinal and adult use in an existing 2,314 square foot building located at 1128 Sonoma Ave. On December 10, 2018, the Santa Rosa City School District filed an appeal of the

Planning Commission's action. The grounds for the appeal are the proximity of the dispensary to the Santa Rosa French-American Charter School and to the abutting residences.

RECOMMENDATION: The Planning Commission recommends that Council, by resolution, deny the appeal and approve a Conditional Use Permit for the proposed cannabis retail dispensary and delivery for medicinal and adult use located at 1128 Sonoma Ave; Assessor's Parcel Number 014-121-002: File No. CUP 18-079.

Attachments: [Staff Report](#)
[Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachment 4](#)
[Attachment 5](#)
[Attachment 6](#)
[Attachment 7](#)
[Attachment 8](#)
[Attachment 9](#)
[Attachment 10](#)
[Attachment 11](#)
[Attachment 12](#)
[Attachment 13](#)
[Resolution](#)
[Late Correspondence \(Uploaded 2/26/2019\)](#)
[Presentation-pdf](#)
[Late Correspondence \(Uploaded 3/11/2019\)](#)

Presented by Clare Hartman, Deputy Director, and Bill Rose, Supervising Planner.

Patti Cisco, Chair of the Planning Commission, spoke regarding the approval of the Conditional Use Permit for BKind.

Jim Traber, on behalf of appellant, provided a brief presentation.

Nick Caston, on behalf of the applicant, provided a brief presentation.

EX PARTE DISCLOSURE:

Vice Mayor Rogers, Council Members Fleming, Olivares, Sawyer, and Tibbetts disclosed ex parte communications.

Vice Mayor Rogers opened the public hearing at 5:50 p.m.

PUBLIC COMMENT

Nancy Richardson spoke in opposition to a conditional use permit for BKind LLC.

Jon Marcus, on behalf of applicant, spoke in support of a conditional use permit for BKind LLC.

Evelyn Anderson, Interim Principal at French-American Charter School, spoke in opposition to a conditional use permit for BKind LLC.

Monica Pantinas spoke in support of a conditional use permit for BKind LLC.

Theresa Schulz spoke regarding the concerns of traffic safety, locally grown cannabis, and employee parking situation.

Diana Perkins spoke in support of a conditional use permit for BKind LLC.

Rachel Denney spoke in support of a conditional use permit for BKind LLC.

Vice Mayor Rogers closed the public hearing at 6:06 p.m.

Nick Caston, on behalf of the applicant, provided a rebuttal.

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

RESOLUTION NO. RES-2019-026 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DENYING AN APPEAL AND APPROVING A CONDITIONAL USE PERMIT FOR BKIND TO OPERATE A MEDICINAL AND ADULT USE CANNABIS RETAIL (DISPENSARY) AND DELIVERY BUSINESS, WITHIN AN EXISTING BUILDING LOCATED AT 1128

SONOMA AVE; ASSESSOR'S PARCEL NO. 014-121-002; FILE NO. CUP18-079

The motion carried by the following vote:

Yes: 5 - Vice Mayor Rogers, Council Member Fleming, Council Member Olivares, Council Member Sawyer, and Council Member Tibbetts

Absent: 2 - Mayor Schwedhelm, and Council Member Combs

15.2 PUBLIC HEARING - BICYCLE AND PEDESTRIAN MASTER PLAN UPDATE 2018

BACKGROUND: On February 15, 2011, the City Council, by Resolution No. 27835, adopted the 2010 Bicycle and Pedestrian Master Plan. The updated bicycle and pedestrian projects, programs and policies are included in the Bicycle and Pedestrian Master Plan Update 2018 (Plan Update 2018). The proposal includes the Plan Update 2018 and text amendments to the General Plan consistent with the Bicycle and Pedestrian Master Plan.

RECOMMENDATION: It is recommended by the Planning Commission and the Transportation and Public Works Department that the City Council, by resolution, adopt the Bicycle and Pedestrian Master Plan Update 2018 and approve a General Plan Amendment, consistent with the Bicycle and Pedestrian Master Plan.

Attachments: [Staff Report](#)
[Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachment 4](#)
[Attachment 5](#)
[Attachment 6](#)
[Attachment 7](#)
[Attachment 8](#)
[Resolution](#)
[Exhibit A](#)
[Presentation](#)
[Late Correspondence \(Uploaded 3/11/2019\)](#)

Presented by Nancy Adams, Traffic Engineering.

Council Member Combs joined the meeting by teleconference at 6:27 p.m.

Vice Mayor Rogers opened the public hearing at 6:59 p.m.

PUBLIC COMMENT

Bob Gaiser spoke in support of the item, and requested that the four street crossings be designated as preferred crossing enhancement locations.

Thea Hensel spoke in support of the item, and requested preferred crossings at Bennet Valley Road and Farmers Lane.

Eris Weaver spoke in support of the item, and requested for safer bike lanes.

Roberta Delgado spoke in support of the item, and requested that a Class 1 Bike Lane designation be applied to the off roads of Highway 12 and Oakmont.

Hugh Helm spoke in support of the item.

Elizabeth Ridlington spoke in support of the item.

Minona Heaviland spoke in support of the item.

Beth Dadko spoke in support of the item.

Christine Dektor spoke in support of the item.

Steve Birdlebough spoke in support of the item, and of the concerns to congestion impacts.

Shaun Ralston spoke in support of the item.

Anne Seeley spoke in support of the item, and that the community connector bridge be included in the plan.

Vice Mayor Rogers closed the public hearing at 7:25 p.m.

Vice Mayor Rogers recessed the meeting at 7:35 p.m. and reconvened at 7:58 p.m.

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

RESOLUTION NO. RES-2019-027 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING THE BICYCLE AND PEDESTRIAN MASTER PLAN UPDATE 2018 AND APPROVING A GENERAL PLAN AMENDMENT CONSISTENT WITH THE MASTER PLAN

The motion carried by the following vote:

Yes: 5 - Vice Mayor Rogers, Council Member Combs, Council Member Fleming, Council Member Olivares, and Council Member Tibbetts

Absent: 1 - Mayor Schwedhelm

Recused: 1 - Council Member Sawyer

16. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION) - NONE.

17. PUBLIC COMMENTS ON NON-AGENDA MATTERS

Thomas Ells spoke regarding various topics.

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 11:54 p.m. The next regularly scheduled meeting will take place on March 26, 2019, at a time to be set by the Mayor.

20. UPCOMING MEETINGS

20.1 UPCOMING MEETINGS LIST

Attachments: [Upcoming Meetings List.pdf](#)

Approved on: April 30, 2019
/s/ Daisy Gomez, City Clerk