



**City Council
Regular Meeting Minutes - Draft**

Tuesday, October 11, 2022

1:30 PM

1. CALL TO ORDER AND ROLL CALL

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

Present: 6 - Mayor Chris Rogers, Vice Mayor Eddie Alvarez, Council Member Victoria Fleming, Council Member Dianna MacDonald, Council Member Natalie Rogers, and Council Member John Sawyer

Absent: 1 - Council Member Tom Schwedhelm

2. ANNOUNCEMENT OF CLOSED SESSION ITEMS - NONE.

3. STUDY SESSION

3.1 DOWNTOWN CITY ASSET SURPLUS STRATEGY

This is the third and final study session in the Downtown City Asset Series.

Staff is seeking direction on the surplus of underutilized downtown City Assets (Property), making these Properties available for affordable housing/housing focused development through the Surplus Lands Act notice of availability.

Jill Scott, Real Property Manager, presented and answered questions from Council.

Ethan Walsh, BBK Law, answered questions from Council.

PUBLIC COMMENT

Hugh Futrell spoke on his site at 4 E Street, and asked that his permit allocation agreement be allowed to move forward.

Natalie Balfour spoke asking Garage 5 not to be designated as surplus land, the harm done to her building due to the pre-construction phase, the loss of tenants, and the diminished ability to lease the building.

Calum Weeks, Generation Housing, spoke asking Council to take a holistic long view to preserve the cultural aspects of downtown, on parking occupying 25% of the downtown area, on partnerships with state and federal government, the need to collaborate with Santa Rosa City Schools, and Generation Housing being willing to collaborate with the City.

Mayor C. Rogers recessed the meeting at 2:52 p.m. and reconvened at 4:00 p.m.

4. ANNOUNCEMENT OF ROLL CALL (IF NEEDED)

Present: 6 - Mayor Chris Rogers, Vice Mayor Eddie Alvarez, Council Member Victoria Fleming, Council Member Dianna MacDonald, Council Member Natalie Rogers, and Council Member John Sawyer

Absent: 1 - Council Member Tom Schwedhelm

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

No report was given on the study session.

6. PROCLAMATIONS/PRESENTATIONS

No public comments were made.

6.1 PROCLAMATION - DOMESTIC VIOLENCE AWARENESS MONTH

Council Member N. Rogers read the proclamation and presented it to Madeleine Kegan O'Connell, Chief Executive Officer of Sonoma County YWCA. Madeleine Keegan O'Connell thanked the Council for honoring Domestic Violence Awareness Month and provided information on the work the YWCA does for the County.

7. STAFF BRIEFINGS

No public comments were made.

7.1 COVID-19 RESPONSE UPDATE

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

No report was provided.

7.2 COMMUNITY EMPOWERMENT PLAN UPDATE

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

Magali Telles, Deputy Director Community Engagement, provided an update on the Hearn Avenue Community Hub.

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

No public comments were made.

8.1 REPORT OF SETTLEMENTS AND ACTIVE LITIGATION

The City Attorney will report on settlements over \$50,000 through September 2022 as well as provide a summary of pending litigation against the City.

Jeff Berk, Chief Assistant City Attorney, reported materials were provided in the published agenda packet on active litigation and settlements, noting City Attorney Sue Gallagher reported on the settlement of Apogee Gardens v. City of Santa Rosa at the meeting on September 27, 2022.

9. STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS

No statements of abstention were made.

10. MAYOR'S/COUNCIL MEMBERS' REPORTS

Vice Mayor Alvarez made a motion to place on a future agenda for Council discussion an item regarding Ordinance No. 2519 Traffic Chapter 11-16. Council Member N. Rogers seconded the motion.

Council Member MacDonald attended a ride along with Police Officer Raymond and thanked him for the care he and the other officers provided to someone going through trauma. She attended a Los Cien event, the TLC Child and Family Services event, the Schulz Museum for a Commemorative Stamp event, toured the new Caritas Center, and recognized City Manager Smith and Mayor C. Rogers for presenting at Sonoma County Alliance on the State of Santa Rosa.

Council Member N. Rogers announced she is seeking applications from persons interested in serving on the Community Advisory Board, she attended a picnic for the Athena House and announced they will remain open, attended a Faith in Blue event and thanked the police officers and Police Chief Cregan for thinking outside the box with new ideas. She will be participating in a park clean-up at A Place to Play, and in a series of Empowering Neighborhood Voices at Bayside Church.

Council Member Fleming reported she worked in the community garden at her daughter's school, she met with the Santa Rosa Police Department, and thanked Mayor C. Rogers, Fire Chief Scott Westrope, and City Manager Smith for coordinating the Tubbs Fire Anniversary event.

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)

Mayor C. Rogers recognized the five year anniversary of the Tubbs Fire and expressed gratitude to the community and staff who are survivors and helped the community.

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)

Mayor C. Rogers provided a brief report.

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 Sonoma County Continuum of Care (CoC)

10.1.10 Renewal Enterprise District (RED)

10.1.11 Public Safety Subcommittee

10.1.12 Other

10.2 MATTERS FROM COUNCIL REGARDING FUTURE AGENDA ITEMS

10.2.1 REQUEST FOR AGENDA ITEM REGARDING TODD CREEK ANNEXATION

BACKGROUND: At the September 27, 2022, City Council meeting, Council Member Sawyer requested a future agenda item to discuss the Todd Creek Annexation. Vice Mayor Alvarez concurred with the request.

Council Member Sawyer shared the necessity of why Council should discuss this issue was to address some complex issues with expediting this causing some challenges that Council should discuss. Council Member Alvarez had concurred on this motion.

PUBLIC COMMENT

Ken MacNab spoke thanking Council for considering this item, on housing challenges facing the community, and annexing vacant land properties being an opportunity to develop housing to meet the city's future housing needs.

On a motion by Council Member Sawyer, seconded by Vice Mayor Alvarez, to direct staff to bring this item back at a future agenda for Council discussion.

The motion carried by the following vote:

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

Absent: 1 - Council Member Schwedhelm

11. APPROVAL OF MINUTES

No public comments were made.

11.1 June 7, 2022, Regular Meeting.

Approved as submitted.

11.2 June 21, 2022, Regular Meeting.

Approved as submitted.

Council Member Sawyer left the meeting at 4:45 p.m. for the remainder of the evening.

12. CONSENT ITEMS

PUBLIC COMMENT

Eris Weaver, Sonoma County Bicycle Coalition, spoke on Item 12.2 expressing concern and disappointment it will cause delays on the project.

Approval of the Consent Agenda

A motion was made by Vice Mayor Alvarez, seconded by Council Member N. Rogers, to waive reading of the text and adopt Consent Items 12.1 through 12.7. The motion carried by the following vote:

Yes: 5 - Mayor Rogers, Vice Mayor Alvarez, Council Member Fleming, Council Member MacDonald, and Council Member Rogers

Absent: 2 - Council Member Sawyer, and Council Member Schwedhelm

12.1 MOTION - CONTRACT AWARD - SANTA ROSA PAVEMENT REHABILITATION OF VARIOUS STREETS

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by motion, award Contract No. C02089, Santa Rosa Pavement Rehabilitation of Various Streets, in the amount of \$2,655,597.99 to the lowest responsible bidder, Ghilotti Constriction Company, Inc. of Santa Rosa, California, approve a 10% contract contingency, and authorize a total contract amount of \$2,921,157.79.

This Consent - Motion was approved.

12.2 MOTION - REJECT ALL BIDS - SANTA ROSA AVENUE CORRIDOR

IMPROVEMENTS

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by motion, reject all bids received for Contract No. C01620, Santa Rosa Avenue Corridor Improvements.

This Consent - Motion was approved.

12.3 RESOLUTION - EXTENSION OF PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY RELATING TO THE THREAT TO COMMUNITY HEALTH POSED BY COVID-19

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.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2022-200 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA EXTENDING THE PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY DUE TO THE THREAT TO COMMUNITY HEALTH POSED BY COVID-19

12.4 RESOLUTION - MAKING REQUIRED MONTHLY FINDINGS AND AUTHORIZING THE CONTINUED USE OF TELECONFERENCING FOR PUBLIC MEETINGS OF THE CITY COUNCIL AND ALL THE CITY'S BOARDS, COMMISSIONS, AND COMMITTEES, PURSUANT TO ASSEMBLY BILL 361

RECOMMENDATION: It is recommended by the City Attorney that the Council, by resolution, make required monthly findings and authorize the continued use of teleconferencing for public meetings of the City Council and all of the City's boards, commissions and committees pursuant to Assembly Bill 361.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2022-201 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA MAKING REQUIRED FINDINGS AND AUTHORIZING THE CONTINUED USE OF TELECONFERENCING FOR PUBLIC MEETINGS OF THE CITY COUNCIL AND ALL THE CITY'S BOARDS, COMMISSIONS AND COMMITTEES PURSUANT TO ASSEMBLY

BILL 361

12.5 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.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2022-202 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA EXTENDING A PROCLAMATION OF LOCAL HOMELESS EMERGENCY (Government Code Sections 8630 et seq.)

12.6 RESOLUTION - APPROVAL - WAIVER OF COMPETITIVE BID AND PURCHASE ORDER FOR MICROCLOR ON-SITE HYPOCHLORITE GENERATOR SYSTEM

RECOMMENDATION: It is recommended by the Recreation and Parks and Finance Departments that the Council, by resolution: 1) waive competitive bidding pursuant to Section 3-08.100(D); 2) approve issuance of a purchase order for the purchase of a new larger Microclor On-Site Hypochlorite Generator to PSI Water Technologies, Inc., Milpitas, California, in a not to exceed amount of \$140,932.50; and 3) delegate authority to the City Manager or designee to execute the Non-Standard Agreement, subject to approval as to form by the City Attorney.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2022-203 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA WAIVING COMPETITIVE BIDDING; APPROVING THE PURCHASE OF A MICROCLOR ON-SITE HYPOCHLORITE GENERATOR SYSTEM

12.7 ORDINANCE ADOPTION - SECOND READING - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA INCREASING THE COMPENSATION OF THE CITY ATTORNEY TO PROVIDE, EFFECTIVE MAY 8, 2022, (1) A 5% MERIT INCREASE IN SALARY, AND (2) A 3% INCREASE IN DEFERRED COMPENSATION FOR A

TOTAL CITY CONTRIBUTION AMOUNT OF 8%

RECOMMENDATION: This ordinance, introduced at the September 27, 2022, Regular Meeting by a 6-0-1 vote (Schwedhelm absent), increases the compensation of the City Attorney to provide, effective May 8, 2022, (1) a 5% merit increase in salary, and (2) a 3% increase in deferred compensation for a total City contribution amount of 8%.

This Consent - Ordinance was adopted.

ORDINANCE NO. ORD-2022-011 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA INCREASING THE COMPENSATION OF THE CITY ATTORNEY TO PROVIDE, EFFECTIVE MAY 8, 2022, (1) A 5% MERIT INCREASE IN SALARY, AND (2) A 3% INCREASE IN DEFERRED COMPENSATION FOR A TOTAL CITY CONTRIBUTION AMOUNT OF 8%

Mayor C. Rogers recessed the meeting at 4:50 p.m. and reconvened at 5:00 p.m.

13. PUBLIC COMMENT ON NON-AGENDA MATTERS

Eric Fraser, Truth in Tourism, spoke on a recent short-term rental owner who was victimized by the renters who booked the home, and expressed his concern on the current ordinance and lack of enforcement to hold renters accountable.

Lisa Miller spoke on the recreational vehicles and trailers parked on her street having a negative impact on the sale of her home and the neighborhood.

Shirley Cheal spoke on homelessness in the community, commended the people who participate in the Safe Parking Program, and asked Council not to forget the people who are not chronically homeless but need services.

Cassie spoke on the multiple recreational vehicles and trailers having a negative impact in her neighborhood, and on the events in the park that happen once a month disrupting their lives with amplified sound.

14. REPORT ITEMS

14.1 REPORT - INTRODUCTION OF AN ORDINANCE TO THE SANTA ROSA CITY CODE ADDING CHAPTER 10-26 SIDESHOWS

BACKGROUND: Over the last few years, Santa Rosa has experienced an increase in reckless driving exhibitions on City streets. These contests, known as “sideshows” (involving activities such as drifting, burnouts, and donuts) are held throughout the city, several times per month, usually in the late night or early morning hours. Hundreds of illegal street racers and spectators converge on various public streets and off-street parking lots in both commercial and residential neighborhoods. These juveniles and adult participants block the streets with their cars, set up exhibition areas for reckless driving and spectators will act as human guard rails. When patrol cars descend on an illegal sideshow site, spectators jump back into their cars and caravan to other locations, where a new sideshow is started until the police locate and move them along. The sideshow participants, traveling at high speeds from location to location, cause traffic congestion and dangerous conditions for other drivers. The high speeds and reckless driving that characterize sideshows endanger participants, members of the public, and police officers.

In recent months, sideshows have become significantly worse and present much like riotous behavior. With organized sideshows growing to hundreds of cars and becoming more violent, it frequently requires massive police responses that have pulled in officers from all over the city and county. These events have caused an increase in overtime for upstaffing police officers in anticipation of a sideshow event. They have been increasingly violent toward the responding officers as bottles, rocks and other dangerous items are thrown at them and their patrol cars. Fire trucks and ambulances have also been surrounded and damaged when trying to administer medical aid to persons involved in or around the sideshow events.

Sideshows effect all areas of Santa Rosa. Some of the primary locations for sideshow activities have included:

- Sebastopol Road and West Avenue

- Hoen, Yulupa and Summerfield Avenues
- Corporate Center Parkway near Sebastopol Road
- Wilson and 7th Street
- Dutton Avenue at W. 9th Street
- Hwy 12 and Fulton Road

RECOMMENDATION: It is recommended by the Police Department that the Council introduce an ordinance to the Santa Rosa City Code adding Chapter 10-26 Sideshows for citing Participants, Spectators and Organizers of Sideshow events in Santa Rosa.

John Cregan, Chief of Police, presented and answered questions from Council.

PUBLIC COMMENT

Lisa Miller spoke thanking Chief Cregan for the huge effort to make this happen for the community.

A motion was made by Council Member Fleming, seconded by Vice Mayor Alvarez, to waive reading of the text and introduce the ordinance as amended by removing the word "predetermined" in Section D. 1. The motion carried by the following vote:

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 10, AND ADDING CHAPTER 10-26 TO THE SANTA ROSA MUNICIPAL CODE REGARDING RECKLESS DRIVING EXHIBITIONS, HEREINAFTER REFERRED TO AS "SIDESHOWS"

Yes: 5 - Mayor Rogers, Vice Mayor Alvarez, Council Member Fleming, Council Member MacDonald, and Council Member Rogers

Absent: 2 - Council Member Sawyer, and Council Member Schwedhelm

14.2 REPORT - SONOMA COUNTY TOURISM BUSINESS IMPROVEMENT AREA ASSESSMENT MODIFICATION REMOVING THE \$350,000 REVENUE THRESHOLD FOR COLLECTION

BACKGROUND: To increase assessment revenue generated by the Sonoma County Tourism Business Improvement Area (SCTBIA), as established by Sonoma County Ordinance No. 5525, the Sonoma County Tourism Bureau seeks to remove the current \$350,000 revenue threshold for collections. The current SCTBIA assessment rate of 2%

would remain unchanged. The Parking and Business Improvement Area Law of 1989 requires the consent of the Santa Rosa City Council before any changes to assessments collected within Santa Rosa city limits may be considered by the Sonoma County Board of Supervisors.

RECOMMENDATION: It is recommended by the Planning and Economic Development Department that the Council, by resolution, consent to a change to the assessment methodology outlined in Sonoma County Ordinance No. 5525, removing the \$350,000 revenue threshold for participation of Santa Rosa lodging establishments in the Sonoma County Tourism Business Improvement Area pending the outcome of the Sonoma County Board of Supervisors Public Hearing and subsequent action.

Raissa De La Rosa, Deputy Director Economic Development, presented and answered questions from Council.

PUBLIC COMMENT

Eric Fraser, Truth in Tourism, spoke asking if the County's assessment is replacing Santa Rosa's assessment, and expressing his concern that inaccurate information is being provided by the Business Improvement District.

A motion was made by Council Member MacDonald, seconded by Council Member N. Rogers, to waive reading of the text and adopt

RESOLUTION NO. RES-2022-204 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA CONSENTING TO A CHANGE TO THE ASSESSMENT METHODOLOGY OUTLINED IN SONOMA COUNTY ORDINANCE NO. 5525

The motion carried by the following vote:

Yes: 5 - Mayor Rogers, Vice Mayor Alvarez, Council Member Fleming, Council Member MacDonald, and Council Member Rogers

Absent: 2 - Council Member Sawyer, and Council Member Schwedhelm

15. PUBLIC HEARINGS - NONE.

16. WRITTEN COMMUNICATIONS

No public comments were made.

16.1 STATE AND FEDERAL LEGISLATIVE UPDATE:

- Veto Request AB 2234 (R. Rivas and Grayson) -- Planning and zoning: housing: postentitlement phase permits. Provided for information.
- Support for S. 4517 (Ossoff and Hawley) and S. 4690 (Van Hollen) -- Fire Station Improvement Act and Fire Station Construction Grants Act. Provided for information.

This item was received and filed.

17. PUBLIC COMMENTS ON NON-AGENDA MATTERS

No public comments were made.

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] - NONE.

19. ADJOURNMENT OF MEETING

Mayor C. Rogers adjourned the meeting at 6:09 p.m. The next regularly scheduled meeting will be held on October 25, 2022, at a time to be set by the Mayor.

20. UPCOMING MEETINGS

20.1 UPCOMING MEETINGS LIST

This item was received and filed.

Approved on:

Stephanie A. Williams
City Clerk