

**SANTA ROSA CITY COUNCIL MINUTES  
REGULAR MEETING  
CITY HALL, 100 SANTA ROSA AVENUE  
NOVEMBER 5, 2013**

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

Mayor Bartley called the regular meeting to order at 3:00 p.m. in the Mayor's Conference Room. Council Members present: Mayor Bartley, Vice Mayor Carlstrom, Council Members Combs, Olivares, Ours, Swinth and Wysocky.

**2. ANNOUNCEMENT OF CLOSED SESSION ITEMS**

City Attorney Fowler announced the Council will meet in Closed Session regarding the Closed Session items as listed on the agenda.

There were no public comments made regarding the closed sessions.

Mayor Bartley recessed the meeting to closed session at 3:00 p.m. to discuss the following matters as listed on the agenda.

**2.1 CONFERENCE WITH LEGAL COUNCIL - ANTICIPATED LITIGATION**

Initiation of litigation pursuant to subdivision (d)(4) of Government Code Section 54956.9: one potential case

**2.2 CONFERENCE WITH LABOR NEGOTIATORS  
(Government Code Section 54957.6)**

Agency Designated Representatives: Fran Elm, Human Resources Director, Chris Sliz, Employee Relations Manager, and Carol Stevens of Burke, Williams & Sorensen, LLP.

Employee Organizations: Santa Rosa Firefighters Association - Local 1401 (representing City Employee Unit 2); Operating Engineers Local 3, Maintenance and Utility System Operators (Employee Units 3 and 16); Santa Rosa City Employees Association (Employee Units 4, 6, 7); Santa Rosa Police Officers Association, (Employee Unit 5); Service Employees International Union Local 1021, (Employee Units 8 and 14); Public Safety Management Association (Employee Unit 9); Santa Rosa City Attorneys' Association (Employee Unit 17), Santa Rosa Management Association (Employee Unit 18).

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

Agency Designated Representatives: Kathleen Millison, City Manager and Jennifer Phillips, Assistant City Manager. Unrepresented Executive Management, Middle Management, and Confidential Employees (Employee Units 10, 11 and 12).

Mayor Bartley recessed the closed sessions at 3:40 p.m. and reconvened the meeting to open session in the Council Chamber at 3:45 p.m.

**3. STUDY SESSION**

**3.1 ACTUARIAL IMPACT OF PROPOSED CONTRACT CHANGES FOR UNIT 18 - MISCELLANEOUS MID- MANAGEMENT REPRESENTED BY THE SANTA ROSA MANAGEMENT ASSOCIATION AND UNREPRESENTED UNITS 10 - EXECUTIVE MANAGEMENT, 11 - MIDDLE MANAGEMENT AND 12 - CONFIDENTIAL**

On November 19, 2013, the Council is scheduled to consider the approval of a contract with Unit 18 - Miscellaneous Mid-Management, represented by the Santa Rosa Management Association. Council will also consider approval of a document that describes the wages, hours and working conditions for employees designated in the City's unrepresented Units 10- Executive Management, 11 - Middle Management and 12 - Confidential. The proposed

contract changes include an increase in the pension contribution payment by members. An increase in the member contribution to PERS is generally considered a reduction in benefits. To comply with the requirements of Government Code Section 7507, Ms. Mary Beth Redding of Bartel Associates LLC presented the actuarial impact of the proposed contract changes. No action was taken by the Council.

#### **PUBLIC COMMENT**

Jack Osborne spoke regarding the lack of a public discussion regarding salaries and suggested the Council pass a resolution allowing any elected official to discuss closed sessions regarding labor negotiations.

#### **4. ANNOUNCEMENT OF ROLL CALL**

City Clerk Griffin announced all Council Members were present. Teen Council Member Taylor Wang was also present until 5:00 p.m.

Mayor Bartley called for a moment of quiet reflection on what the community has experienced following the death of Andy Lopez.

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

City Attorney Fowler reported that the Council met in closed session as the Successor Agency prior to the City Council meeting and it was announced after the Successor Agency closed session that the Successor Agency voted unanimously to institute litigation against the Department of Finance.

City Attorney Fowler further reported that the Council met in Closed Session regarding Items 2.1 through 2.3 and announced the following actions:

Regarding Item 2.1, the Council voted unanimously to institute litigation against the Department of Finance in connection with the Successor Agency.

Regarding the Council's conference with its labor negotiators (Items 2.2 and 2.3), a motion was made during the closed session to waive the confidentiality of the closed session specifically with respect to the labor negotiations for Unit 2. The motion **FAILED** 2-5 (Mayor Bartley, Vice Mayor Carlstrom and Council Members Olivares, Ours and Swinth voting no.)

City Manager Millison reported on the study session regarding the actuarial impact of proposed contract changes for Unit 18 - Miscellaneous Mid- Management represented by the Santa Rosa Management Association and Unrepresented Units 10 - Executive Management, 11 - Middle Management And 12 – Confidential.

#### **6. PROCLAMATIONS/PRESENTATIONS**

##### **6.1 PROCLAMATION - EDEN HOUSING 45TH ANNIVERSARY**

Vice Mayor Carlstrom presented the proclamation to Diane Luther, Vice President of Resident Services & Outreach, Eden Housing.

##### **6.2 PROCLAMATION - GEYSERS OPERATIONS 10-YEAR ANNIVERSARY**

Council Member Swinth presented the proclamation to David Guhin, Director of Utilities, Mike Prinz, Deputy Director of Utilities Operations, and Mike Sherman, Geysers Operations & Maintenance Coordinator – Utilities.

## **7. STAFF BRIEFINGS**

### **7.1 DATA DRIVEN APPROACH TO CRIME AND TRAFFIC SAFETY (DDACTS)**

The Police Department has launched a pilot program using Data Driven Approach to Crime and Traffic Safety (DDACTS). Ray Navarro, Police Lieutenant, provided a briefing to the City Council on how the DDACTS pilot program was developed and outcomes.

Vice Mayor Carlstrom left the Chamber at 4:30 p.m. to view the Council meeting from the Mayor's Conference Room.

### **7.2 SONOMA COUNTY WASTE MANAGEMENT AGENCY UPDATE**

Jennifer Phillips, Assistant City Manager and the City's representative on the Sonoma County Waste Management Agency (SCWMA), provided a briefing regarding SCWMA activities and upcoming projects.

## **8. APPROVAL OF MINUTES**

The Council approved the Minutes of the October 1, October 8, and October 15, 2013, Regular Meetings as submitted.

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

### **9.1 STATEMENTS OF ABSTENTION BY COUNCILMEMBERS**

No statements of abstention were made.

### **9.2 MAYOR /COUNCILMEMBERS' REPORTS**

Mayor Bartley reported on his comments made at the Board of Supervisors meeting held November 5, 2013, and read the conclusion of those remarks.

Vice Mayor Carlstrom returned to the Chamber at 4:48 p.m.

All Council Members and Teen Council Member Wang shared remarks regarding the recent tragedy.

**MOVED** by Council Member Combs and seconded by Council Member Wysocky to rescind the directives received from the City Attorney and the City Manager, to make the directive from the City Attorney public in part to assist the City Attorney in her ability to discuss her directives to the Council, and to agendaize a future Council meeting to discuss in an open forum the Council's strategies and methods for moving forward in an emergency and tragedy.

Following Council discussion, it was **MOVED** by Council Member Ours and seconded by Council Member Olivares to table the motion on the floor until November 19. Following Council discussion, the motion **CARRIED** 5-2 (Vice Mayor Carlstrom and Council Member Combs voting no).

Following Council discussion, it was **MOVED** by Council Member Wysocky, seconded by Council Member Combs, and **CARRIED** unanimously to direct the City Attorney to forward to the Council as an attorney-client communication all email communications between the City Attorney and Council Members regarding the Andy Lopez shooting incident so the Council may consider whether to waive the attorney-client privilege and disclose and discuss those email communications at the November 19 City Council meeting.

## **PUBLIC COMMENT**

Reverend Curtis Byrd spoke regarding the need for a civilian review process.

Peter Tscherneff spoke regarding the shooting of Andy Lopez and other topics.

Tom Krohmera questioned whether the officer involved was tested for steroids.

Linda Picton spoke regarding the death of Andy Lopez and submitted a letter for distribution to the Council.

Robert Edmonds spoke regarding past officer-involved fatalities, expressed concerns regarding the current law enforcement investigation protocols and requested that the Santa Rosa Police Department be removed from this investigation.

Mayor Bartley reordered the agenda to consider Item 13.1 immediately following a recess. Mayor Bartley recessed the meeting at 5:33 p.m. and reconvened the meeting at 5:45 p.m. All Council Members were present with the exception of Vice Mayor Carlstrom who viewed the meeting from the Mayor's Conference Room.

### **13. PUBLIC HEARINGS**

#### **13.1 PUBLIC HEARING - ORDINANCE INTRODUCTION - SEQUOIA GARDENS PREZONING**

**BACKGROUND:** The proposed project is the prezoning of one property, totaling 29.9 acres, to the Mobile Home Park (MH) zoning district consistent with the Mobile Homes General Plan designation of the property. This is the first step in the process to annex the parcel from the County of Sonoma to the City of Santa Rosa, with the Local Agency Formation Commission (LAFCO) making the final determination on the annexation. The well serving the property no longer meets the State maximum allowance for arsenic contamination and a connection to City services is the most effective solution to the water contamination issue. On September 12, 2013, the Planning Commission adopted a resolution (5-0-2) recommending that the City Council prezone the 29.9 acre site to the MH zoning district.

**RECOMMENDATION:** It is recommended by the Community Development Department and the Planning Commission that the City Council introduce an ordinance to prezone the 29.9 acre property located at 433 Fulton Road to the Mobile Home Park zoning district to allow annexation of the property from the County of Sonoma to the City of Santa Rosa to address contamination of the well serving the 191 on-site mobile home units.

Noah Housh, City Planner, provided the staff report and responded to questions.

Mayor Bartley opened the public hearing at 5:51 p.m. Seeing no one wishing to speak, Mayor Bartley closed the public hearing at 5:51 p.m.

MOVED by Council Member Swinth and seconded by Council Member Wysocky to waive reading of the text and introduce by reading the title:

**ORDINANCE ENTITLED:** ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE – RECLASSIFICATION OF PROPERTY LOCATED AT 433 FULTON ROAD TO THE MOBILE HOME PARK (MH) DISTRICT – FILE NUMBER MJP13-001

Vice Mayor Carlstrom returned to the dais at 5:53 p.m.

Following Council discuss, the motion **CARRIED** unanimously.

#### **9.3 REPORTS BY MAYOR/COUNCILMEMBERS REGARDING VARIOUS AGENCY MEETINGS ATTENDED AND POSSIBLE COUNCIL DIRECTION TO ITS REPRESENTATIVES ON PENDING ISSUES BEFORE SUCH BOARDS (IF NEEDED)**

- a) Sonoma County Transportation Authority/Regional Climate Protection (SCTA/RCPA) – None.
- b) Sonoma County Water Agency (SCWA) – Water Advisory Committee – Council Member Swinth provided a report.
- c) Association of Bay Area Governments (ABAG) – None.

- d) Sonoma County Agricultural Preservation and Open Space District Advisory – Council Member Wysocky provided a report.
- e) Sonoma Clean Power Authority (SCPA) – Council Member Swinth provided a report regarding an ad hoc committee meeting.
- f) Other: Council Member Swinth provided a report on a meeting of the Waterways Advisory Committee. Council Member Swinth and Mayor Bartley reported on the Merit Awards.

#### **9.4 ELECTION OF VICE MAYOR**

Pursuant to Charter Section 15 and Section XII of the Council Manual of Procedures and Protocols, the Council will elect a Vice Mayor to serve a term of one year.

MOVED by Council Member Ours and seconded by Council Member Olivares to nominate Council Member Swinth as Vice Mayor. The motion **CARRIED** unanimously and Council Member Swinth was elected as Vice Mayor to serve a term of one year.

Council Member Carlstrom left the Chamber at 6:03 p.m. to view the meeting from the Mayor's Conference Room.

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

City Attorney Fowler reported on the Careers of Distinction event honoring Pat Emery, Bart Weitzenberg and Dick Abbey.

Marty McReynolds, Chair of the Sonoma County Chapter of the American Civil Liberties Union, spoke in support of Council Members' right to comment on public issues.

David Grabill spoke regarding the reported directives by the City Manager and City Attorney to Council Members to not speak regarding the Andy Lopez shooting.

#### **11. CONSENT ITEMS**

City Manager Millison addressed questions received from Council Member Combs regarding Items 11.1 and 11.2, and indicated the resolution for Item 11.8 had been revised to remove the extension of the lease term and the increase in rent (Addendum C).

Mayor Bartley pulled Item 11.6 from the consent calendar for discussion.

City Manager Millison responded to questions regarding Item 11.3.

Council Member Wysocky pulled Item 11.7 from the consent calendar for discussion.

**MOVED** by Council Member Ours, seconded by Council Member Olivares and **CARRIED** 6-0-1 (Council Member Carlstrom absent) to waive reading of the text and adopt Consent Items 11.1 through 11.5 and Item 11.8 as follows:

##### **11.1 MOTION - BID AWARD - UNIFORM & LINEN RENTAL SERVICES**

**MOTION** TO APPROVE BID AWARD AND ISSUANCE OF A THREE-YEAR TERM CONTRACT WITH TWO, ONE-YEAR RENEWAL OPTIONS FOR UNIFORM, LINEN AND MAT RENTAL SERVICES, TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, MISSION LINEN SUPPLY INC., BENICIA, CA, IN AN AMOUNT NOT TO EXCEED \$265,303.68, PLUS A CONTINGENCY IN THE AMOUNT OF \$60,000, SUBJECT TO APPROVAL AS TO FORM BY THE CITY ATTORNEY.

##### **11.2 MOTION - CONTRACT AWARD - UNLEADED GASOLINE AND DIESEL FUEL**

**MOTION** TO APPROVE A MULTIPLE AWARD AND ISSUANCE OF TWO-YEAR CONTRACTS WITH EXTENSION OPTIONS BY THE CITY FOR UP TO THREE YEARS FOR UNLEADED GASOLINE AND DIESEL FUEL TO THE LOWEST RESPONSIVE AND

RESPONSIBLE BIDDERS, NICK BARBIERI TRUCKING, LLC, DBA REDWOOD COAST FUELS, UKIAH, CALIFORNIA, IN AN AMOUNT NOT TO EXCEED \$5,000,000, AND TO RAMOS OIL COMPANY, INC., WEST SACRAMENTO, CALIFORNIA, IN AN AMOUNT NOT TO EXCEED \$350,000, FOR A COMBINED TOTAL OF \$5,350,000, SUBJECT TO APPROVAL AS TO FORM BY THE CITY ATTORNEY.

**11.3 MOTION - CONTRACT EXTENSION - FINANCIAL AUDIT SERVICES**

**MOTION** TO APPROVE THE SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT NUMBER F000364 WITH MACIAS GINI & O'CONNELL LLP, SACRAMENTO, CALIFORNIA FOR A TWO-YEAR EXTENSION FOR FINANCIAL AUDIT SERVICES, WITH NO INCREASE IN RATES, IN THE AMOUNT OF \$329,410, SUBJECT TO APPROVAL AS TO FORM BY THE CITY ATTORNEY.

**11.4 RESOLUTION - ACCEPTANCE OF DONATION FROM THE SANTA ROSA TENNIS CLUB FOR TENNIS COURT RESTORATION AT GALVIN PARK**

**RESOLUTION NO. 28369 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ACCEPTING A \$17,000 DONATION FROM SANTA ROSA TENNIS CLUB TO BE USED FOR TENNIS COURT RECONSTRUCTION AT GALVIN PARK AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO APPROPRIATE THE FUNDS TO JL KEY 09592 – TENNIS COURTS

**11.5 RESOLUTION - ACCEPTANCE OF DONATION FROM THE SONOMA COUNTY PICKLEBALL CLUB FOR PICKLEBALL COURT RESURFACING AT FINLEY PARK**

**RESOLUTION NO. 28370 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ACCEPTING A \$12,000 DONATION FROM THE SONOMA COUNTY PICKLEBALL CLUB FOR PICKLEBALL COURT REPAINTING AT FINLEY PARK AND A NEW BENCH AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO APPROPRIATE THE FUNDS TO JL KEY 09742 – PICKLEBALL COURTS.

**11.8 RESOLUTION - RATIFICATION OF THE COMMERCIAL LEASE WITH ZACH BERKOWITZ AND ADDENDA A AND B TO THE LEASE AND APPROVING ADDENDUM C EXTENDING THE TERM OF THE LEASE AND INCREASING RENT FOR THE POLICE DEPARTMENT'S DOWNTOWN ENFORCEMENT TEAM OFFICE LOCATED AT 19 OLD COURTHOUSE SQUARE IN SANTA ROSA**

**RESOLUTION NO. 28371 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA RATIFYING THE COMMERCIAL LEASE WITH ZACH BERKOWITZ AND ADDENDUM A AND ADDENDUM B TO THE LEASE FOR THE SANTA ROSA POLICE DEPARTMENT'S DOWNTOWN ENFORCEMENT TEAM OFFICE LOCATED AT 19 OLD COURTHOUSE SQUARE IN SANTA ROSA

**CONSENT ITEMS PULLED FOR DISCUSSION**

**11.6 RESOLUTION - FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH ROYSTON HANAMOTO ALLEY & ABEY**

Assistant City Manager Phillips responded to questions.

Council Member Carlstrom returned to the dais at 6:27 p.m.

Following Council discussion, it was **MOVED** by Vice Mayor Swinth, seconded by Council Member Olivares and **CARRIED** unanimously to continue this item to the November 19 meeting and direct the Assistant City Manager to provide additional detail regarding the expenditure of funds to date under this agreement.

**11.7 RESOLUTION - AMENDING THE CITY CLASSIFICATION AND SALARY PLAN INCREASING 0.5 FTE SENIOR ADMINISTRATIVE ASSISTANT TO 1.0 FTE SENIOR ADMINISTRATIVE ASSISTANT**

Council Member Carlstrom left the Chamber at 6:34 p.m. to view the Council meeting from the Mayor's Conference Room.

Megan Basinger, Administrative Services Officer, and Tom Schwedhelm, Police Chief, responded to questions.

**MOVED** by Council Member Olivares and seconded by Mayor Bartley to waive reading of the text and adopt:

**RESOLUTION NO. 28372 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING THE CITY CLASSIFICATION AND SALARY PLAN INCREASING 0.5 FTE SENIOR ADMINISTRATIVE ASSISTANT TO 1.0 FTE SENIOR ADMINISTRATIVE ASSISTANT

The motion **FAILED** 2-4-1 (Vice Mayor Swinth and Council Members Combs, Ours, Wysocky voting no; Council Member Carlstrom absent).

Mayor Bartley recessed the meeting at 6:50 p.m. and reconvened the meeting at 7:11 p.m. All Council Members were present except for Council Member Carlstrom. Mayor Bartley reordered the agenda to consider Item 12.4 at this time.

**12. REPORT ITEMS**

**12.4 REPORT - VETERANS SPECIAL LICENSE PLATES PARKING METER EXEMPTION**

**BACKGROUND:** The California Vehicle Code (CVC) Section 22511.3 (a) states that a veteran displaying special license plates issued under CVC Sections 5101.3 (Pearl Harbor Survivors), 5101.4 (Legion of Valor Recipients), 5101.5 (Former Prisoners of War), 5101.6 (Congressional Medal of Honor Recipients), and 5101.8 (Purple Heart Recipients) may park his or her motor vehicle, weighing not more than 6,000 pounds gross weight, without charge, in a metered parking space.

Section 22511.3(d) states the local authority's compliance with subdivision (a) is solely contingent upon the approval of its governing body. The proposed City ordinance, would allow free parking at metered parking spaces to vehicles displaying one of the above mentioned special plates.

**RECOMMENDATION:** It is recommended by the Department of Economic Development and Housing that Council introduce the proposed ordinance to amend Section 11-24.020 to Santa Rosa City Code, Title 11, Vehicles and Traffic, approving veterans displaying certain special license plates issued by the State of California, to park his or her motor vehicle, weighing not more than 6,000 pounds gross weight, without charge, in a metered parking space in compliance of CVC 22511.3.

Janet Reisner, Supervising Parking Enforcement Officer, provided the staff report.

Council Member Carlstrom returned to the dais at 7:13 p.m.

**MOVED** by Vice Mayor Swinth, seconded by Council Member Combs, and **CARRIED** unanimously to waive reading of the text and introduce by reading the title:

**ORDINANCE ENTITLED:** ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING SECTION 11-24.020 OF THE SANTA ROSA CITY CODE, ILLEGAL PARKING – METERS TO EXEMPT VETERANS DISPLAYING SPECIAL LICENSE PLATES

## 12.1 REPORT - ORDINANCE INTRODUCTION - MODEL CODE ADOPTION - AMENDMENTS TO CALIFORNIA FIRE CODE

**BACKGROUND:** Every three years the State of California updates the California Code of Regulations, Title 24 (CCR-T24), through the State code adoption cycle. The State of California adopts and publishes amendments to national model codes and updates codes specific to California during this cycle. Such model codes with State amendments and California specific codes go into effect in every City and County in the State of California 180 days after publication. The new 2013 CCR-T24 were published in July of 2013. The Health and Safety Code allows local jurisdictions to change or modify the State-adopted model codes based on local geologic, climatic, or topographic conditions. The more significant amendments include, but are not limited to, the following: Re-inserts amendments and administrative changes previously established in the Santa Rosa City Code, but that now have revised code section numbers; re-inserts a clarification of the appeals process so that appeals of any orders, decisions or determinations made by the Fire Chief are brought to the City of Santa Rosa Board of Building Regulations Appeals; clarifies the fire sprinkler requirements applicable to additions, remodels, alterations or repairs by incorporating language from the Sonoma County Fire Prevention Officers consensus document and removes a local amendment that previously required increased fire flow and storage capacity of water supplies for firefighting in the areas designated as Wildland Urban Interface. Government Code section 50022.3 identifies the procedure for the adoption process of codes that established the requirement for first reading of the ordinance title and establishment of the public hearing date.

**RECOMMENDATION:** It is recommended by the Fire Department that the Council (1) introduce an Ordinance adopting by reference the 2013 California Fire Code with local amendments; and (2) adopt a resolution setting a public hearing on November 19, 2013, for adoption of the Ordinance.

Mark Pedroia, Senior Fire Inspector, provided the staff report and responded to questions.

**MOVED** by Council Member Combs and seconded by Council Member Carlstrom to waive reading of the text and introduce by reading title:

**ORDINANCE ENTITLED:** ORDINANCE OF THE CITY OF SANTA ROSA ADOPTING BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA FIRE CODE

Following Council discussion, the motion **CARRIED** unanimously.

**MOVED** by Council Member Combs, seconded by Council Member Carlstrom and **CARRIED** unanimously to waive reading of the text and adopt:

**RESOLUTION NO. 28372 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA SETTING A TIME AND PLACE FOR A PUBLIC HEARING FOR THE PROPOSED ADOPTION, BY REFERENCE, OF THE 2013 CALIFORNIA FIRE CODE WITH LOCAL AMENDMENTS FOR DECEMBER 3, 2013

## 12.2 REPORT - ORDINANCE INTRODUCTION - MODEL CODE ADOPTION - AMENDMENTS TO CALIFORNIA BUILDING AND SAFETY CODES

**BACKGROUND:** The State of California has adopted and published new Model Codes. Such model codes go into effect in every City and County in the State of California 180 days after publication. The effective date for the City and Counties is January 1, 2014, for the California Building Code, California Historical Building Code, California Existing Building Code, California Plumbing Code, California Electrical Code, California Mechanical Code, California Energy Code, and the California Green Building Standards Code. The Health and Safety Code allows local jurisdictions to change or modify the State adopted model codes based on local geologic, climatic, or topographical conditions. The International Code



Council has also published the 2012 International Property Maintenance Code that is proposed to be adopted by reference into the Santa Rosa City Code.

The more significant amendments include, but are not limited to, the following: Re-inserts amendments and administrative changes previously established in the Santa Rosa City Code, but that now have revised code section numbers; re-inserts a clarification of the appeals process so that appeals of any orders, decisions or determinations made by the Chief Building Official are brought to the City of Santa Rosa Board of Building Regulations Appeals; clarifies the fire sprinkler requirements applicable to additions, remodels, alterations or repairs by incorporating language from the Sonoma County Fire Prevention Officers consensus document.

The California Green Building Standards Code also known as CALGreen, is amended for new structures to include Appendix A4, Voluntary Residential Measures, and Appendix A5, Voluntary Nonresidential Measures, Tier I. Voluntary Measures to become mandatory for both residential and nonresidential structures include Planning & Design, Water Efficiency & Conservation, Material Conservation & Resource Efficiency, and Environmental Quality. The proposed local CALGreen amendments have been recommended for adoption by the Redwood Empire Association of Code Officials.

**RECOMMENDATION:** It is recommended by the Department of Community Development that the Council (1) introduce an Ordinance adopting by reference the 2013 California Administrative Code, 2013 California Building Code, 2013 California Residential Code, 2013 California Green Building Standards Code, 2013 California Electrical Code, 2013 California Mechanical Code, 2013 California Plumbing Code, 2013 California Historical Building Code, 2013 California Existing Building Code, 2013 California Energy Code, 2013 California Referenced Standard Code, and 2012 International Property Maintenance Code with local amendments; and (2) adopt a resolution setting a public hearing on November 19, 2013, for adoption of the Ordinance.

Michael Whitaker, Chief Building Official, provided the staff report and responded to questions.

**MOVED** by Council Member Wysocky and seconded by Council Member Olivares to waive reading of the text and introduce by reading title:

**ORDINANCE ENTITLED:** ORDINANCE OF THE CITY OF SANTA ROSA ADOPTING BY REFERENCE THE 2013 CALIFORNIA ADMINISTRATIVE CODE, 2013 CALIFORNIA BUILDING CODE, 2013 CALIFORNIA RESIDENTIAL CODE, 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE, 2013 CALIFORNIA REFERENCED STANDARD CODE, 2013 CALIFORNIA ELECTRICAL CODE, 2013 CALIFORNIA MECHANICAL CODE, 2013 CALIFORNIA PLUMBING CODE, 2013 CALIFORNIA HISTORICAL BUILDING CODE, 2013 CALIFORNIA EXISTING BUILDING CODE, 2013 CALIFORNIA ENERGY CODE, 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE

Following Council discussion, the motion **CARRIED** unanimously.

**MOVED** by Council Member Wysocky, seconded by Council Member Olivares and **CARRIED** unanimously to waive reading of the text and adopt:

**RESOLUTION NO. 28373 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA SETTING A TIME AND PLACE FOR A PUBLIC HEARING FOR THE PROPOSED ADOPTION, BY REFERENCE, OF THE 2013 CALIFORNIA BUILDING CODES WITH LOCAL AMENDMENTS FOR DECEMBER 3, 2013

### **12.3 REPORT - APPROVAL OF A LICENSE AGREEMENT BETWEEN THE CITY OF SANTA ROSA AND COUNCIL ON AGING SERVICES FOR SENIORS FOR A CONGREGATE MEAL PROGRAM**

**BACKGROUND:** The Council on Aging Services for Seniors (COA) is a non-profit organization that provides congregate lunch time meals to seniors through federal funds and donations. The COA had used the Bennett Valley Senior Center as one of several meal serving sites for many years. In June 2013, the City Council adopted a Master Fee Policy, effective on July 1, 2013 with the start of the new fiscal year 2013/14. The new fee policy requires all facility renters to pay the adopted rental rates, and does not provide for fee waivers. Unfortunately, even at the lowest non-profit rate, the rental fees proved to be beyond the capacity of the COA to pay, and the COA chose to curtail the use of Bennett Valley Senior Center as one of their meal serving sites in August 2013.

The Santa Rosa City Council requested that staff provide a recommendation to resolve any unintended consequences of the fee policy and resulting impact on the meals program. Staff does not recommend a revision to the Master Fee Schedule; rather, staff recommends the establishment and use of a License Agreement between the parties for the meals program. The value of the program provided by the COA to citizens is equal to the value of the facility that will be made available for use under the proposed Agreement.

**RECOMMENDATION:** It is recommended by the Department of Recreation and Parks that the Council, by resolution, approve this License Agreement authorizing Council on Aging Services for Seniors to provide a free Congregate Meal Program at Bennett Valley Senior Center and authorizes the Director of Recreation and Parks to execute and administer this and any future licensing agreement with Council on Aging Services for Seniors for the same purpose.

Nanette Smejkal, Director of Recreation and Parks, provided the staff report.

**MOVED** by Council Member Ours, seconded by Council Member Olivares and **CARRIED** unanimously to waive reading of the text and adopt:

**RESOLUTION NO. 28374 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A LICENSE AGREEMENT BETWEEN THE CITY AND COUNCIL ON AGING SERVICES FOR SENIORS TO OFFER A FREE CONGREGATE MEAL PROGRAM AT BENNETT VALLEY SENIOR CENTER

### **12.5\* REPORT - AUTHORIZATION OF TWO-YEAR FUNDING CYCLE OPTION FOR MEASURE O CHOICE GRANT PROGRAM**

**BACKGROUND:** On June 25, 2013, staff presented the Cycle VII funding recommendations to City Council for six agencies totaling \$590,000 each year for a two year funding cycle. City Council accepted the funding recommendations for only one year and directed staff to return with additional justification to extend the funding term to two years. Staff will present the research methodology conducted by staff and the associated results of the assessment, and will seek City Council consideration of a two-year funding cycle.

**RECOMMENDATION:** It is recommended by the City Manager's Office that the Council, by resolution, authorizes a two-year funding term for future cycles of the Community Helping Our Indispensable Children Excel (CHOICE) grant program beginning with Cycle VII, with the second year of funding subject to the discretion of the City Manager and contingent upon available funds, satisfactory performance of work, and completion of the required outcomes by funded agencies.

Council member Carlstrom left the Chamber at 7:26 p.m. to view the meeting from the Mayor's Conference Room.

Khaalid Muttaqi, Program Manager MGPTF, provided the staff report and responded to questions. Serena Lienau, Program Analyst MGPTF, also responded to questions.

#### PUBLIC COMMENT

Robert Edmonds spoke in support of the CHOICE Grant Program but expressed concerns regarding the tracking of gang violence metrics and the lack of oversight provided by the Measure O Oversight Committee.

**MOVED** by Council Member Olivares and seconded by Council Member Ours to waive reading of the text and adopt:

**RESOLUTION NO. 28375 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA GRANTING AUTHORITY TO THE CITY MANAGER TO APPROVE GRANTS AND EXECUTE AMENDMENTS TO MEASURE O CYCLE VII GRANT AGREEMENTS TO EXTEND GRANT FUNDING CYCLE TO TWO YEARS, CONTINGENT UPON AVAILABLE FUNDING AND OTHER FACTORS

Council Member Carlstrom returned to the dais at 8:03 p.m.

Following Council discussion, the motion **CARRIED** 5-2 (Council Members Combs and Wysocky voting no).

#### 12.6 **REPORT - UPDATE ON FEES - COMMUNITY DEVELOPMENT DEPARTMENT AND SETTING OF NEW PUBLIC HEARING DATE**

BACKGROUND: The *Full Cost of Services Study for the Community Development Department* was completed in April 2013, and it outlines the costs of the City's development review activities. Many department services are funded by fees, and the study includes the rate of cost recovery for these services.

The purpose of this report item is to update the Council on the status of the public review of the cost study since the 45-day review process was initiated on September 24, 2013. In addition, the Council will be briefed regarding the conceptual cost recovery strategy for fee adjustment currently under consideration.

RECOMMENDATION: It is recommended by the Community Development Department that the Council, by motion, schedule a public hearing before the Council on December 10, 2013 to consider potential Community Development fee adjustments. Further, if deemed appropriate by the Council, provide direction regarding the conceptual cost recovery strategy for consideration during the public review process.

Chuck Regalia, Director of Community Development, provided the staff report and responded to questions. Chad Wohlford, Wohlford Consulting, also provided a report and responded to questions.

Council Member Carlstrom left the Chamber 8:32 p.m. to view the meeting from the Mayor's Conference Room at and returned to the dais at 9:04 p.m.

**MOVED** by Council Member Ours and seconded by Vice Mayor Swinth to schedule a public hearing before the Council on December 10, 2013, to consider potential Community Development fee adjustments.

Following Council discussion and feedback regarding requests for additional information, the motion **CARRIED** unanimously.

**14. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)**

**14.1 MEMO FROM MARIN/SONOMA MOSQUITO & VECTOR CONTROL BOARD OF TRUSTEES SANTA ROSA REPRESENTATIVE BILL PITCHER - INFORMATION ONLY.**

**15. PUBLIC COMMENTS ON NON-AGENDA MATTERS**

Members of the public who wished to speak under Item 15 spoke under Item 9.2. No other public comments were made.

**16. ANNOUNCEMENT OF CONTINUED CLOSED SESSION ITEM(S), RECESS TO CLOSED SESSION(S) IN THE MAYOR'S CONFERENCE ROOM, RECONVENE TO OPEN SESSION, AND ANNOUNCEMENTS, IF ANY – NONE.**

**17. ADJOURNMENT OF MEETING**

Hearing no further business, Mayor Bartley adjourned the meeting at 9:10 p.m. The next regularly scheduled meeting will take place on November 19, 2013, at a time to be set by the Mayor.

Approved on: November 19, 2013

/s/ Terri A. Griffin, City Clerk