



## **City of Santa Rosa**

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

### **CITY COUNCIL REGULAR MEETING AGENDA AND SUMMARY REPORT - FINAL JULY 13, 2021**

**REVISED**

**12:30 P.M. - CLOSED SESSION (HYBRID VIA IN-PERSON AND ZOOM)**

**1:30 P.M. - STUDY SESSION (HYBRID VIA IN-PERSON AND ZOOM)**

**4:00 P.M. - REGULAR SESSION (HYBRID VIA IN-PERSON AND ZOOM)**

**DUE TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDERS N-25-20 AND N-29-20 WHICH SUSPEND CERTAIN REQUIREMENTS OF THE BROWN ACT, AND THE ORDERS OF THE HEALTH OFFICER OF THE COUNTY OF SONOMA TO TAKE ACTION TO MINIMIZE THE SPREAD OF COVID-19, THE CITY COUNCIL MEMBERS WILL BE PARTICIPATING VIA ZOOM WEBINAR OR IN-PERSON FROM COUNCIL CHAMBER AT 100 SANTA ROSA AVENUE.**

**MEMBERS OF THE PUBLIC CAN PARTICIPATE IN THE MEETING BY ATTENDING IN-PERSON FROM COUNCIL CHAMBER AT 100 SANTA ROSA AVENUE (SOCIAL DISTANCING AND MASK REQUIREMENTS WILL BE OBSERVED), VISITING**

**[HTTPS://SRCITY-ORG.ZOOM.US/J/91775475227](https://srcity-org.zoom.us/j/91775475227) OR BY  
DIALING 877-853-5257 AND ENTER WEBINAR ID: 917 7547 5227**

**THE MEETING WILL ALSO BE LIVE STREAMED AT  
[HTTPS://SANTA-ROSA.LEGISTAR.COM/CALENDAR](https://santa-rosa.legistar.com/calendar).**

**CLICK ON THE "IN PROGRESS" LINK TO VIEW.**

**THE MEETING CAN ALSO BE VIEWED ON COMCAST CHANNEL 28,  
AT&T U-VERSE CHANNEL 99, AND AT  
[HTTPS://WWW.YOUTUBE.COM/CITYOFSANTAROSA](https://www.youtube.com/cityofsantarosa)**

**Public Comment may be made live during the meeting via Zoom, In-Person from Council Chamber, or submitted in advance by 5:00 pm, the Monday before the City Council Meeting via e-mail at [cc-comment@srcity.org](mailto:cc-comment@srcity.org), recorded voice message at 707-543-3005 or through the eComment feature at <https://santa-rosa.legistar.com>.**

**PLEASE NOTE THAT ALL E-MAILS SENT TO THE CITY COUNCIL ARE CONSIDERED TO BE PUBLIC RECORDS AND SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT.**

**DEADLINES AND ADDITIONAL INSTRUCTION FOR PUBLIC COMMENT ARE SET FORTH BELOW.**

**COUNCIL MAY RECESS DURING THE EVENING FOR BREAKS.**

**PUBLIC HEARING MATTERS WILL BEGIN NO EARLIER THAN 5:00 P.M.**

**MATTERS ON THE AGENDA MAY BE TAKEN OUT OF ORDER.**

**PUBLIC COMMENTS:**

Live Public Comment: Members of the public can provide comment on an Agenda Item In-Person from Council Chamber, by accessing the meeting through the Zoom link, or by dial-in at the time an Agenda Item is discussed during the City Council Meeting. Go to <https://srcity.org/virtualparticipation> for more information.

Advanced Public Comment:

E-mail Public Comment: To submit an e-mailed public comment to the City Council, please send to: [cc-comment@srcity.org](mailto:cc-comment@srcity.org) by 5:00 p.m., Monday, July 12 Identify in the subject line of your e-mail the Agenda Item Number on which you wish to comment, provide your name in the body of the e-mail and your comment. Please limit your e-mail to approximately 400 words (which is a speaking rate of 133 words per minute). Please note that all e-mails sent to the City Council are considered to be public records and subject to disclosure

under the California Public Records Act.

eComment: To submit an eComment, go to <https://santa-rosa.legistar.com> and click the eComment link near the agenda link. eComment period will close at 5:00 p.m., Monday July 12.

Recorded Voice Message Public Comment: To submit a voice message public comment, please call 707-543-3005 by 5:00 p.m., Monday, July 12. State your name, the Agenda Item Number(s) on which you wish to comment, and your comment. PLEASE DO NOT LEAVE YOUR PHONE NUMBER OR PERSONAL ADDRESS IN THE VOICE MESSAGE AS IT WILL BE PLAYED BACK LIVE DURING THE CITY COUNCIL MEETING.

E-mail and eComment public comments received by the deadline will be distributed to City Council members and uploaded to the agenda prior to the start of the City Council Meeting for public access. Recorded voice message public comments will be played during the meeting at the time the item is heard.

Non-Agenda Items are the time when any person may address the Council on matters not listed on this agenda, but which are within the subject matter jurisdiction of the Council. The first public comment period on non-agenda items (Agenda Item 13) will begin no earlier than 5:00 p.m. and will be limited to twelve speakers selected randomly by the Mayor. Each speaker will be allowed three minutes. Speakers who do not have an opportunity to speak during this time will be allowed to make public comment under Agenda Item 17.

Except for public hearing items, comments from the public will be allowed on all agenda items at the time each item is called. Comments on public hearing items may be made when the hearing is opened.

## **12:30 P.M. (HYBRID VIA IN-PERSON AND ZOOM)**

### **1. CALL TO ORDER AND ROLL CALL**

### **2. ANNOUNCEMENT OF CLOSED SESSION ITEMS**

Following the announcement of Closed Session items and prior to recess into

Closed Session, the public may speak up to three minutes on items to be addressed in Closed Session.

**2.1** CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
(Government Code Section 54956.8)

Property: 741 3rd Street and 758 4th Street APN's APN 009-014-016,  
009-014-017 & 009-072-044

Agency Negotiator: Jill Scott, Real Property Manager

Negotiating Parties: County of Sonoma

Under Negotiations: Price and terms of sale.

**2.2** CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
(Government Code Section 54956.8)

Properties: 976, 980 and 1004 Hearn Avenue, Santa Rosa, CA  
APN's 043-191-018, 043-191-019 and 043-191-020

Agency Negotiator: Jill Scott, Real Property Negotiator

Negotiating Parties:

976 Hearn - Jose Dominguez

980 Hearn - James C Harris and Carol A Harris, Trust, Timothy Paul  
Nelson, Kelly T. Suacci and Kerri A Olhiser

1004 Hearn - Nelson Arthur Nelson

Under Negotiations: Price and terms of sale.

**RECESS CLOSED SESSION(S) AND RECONVENE TO STUDY SESSIONS VIA  
ZOOM OR IN-PERSON**

**1:30 P.M. (HYBRID VIA IN-PERSON AND ZOOM)**

**3. STUDY SESSION**

Study Session items are items for in-depth discussion and possible direction to staff. No action will be taken.

**3.1** ONE-TIME MONIES

Staff will present an overview of the eligible uses of American Rescue Plan Act (ARPA) funds and recommended projects for the remaining PG&E settlement funds.

**Attachments:**   [Staff Report](#)  
[Presentation](#)  
[REVISED Presentation \(Uploaded 7-13-2021\)](#)  
[Late Correspondence \(Uploaded 7-13-2021\)](#)

**3.2      HARASSMENT PREVENTION POLICY REVIEW**

Staff will present a review of the City's Harassment, Discrimination and Retaliation Prohibition and Prevention Policy.

**Attachments:**   [Staff Report](#)  
[Attachment 1 - Policy 700-03](#)  
[Attachment 2 - Code of Conduct Policy 000-51](#)  
[Presentation](#)

**4:00 P.M. (HYBRID VIA IN-PERSON AND ZOOM)**

**4. ANNOUNCEMENT OF ROLL CALL**

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

**6. PROCLAMATIONS/PRESENTATIONS - NONE.**

**7. STAFF BRIEFINGS**

This time is reserved for City staff to provide a five-minute briefing to the Council on departmental issues of interest. No action will be taken on these matters except to possibly place a particular item on a future agenda for Council consideration.

**7.1      COMMUNITY EMPOWERMENT PLAN UPDATE**

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

**7.2      GLASS FIRE RECOVERY UPDATE**

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

**7.3      STORM WATER AND CREEKS PROGRAM UPDATE**

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.

**Attachments:** [Presentation](#)

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

### **8.1 REPORT OF SETTLEMENTS AND ACTIVE LITIGATION**

The City Attorney will report on settlements over \$50,000 through June 2021 as well as provide a summary of pending litigation against the City.

**Attachments:** [Report of Settlements and Litigation](#)

## **9. STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS**

## **10. MAYOR'S/COUNCIL MEMBERS' REPORTS**

### **10.1 MAYOR'S/COUNCIL MEMBERS' SUBCOMMITTEE AND LIAISON REPORTS (AND POSSIBLE COUNCIL DIRECTION TO BOARD REPRESENTATIVE ON PENDING ISSUES, IF NEEDED)**

#### **10.1.1 Council Subcommittee Reports**

#### **10.1.2 Sonoma County Transportation Authority/Regional Climate Protection Authority (SCTA/RCPA)**

#### **10.1.3 Sonoma County Water Agency (SCWA) - Water Advisory Committee**

#### **10.1.4 Association of Bay Area Governments (ABAG)**

#### **10.1.5 Sonoma County Agricultural Preservation and Open Space District Advisory Committee**

#### **10.1.6 Sonoma Clean Power Authority (SCPA)**

#### **10.1.7 Zero Waste Sonoma (formerly known as Sonoma County Waste Management Agency (SCWMA))**

#### **10.1.8 Groundwater Sustainability Agency (GSA)**

#### **10.1.9 Home Sonoma County (HSC)**

**10.1.10 Renewal Enterprise District (RED)**

**10.1.11 Public Safety Subcommittee**

**10.1.12 Other**

**10.2 BOARD, COMMISSION & COMMITTEE APPOINTMENTS**

**10.2.1** Council may vote to make appointments to the following boards:

- Board of Building Regulations Appeals - (4) positions
- Bicycle and Pedestrian Advisory Board - (1) Senior Community Representative and (1) Disabled Community Representative
- Personnel Board - (2) At-large, (1) term ending 12/31/2024, the other to fill remaining term of vacant seat ending 12/31/2022; and (1) Labor Representative, with term ending 12/31/2024

**11. APPROVAL OF MINUTES**

**11.1** December 8, 2020, Regular Meeting.

**Attachments:** [Draft Minutes](#)

**11.2** May 12-13, 2021, Special Meeting.

**Attachments:** [Draft Minutes](#)

**11.3** May 18, 2021, Regular Meeting.

**Attachments:** [Draft Minutes](#)

**11.4** May 19, 2021, Special Meeting.

**Attachments:** [Draft Minutes](#)

**11.5** May 25, 2021, Regular Meeting.

**Attachments:** [Draft Minutes](#)

**12. CONSENT ITEMS**

**12.1** MOTION - CONTRACT AWARD - PAVEMENT PREVENTIVE MAINTENANCE 2021

**RECOMMENDATION:** It is recommended by the Transportation and Public Works Department that the Council, by motion, award Contract No. C02357, Pavement Preventive Maintenance 2021, in the amount of \$818,007.00 to the lowest responsible bidder, Sierra Nevada Construction, Inc. of Sparks, Nevada, approve a 10% contract contingency, and authorize a total contract amount of \$899,807.70.

**Attachments:**    [Staff Report](#)  
                              [Attachment 1 - Location Map](#)  
                              [Attachment 2 - Summary of Bids](#)  
                              [Presentation](#)

**12.2        RESOLUTION - MICROSOFT ENTERPRISE AGREEMENT**

**RECOMMENDATION:** It is recommended by the Information Technology Department, that the Council, by resolution, approve a three-year Enterprise Agreement renewal with Microsoft Corporation for software licenses and support of desktops and servers, utilizing the County of Riverside's Cooperative Master Enterprise Agreement with Microsoft Corporation (#8084445) and the County of Riverside's Licensing Solution Provider Agreement (# PSA-0001524) with Dell Marketing, L.P., under which Dell Marketing, L.P. is the Microsoft's Value-Added Reseller (VAR) for the City, in an amount of \$1,187,598.60 plus a \$400,000 contingency, for a total not-to-exceed amount of \$1,587,598.60.

**Attachments:**    [Staff Report](#)  
                              [Attachment 1 - Riverside Coop with Microsoft](#)  
                              [Attachment 2 – Riverside Licensing Solution Provider Agree](#)  
                              [Attachment 3 - Quote](#)  
                              [Resolution](#)  
                              [Exhibit A - Microsoft Enterprise Agreement](#)  
                              [Presentation](#)

**12.3        ORDINANCE ADOPTION - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING SECTIONS 15-16.030 AND 15-16.050 OF TITLE 15 OF THE SANTA ROSA CITY CODE ADOPTING SEWER DEMAND FEE**



RECOMMENDATION: This ordinance, introduced at the June 29, 2021, Regular Meeting by a 5-0-2 vote (Council Members Fleming and Tibbetts absent), amends Sections 15-16.030 and 15-16.050 of Title 15 of the Santa Rosa City Code adopting sewer demand fees.

**Attachments:** [Ordinance](#)

- 12.4** ORDINANCE ADOPTION - AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ADDING CHAPTER 13-06 TO TITLE 13 STREETS, SIDEWALKS AND PUBLIC PLACES OF THE SANTA ROSA CITY CODE PERTAINING TO WIRELESS FACILITIES IN PUBLIC RIGHTS-OF-WAY

RECOMMENDATION: This ordinance, introduced at the June 29, 2021, Regular Meeting by 5-0-2 vote (Council Members Fleming and Tibbetts absent), regulates wireless facilities in public rights-of-way.

**Attachments:** [Ordinance](#)  
[Late Correspondence \(Uploaded 7-13-2021\)](#)

- 12.5** ORDINANCE ADOPTION - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING SECTION 1-10.030 OF THE SANTA ROSA CITY CODE AND POSTPONING THE EFFECTIVE DATE OF CHAPTER 1-10 "OPEN GOVERNMENT" OF THE SANTA ROSA CITY CODE TO JANUARY 1, 2022

RECOMMENDATION: This ordinance, introduced at the June 29, 2021, Regular Meeting by 5-0-2 vote (Council Members Fleming and Tibbetts absent), amends section 1-10.030 of the Santa Rosa City Code and postpones the effective date of Chapter 1-10 "Open Government" of the Santa Rosa City Code to January 1, 2022.

**Attachments:** [Ordinance](#)

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

This is the time when any person may address the Council on matters not listed on this agenda, but which are within the subject matter jurisdiction of the Council. This public comment period will begin no earlier than 5:00 p.m. and will be limited to twelve speakers selected randomly by the Mayor. Each speaker will be allowed three minutes. Speakers who do not have an opportunity to speak during this time will be allowed to make public comment

under Agenda Item 17.

Voice message public comments received for non-agenda items may be played under Agenda Item 13 or at Item 17. Recorded public comments are limited to 3 minutes to mirror in-person meeting protocols.

Late Correspondence - Public Comment (Uploaded 7-13-2021)

**Attachments:** [Late Correspondence \(Uploaded 7-13-2021\)](#)

#### **14. REPORT ITEMS - NONE.**

#### **15. PUBLIC HEARINGS**

Public Hearing matters will begin no earlier than 5:00 p.m. or as soon thereafter as the matters are reached on the agenda.

##### **15.1 PUBLIC HEARING - 1900 BRUSH CREEK RD APPEAL**

BACKGROUND: Appeal of Planning Commission's March 25, 2021, decision to deny an appeal of Planning Director determinations made during Planning review of Building Permit application B20-6871 concerning (1) the proposed project's compliance with subject parcel's Final Map and required building setbacks, and (2) compliance with City's Tree Ordinance tree removal requirements.

RECOMMENDATION: It is recommended by the Planning and Economic Development Department that the Council, by resolution, deny the appeal and uphold the decision of the Planning Commission and determinations made by the Planning Director during Planning review of Building Permit B20-6871.

**Attachments:**    [Staff Report](#)  
[Attachment 1 - Neighborhood Context and Location Map](#)  
[Attachment 2 - Proposed Site Plan](#)  
[Attachment 3 - CC-Appeal-04-05-2021](#)  
[Attachment 4 - Building Permit Application B20-6871](#)  
[Attachment 5 - Tree removal documentation](#)  
[Attachment 6 - Tree Mitigation Request](#)  
[Attachment 7 - PC Appeal and Amended Appeal Application](#)  
[Attachment 8 - PC Reso 12049-signed](#)  
[Attachment 9 - Appellant Correspondence Redacted-Updated](#)  
[Attachment 10 - Code Enforcement Correspondence-Updated](#)  
[Attachment 11 - Planning Correspondence-Update 03-18-21](#)  
[Attachment 12 - Property Owner Correspondence Redacted](#)  
[Attachment 13 - Late Correspondence thru 06-08-2021](#)  
[Resolution](#)  
[Presentation](#)  
[Appellant Presentation \(Uploaded 7-13-2021\)](#)  
[Late Correspondence \(Uploaded 7-13-2021\)](#)

**15.2 PUBLIC HEARING - CUP19-117 - ALTERNATIVE EAST  
(DISPENSARY) APPEAL - 2300 BETHARDS AVENUE, SUITE A**

BACKGROUND: On February 25, 2021, the Planning Commission continued the item before opening a Public Hearing to a date certain of March 25, 2021, to allow members of the Public to review the Agenda packet. The determination by the Planning Commission, as recommended by Staff was due to a deficiency in Public Noticing for the Project where only one onsite sign was installed instead of two, as well as Public Correspondence that was sent as Late Correspondence to the Commission.

On March 25, 2021, the Planning Commission held a duly noticed public hearing where the Commission reviewed the Conditional Use Permit (CUP19-117) and received a presentation from Staff, a presentation from the applicant team, heard public comments, and made findings for the approval of the Conditional Use Permit. An appeal to the Commission's decision was filed by Elizabeth S. Hutton on behalf

of Protect Our Neighborhoods with the City Clerk's Office on April 5, 2021.

**RECOMMENDATION:** It is recommended by the Planning and Economic Development Department that Council, by resolution, deny the appeal and approve the Conditional Use Permit for the Project.

**Attachments:**

[Staff Report](#)

[Attachment 1 - Disclosure Form](#)

[Attachment 2 - Location Map](#)

[Attachment 3 - Project Narrative](#)

[Attachment 4 - Site Plan](#)

[Attachment 5 - Floor Plan as of 3.25.21](#)

[Attachment 6 - Building Photos](#)

[Attachment 7 - Odor Mitigation Feasibility](#)

[Attachment 8 - Trip Generation Estimate](#)

[Attachment 9 - Delivery Regulations](#)

[Attachment 10 - Distance to Schools Graphic](#)

[Attachment 11a - Public Correspondence](#)

[Attachment 11b - Public Correspondence](#)

[Attachment 11c - Public Correspondence](#)

[Attachment 11d - Public Correspondence](#)

[Attachment 11e - Public Correspondence](#)

[Attachment 11f - Public Correspondence](#)

[Attachment 12 - Neighborhood Petition](#)

[Attachment 13 - Appeal Statement](#)

[Attachment 14 - Applicant Appeal Response](#)

[Attachment 15 - W-Trans Resonse to the Appeal](#)

[Attachment 16 - Planning Commission Resolution 12050  
Resolution](#)

[Exhibit A - Engineering Development Services Exhibit A.pd  
Presentation - Staff](#)

[Presentation - Appellant](#)

[Late Correspondence \(Uploaded 7-7-20221\)](#)

[Additional Petitions \(Uploaded 7-7-2021\)](#)

[REVISED Presentation - Appellant \(Uploaded 7-13-2021\)](#)

[Late Correspondence \(Uploaded 7-13-2021\)](#)

**16. WRITTEN COMMUNICATIONS**

**16.1** NOTICE OF FINAL MAP - KERRY RANCH 1 - Provided for information.

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**Attachments:** [City Council Notice of Submittal of Final Map - Kerry Ranch Final Map](#)

**16.2** NOTICE OF FINAL MAP - GROVE VILLAGE - Provided for information.

**Attachments:** [City Council Notice of Submittal of Final Map Final Map](#)

## **17. PUBLIC COMMENTS ON NON-AGENDA MATTERS**

This is the time when any person may address the Council on matters not listed on this agenda, but which are within the subject matter jurisdiction of the Council and not able to speak under Agenda Item 13. Each speaker will be allowed three minutes.

## **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**

## **20. UPCOMING MEETINGS**

This schedule is tentative and subject to change pending final publication and posting of the City Council Meeting Agenda.

### **20.1** UPCOMING MEETINGS LIST

**Attachments:** [Upcoming Meetings List](#)

**\*Did not appear on the preliminary agenda.**

**\*\*Quasi-judicial or adjudicative action.**

The Open Government Ordinance (ORD-2020-018) was adopted by City Council in December 2020. This ordinance, adds Chapter 1-10 to the City Code to codify the City of Santa Rosa's commitment to embrace a culture of open government to ensure public trust, engage the community, and establish a system of transparency, public participation, and collaboration. To view a full version of the Open Government Ordinance go to <http://srcity.org/OpenGovOrdinance>. To request a paper copy of the Open Government Ordinance contact the City Clerk's Office at 707-543-3015 (TTY Relay at 711) or [cityclerk@srcity.org](mailto:cityclerk@srcity.org).

The City of Santa Rosa does not discriminate against individuals with disabilities in its employment, services, benefits, facilities, programs, or activities. Requests for accommodations, auxiliary aids, or services necessary to participate in a City program, service, or activity, including printed information in alternate formats, are available by contacting the City Clerk's Office at 707-543-3015 (TTY Relay at 711) or [cityclerk@srcity.org](mailto:cityclerk@srcity.org). If the request is received at least 7 business days prior to the City Council meeting, the copy shall be provided no later than two (2) business days prior to the City Council meeting. Meeting information can also be accessed via the internet at <http://srcity.org>

**City Council**

**- FINAL**

**JULY 13, 2021**

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*Any writings or documents provided to a majority of the City Council prior to this meeting regarding any item on this agenda, excluding closed session items, are available for public review in the City Clerk's Office, Room 10, City Hall, 100 Santa Rosa Ave, during normal business hours.*