

**SANTA ROSA CITY COUNCIL MINUTES
SPECIAL JOINT MEETING OF THE
CITY COUNCIL AND PLANNING COMMISSION
AND
CITY COUNCIL REGULAR MEETING
CITY HALL, 100 SANTA ROSA AVENUE
JANUARY 19, 2016**

1. CALL TO ORDER AND ROLL CALL

Mayor Sawyer called the special joint meeting to order at 12:03 p.m.

Council Members present: Mayor Sawyer, Vice Mayor Schwedhelm, Council Members Carlstrom, Combs, Coursey, Olivares, and Wysocky

Planning Commissioners present: Chair Cisco, Vice Chair Stanley, Commissioners Crocker, Dippel, Duggan, and Groninga.

2. STUDY SESSION

**2.1 JOINT STUDY SESSION - URBAN 3: HOW POLICY AND BUILDING DESIGN
IMPACT TAX PRODUCTION**

BACKGROUND: In February 2015, Council prioritized goals for the next 18 months. Affordable housing, homelessness, open government, planning and economic development were identified as key issues for staff focus. A series of Council study sessions were brought to Council to review local housing market conditions for market rate and affordable housing production, and review development impact fees and how fees may affect development feasibility.

In September 2015, economic development staff started working with Urban-3, a planning and economics firm, to create a cost and revenue model using local economic data to demonstrate how policy and community design impact the City's tax production. The information provided by Urban-3 will be helpful in future Council visioning and land use discussions on housing, planning and economic development.

Presented by Danielle O'Leary, Economic Development Manager, Charles L. Marohn, Jr., Strong Towns, and Joe Minicozzi, Urban-3. Mitch Conner, Archilogix, responded to questions.

Mayor Sawyer recessed the meeting at 1:47 p.m. and reconvened the meeting at 2:09 p.m. All Council Members and Planning Commissioners were present.

PUBLIC COMMENT

Duane De Witt spoke in support of the annexation of Roseland as an opportunity to generate future revenue streams.

Warren Hedgpeth spoke in support of the presentation and the need to be more fluid in planning transportation infrastructure.

Xavier Nazario spoke regarding the trend of downtown businesses to occupy homes downtown and in support of giving those businesses incentives to relocate to vacant commercial space downtown.

No action was taken by the Council or Planning Commission.

Mayor Sawyer adjourned the special joint meeting at 3:35 p.m.

CONVENE REGULAR CITY COUNCIL MEETING

Mayor Sawyer called the regular meeting to order at 3:49 p.m. Council Members present: Mayor Sawyer, Vice Mayor Schwedhelm, Council Members Carlstrom, Combs, Coursey, Olivares, and Wysocky.

2. STUDY SESSION

2.2 SONOMA COUNTY PROPERTY ASSESSED CLEAN ENERGY (PACE) FINANCING MARKETPLACE

The City of Santa Rosa set a greenhouse gas (GHG) target to reduce emissions to 25 percent below 1990 levels by 2015. Installation of water and energy efficiency improvements is one of many ways to reduce GHG emissions. In 2009, the City Council authorized the City's participation in the Sonoma County Energy Independence Program (SCEIP), which is the County's Property Assessed Clean Energy (PACE) financing program. SCEIP allows for property owners to install distributed generation, renewable energy sources and energy efficiency improvements through contractual assessments that are paid back through the property tax bill process. In 2014, Sonoma County created the Sonoma County PACE Financing Marketplace (PACE Marketplace) expanding the financing options available to property owners. City staff will present an overview of the Sonoma County PACE Marketplace, including information on the additional financing options and the requirements for participation in the PACE Marketplace.

Presented by Gloria Hurtado, Deputy City Manager, and Liz Yager, Sonoma County Energy and Sustainability Program Manager, and Jane Elias, Community Program Coordinator.

PUBLIC COMMENT

Anne Seeley spoke in support of providing a single point of contact that could explain the program to members of the public.

Jonathan Kevles, CaliforniaFIRST, spoke regarding their limited subordination program and the option to eliminate a forced payoff, the benefits of having assurances provided by the program versus a private lender or home equity line of credit, and their comparable loan rates.

Dustin Reilich, CaliforniaHERO, spoke regarding their ability to subordinate to the primary lender, the HERO Protect Program that offers consumer protections, and the product-specific nature of their financing mechanisms.

No action was taken by the Council.

4. ANNOUNCEMENT OF ROLL CALL

City Clerk Griffin announced that all Council Members were present.

5. REPORT, IF ANY, ON STUDY AND CLOSED SESSIONS – NONE.

6. PROCLAMATIONS/PRESENTATIONS

6.1 PRESENTATION - DONATION FROM SANTA ROSA PARKS FOUNDATION

Kelley Magnuson, Deputy Director Parks, introduced Rose Zoia, Past President, and Kate Mullins Hendersen, President, Santa Rosa Parks Foundation, who presented the Council with a check in the amount of \$220,000 on behalf of the Santa Rosa Parks Foundation for the purchase of a new locomotive at Howarth Park.

7. STAFF BRIEFINGS – NONE

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

City Attorney Fowler reported on the upcoming California Public Utilities Commission Public Participation Hearing regarding the Jennings Avenue crossing to be held on February 1, 2016, at 7:00 p.m. at Helen Lehman School and the status of the current litigation filed by James Duncan.

9. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS

No statements of abstention were made.

10. MAYOR’S/COUNCILMEMBERS’ REPORTS

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

Mayor Sawyer announced his appointment of Council Member Olivares, Vice Mayor Schwedhelm, and Council Member Combs to a Council Subcommittee on Homelessness Issues, to be chaired by Council Member Olivares.

10.1 MAYOR’S/COUNCILMEMBERS’ SUBCOMMITTEE AND LIAISON REPORTS (AND POSSIBLE COUNCIL DIRECTION TO BOARD REPRESENTATIVE ON PENDING ISSUES, IF NEEDED)

10.1.1 Council Subcommittee Reports: Council Member Wysocky reported on the Downtown Subcommittee meeting held on January 9 regarding reunification of Courthouse Square.

10.1.2 Sonoma County Transportation Authority/Regional Climate Protection Authority (SCTA/RCPA) – Council Member Coursey provided a report.

10.1.3 Sonoma County Water Agency (SCWA) - Water Advisory Committee – None.

10.1.4 Association of Bay Area Governments (ABAG) – None.

10.1.5 Sonoma County Agricultural Preservation and Open Space District Advisory Committee – None.

10.1.6 Sonoma Clean Power Authority (SCPA) – Council Member Wysocky provided a report.

10.1.7 Sonoma County Waste Management Agency (SCWMA) – None.

11. APPROVAL OF MINUTES

11.1 December 15, 2015, Regular Meeting.

Approved as submitted.

11.2 January 5, 2016, Regular Meeting.

Approved as submitted.

12. CONSENT ITEMS

Jon Merian, Fleet Superintendent, responded to questions regarding Item 12.1.

MOVED by Vice Mayor Schwedhelm, seconded by Council Member Olivares, and **CARRIED** unanimously to waive reading of the text and adopt Consent Items 12.1 through 12.5 as follows:

12.1 MOTION - SOLE MANUFACTURE AWARD FOR 2016 FORD POLICE INTERCEPTOR UTILITY SPORT UTILITY VEHICLES (SUV)

MOTION TO APPROVE SOLE MANUFACTURE AWARD AND ISSUANCE OF A PURCHASE ORDER FOR TWELVE (12) 2016 FORD POLICE INTERCEPTOR UTILITY SUVs TO HANSEL FORD, SANTA ROSA, CALIFORNIA, IN THE TOTAL AMOUNT NOT TO EXCEED \$370,124.70.

12.2 RESOLUTION - PARTIAL RELEASE OF HOUSING ALLOCATION PLAN CONTRACT FOR MARKET-RATE UNITS - ORCHARD AT OAKMONT

RESOLUTION NO. 28730 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA RELEASING THE HOUSING ALLOCATION PLAN FOR MARKET-RATE UNITS AT THE ORCHARD AT OAKMONT LOCATED AT PYTHIAN ROAD AND HIGHWAY 12

12.3 RESOLUTION - DONATION FROM THE SANTA ROSA PARKS FOUNDATION TO PURCHASE NEW LOCOMOTIVE

RESOLUTION NO. 28731 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ACCEPTING A \$220,000.00 DONATION FROM SANTA ROSA PARKS FOUNDATION FOR A NEW LOCOMOTIVE ENGINE AND ACCEPTING FUTURE DONATIONS FOR ADA ACCESSIBLE COACH FOR HOWARTH PARK

12.4 RESOLUTION - WAIVER OF COMPETITIVE BIDDING - C.P HUNTINGTON LOCOMOTIVE ENGINE

RESOLUTION NO. 28732 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE PURCHASE OF C.P. HUNTINGTON LOCOMOTIVE ENGINE AND PARTS PACKAGE IN THE AMOUNT OF \$217,178.75 FROM CHANCE RIDES, INC., WICHITA KANSAS AND WAIVING COMPETITIVE BIDDING

12.5 RESOLUTION - APPROVAL OF AN AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING WITH THE METROPOLITAN TRANSPORTATION COMMISSION FOR CONTINUING THE CLIPPER PROGRAM

RESOLUTION NO. 28733 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AN AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING WITH THE METROPOLITAN TRANSPORTATION COMMISSION FOR CONTINUING THE CLIPPER PROGRAM

Because it was not yet 5:00 p.m., Mayor Sawyer recessed the meeting at 4:52 p.m. and reconvened the meeting at 5:15 p.m.

Mayor Sawyer announced the resignation of Daniel Flock from the Cultural Heritage Board and his appointment of Stacy De Shazo as Chair.

13. PUBLIC COMMENT ON NON-AGENDA MATTERS

Duane De Witt apologized for his remarks made at the Roseland Subcommittee meeting and spoke regarding the willingness of individuals from Copenhagen to speak with City Council members regarding climate change.

Frank Baumgardner submitted a written communication and expressed concerns regarding the lack of free parking at Courthouse Square.

Janet Landman submitted a written communication and expressed concerns regarding the plan to add parking at Courthouse Square.

Jim Bray suggested delaying Council's January 26 vote on Courthouse Square and expressed concerns regarding conflicts between the 2009 plans and the current proposal regarding parking and the funding mechanism for the project.

Libby Bottrell spoke in support of reunification of Courthouse Square and in opposition to removing redwood trees to create parking spaces that are not needed.

14. REPORT ITEMS – NONE

15. PUBLIC HEARINGS

15.1 PUBLIC HEARING - ZONING CODE TEXT AMENDMENT - TEMPORARY PLACEHOLDER BAN ON COMMERCIAL CULTIVATION OF MEDICAL CANNABIS - FILE NO. REZ15-007

BACKGROUND: On October 9, 2015, Governor Brown signed into law Assembly Bill 266, Assembly Bill 243, and Senate Bill 643, which together establish a framework for regulating medical marijuana. This item was prepared in response to a March 1, 2016 deadline stipulated in Assembly Bill 243 and provides the City with an opportunity to retain local control over medical cannabis cultivation by responding by the deadline. The proposal would add Chapter 20-46, titled Medical Cannabis Cultivation, to the Santa Rosa City Code to implement a temporary placeholder prohibition of commercial cultivation of medical cannabis until September 1, 2016, or until such time as the Legislature acts to eliminate the deadline to have a permissive local land use ordinance in place regarding commercial cultivation of marijuana. The prohibition would not apply to personal cultivation which is exempt by state law.

Adoption of this temporary ordinance will serve as a placeholder, retaining local control over the land use, and allowing sufficient time to prepare local regulations with input from the Council subcommittee and the public.

The City Council and staff may also discuss if there are alternative actions that could be taken rather than a ban that would still allow the City to maintain local control over regulation. If direction is given to pursue an alternative action, said action would be noticed and brought back to the Council for further action.

RECOMMENDATION: It is recommended by the Planning and Economic Development Department and the City Attorney's Office that the Council adopt an ordinance adding Chapter 20-46, Medical Cannabis Cultivation to the Santa Rosa City Code, to retain local control and implement a temporary placeholder ban on commercial cannabis cultivation until September 1, 2016, or provide direction for staff to bring back an alternative ordinance that would preserve local control for approval. It is further recommended that the City Council, by resolution, initiate an amendment to Title 20 (Zoning) of the City Code to comprehensively address medical cannabis as a land use.

Presented by Clare Hartman, Deputy Director Planning.

PUBLIC HEARING

Mayor Sawyer opened the public hearing at 6:11 p.m.

Jonathan Cachat, Ph.D., thanked staff and the Council for considering the options presented.

Karen Ann spoke in support of a regulation, zoning, and permitting policies and regarding the financial and black market impacts of banning cultivation.

Marlo Bovie spoke regarding the positive impacts of medical cannabis as a treatment for Lyme disease and the positive impacts of her business and in support of licensing the delivery of medical cannabis.

Ted Simpkins spoke regarding the similarities between the wine and cannabis industries and in support of regulating the cannabis industry.

Tawnie Logan thanked staff and the Council for considering this issue and spoke in support of Option 1, initiating a Zoning study, regulating sites by square footage and not by plant count, and not putting a cap on permits to allow more testing sites.

Robert Jacob, Peace in Medicine, encouraged the Council to reject a ban on cannabis cultivation, initiate a Conditional Use Permit process for appropriately zoned parcels, and develop clear and comprehensive regulations over the next nine months.

Pat Coyle expressed concerns regarding the electromagnetic radiation emitted by grow lights that prevents ham radio operators from operating auxiliary emergency communication systems.

Dino D'Argenzio, Keegan & Coppin, suggested clear zoning definitions and a streamlined process.

Ed Sheffield provided an update regarding the status of Assembly Bill 21.

Seeing no one else wishing to speak, Mayor Sawyer closed the public hearing at 6:35 p.m.

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

RESOLUTION NO. 28734 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA INITATING AN AMENDMENT TO TITLE 20 (ZONING) OF THE SANTA ROSA CITY CODE TO COMPREHENSIVELY ADDRESS MEDICAL CANNABIS AS A LAND USE AND TO RELOCATE AND INCORPORATE CHAPTER 10-40 (MEDICAL CANNABIS DISPENSARIES) INTO TITLE 20 (ZONING); FILE NO. REZ15-007

MOVED by Council Member Carlstrom, seconded by Council Member Wysocky, and **CARRIED** unanimously to direct staff to prepare a temporary urgency ordinance reflective of the language currently codified in Option 1 and suggest staff expand zoning options.

17. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)

17.1 FINAL MAP - REVERSION TO ACREAGE OF QUILLCO INDUSTRIAL SUBDIVISION. Provided for information.

17.2 FINAL MAP - KYLIE LANE SUBDIVISION. Provided for information.

18. PUBLIC COMMENTS ON NON-AGENDA MATTERS - NONE.

19. ANNOUNCEMENT OF CONTINUED CLOSED SESSION ITEMS, RECESS TO CLOSED SESSION IN THE MAYOR'S CONFERENCE ROOM, RECONVENE TO OPEN SESSION, AND ANNOUNCEMENTS – NONE.

20. ADJOURNMENT OF MEETING

Hearing no further business, Mayor Sawyer adjourned the meeting at 6:56 p.m. The next regularly scheduled meeting will take place on January 26, 2016, at a time to be set by the Mayor.

Approved on: February 2, 2016

/s/ Terri A. Griffin, City Clerk