



**City Council
Regular Meeting Minutes - Draft**

Tuesday, April 9, 2024

2:30 PM

1. CALL TO ORDER AND ROLL CALL

Mayor N. Rogers called the meeting to order at 2:32 p.m.

Present: 7 - Mayor Natalie Rogers, Vice Mayor Mark Stapp, Council Member Eddie Alvarez, Council Member Victoria Fleming, Council Member Dianna MacDonald, Council Member Jeff Okrepkie, and Council Member Chris Rogers

2. REMOTE PARTICIPATION UNDER AB 2449 (IF NEEDED)

3. ANNOUNCEMENT OF CLOSED SESSION ITEMS

PUBLIC COMMENT:

Eris Weaver, Sonoma County Bike Coalition, spoke in support of the at-grade crossing at Jennings Avenue and in opposition to option 3 under Item 15.3.

James Duncan spoke in support of the at-grade crossing at Jennings Avenue.

Steve Birdlebough, Transportation and Landuse Coalition, spoke in support of the at-grade crossing at Jennings Avenue and in support of option 2 on Item 15.3.

Mayor N. Rogers recessed the meeting to closed session at 2:42 p.m. to discuss Item 3.1 as listed on the agenda.

**3.1 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Government Code Section 54956.9)**

Name of Case: Application of the City of Santa Rosa for Approval to Construct a Public Pedestrian and Bicycle At-Grade Crossing of the Sonoma-Marin Area Rail Transit ("SMART") Track at Jennings Avenue Located in Santa Rosa, Sonoma County, State of California.
Application No.: A.15-05-014 before the California Public Utilities

Commission

This item was received and filed.

Mayor N. Rogers adjourned closed session at 3:23 p.m. and reconvened the meeting to study session at 3:32 p.m.

4. STUDY SESSION

4.1 IMPACT OF DEVELOPMENT IMPACT FEE WAIVERS

Community groups have proposed that the City waive all impact fees on affordable housing projects to help ease the financial burden for those projects. Specifically, one advocacy group has asked the City to “enact an emergency ordinance eliminating impact fees for a three-to-five-year period for all multi-family housing service residents 120% AMI and below.” The purpose of this study session is to highlight what fees are charged and why, the types of Capital Improvement Program projects they fund, and the impacts to those projects should these fees be waived.

Alan Alton, Chief Financial Officer, and Gabe Osburn, Director of Planning and Economic Development, presented and answered questions from Council.

PUBLIC COMMENT:

Michael Hilber spoke in opposition to Item 4.1, unless the impact fees are uniform and there are no waivers.

Ananda Sweet, Santa Rosa Metro Chamber of Commerce, spoke in support of meaningful adjustments to impact fees to incentivize affordable and workforce housing.

Adrian Covert, Santa Rosa YIMBY, spoke in support reducing the development impact fees.

Lauren Fuhry, Mid-Pen Housing, spoke in support of reducing the development impact fees on new multifamily housing.

Nick Birtcil, Providence, spoke in support of waiving impact fees for

affordable housing.

Chris Guenther, Bikeable Santa Rosa, spoke in support for right-sizing fees to support housing production.

Albert Lerma, Sonoma County Hospitality Association, spoke in support of right size impact fees policy drafted by Generation Housing.

Loren Brueggemann, Phoenix Development Company, spoke in support of reducing impact development fees.

Abby Arnold spoke in support of right sizing the impact fees.

Kathleen Natividad, First Five Sonoma County spoke in support of affordable housing and the right size impact fee policy from Generation Housing.

Abby Torrez, Generation Housing, spoke in support of adoption of the Generation Housing right size fee program.

Jenni Klose, Generation Housing, spoke in support of adoption of the Generation Housing right size fee proposal.

Joshua Shipper, Generation Housing, spoke in support of adoption of the Generation Housing right size fee proposal.

Stephanie Picard Bauer, Generation Housing, spoke in support of adoption of the Generation Housing right size fee proposal.

Sonia Byck-Barwick, Generation Housing, spoke in support of adoption of the Generation Housing right size fee proposal.

Omar Lopez, Generation Housing, spoke in support of adoption of the Generation Housing right size fee proposal policy.

Max Zhang, Generation Housing, spoke in support of adoption of the

Generation Housing right size fee proposal.

Jamie Tabor spoke in support of adoption of the Generation Housing right size fee proposal.

Ariel Bussey, Generation Housing, spoke in support of affordable housing.

Cassidy Visco spoke in support of Generation Housing's proposal to address housing affordability.

Keith Christopherson spoke on hurdles to delivering attainable housing.

Adina Flores spoke on Item 4.1.

Ana Diaz spoke in opposition to Item 4.1 and the Generation Housing policy being proposed.

Susan Lamont spoke on item 4.1.

The following people were not present at the time public comment was heard but provided a speaker card in support of Item 4.1:

Jenny Beck, Community Action Partnership of Sonoma County

John Contreras

Ben Wickham, Burbank Housing

Mike Lagoyda, Corcoran Icon Properties

Olivia Moms

Mayor N. Rogers recessed the meeting at 6:19 p.m for a dinner break and reconvened at 6:56 p.m.

Council Member Alvarez joined the meeting at 7:00 p.m.

Present: 6 - Mayor Natalie Rogers, Vice Mayor Mark Stapp, Council Member Eddie Alvarez, Council Member Dianna MacDonald, Council Member Jeff Okrepkie, and Council Member Chris Rogers

Absent: 1 - Council Member Victoria Fleming

5. ANNOUNCEMENT OF ROLL CALL (IF NEEDED)

14. PUBLIC COMMENT ON NON-AGENDA MATTERS

Ruby Nunn Curtis spoke in support of adoption of a ceasefire resolution and in divesting from companies supporting genocide.

In Hui Lee spoke in support of adoption of a ceasefire resolution.

Susan Lamont spoke in support of adoption of a ceasefire resolution for Gaza.

Tess Caldwell spoke in support of adoption of a ceasefire resolution.

Althea spoke in support of adoption of a ceasefire resolution.

Jason Sweeney spoke in support of adoption a ceasefire resolution.

Bree spoke in support of the adoption of a ceasefire resolution.

Council Member Fleming joined the meeting at 7:09 p.m.

Present: 7 - Mayor Natalie Rogers, Vice Mayor Mark Stapp, Council Member Eddie Alvarez, Council Member Victoria Fleming, Council Member Dianna MacDonald, Council Member Jeff Okrepkie, and Council Member Chris Rogers

LATE CORRESPONDENCE

16. PUBLIC HEARINGS

16.1 PUBLIC HEARING - PROPOSED RECREATION FEE ADJUSTMENTS

BACKGROUND: The Recreation and Parks Department offers a wide variety of services for which fees are charged, including facility use, admissions and program fees. Council has previously adopted fees for Recreation and Parks facilities, admissions and services, and delegated authority to the Recreation and Parks Director to set the necessary fees for seasonal program activities, excursions, special events, and athletic leagues based on the City's actual costs for the activities. For FY 24-25,

several revised fees are proposed to update the master list. To reduce impact on operations, it is recommended that the new fees go into effect January 1, 2025.

RECOMMENDATION: It is recommended by the Recreation and Parks Department that the Council, by resolution, approve fees for various facilities and services effective January 1, 2025.

Jeff Tibbetts, Deputy Director - Parks, presented and answered questions from Council.

Mayor N. Rogers opened the public hearing at 7:52 p.m.

Unidentified spoke requesting Council consider the low-income families when making this decision.

Tess Caldwell spoke in agreement with previous speaker.

Caroline Spencer spoke suggesting partnering with the schools to help serve the underserved.

Mayor N. Rogers closed the public hearing at 7:56 p.m.

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

RESOLUTION NO. RES-2024-038 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ESTABLISHING NEW AND REVISED FEES WITHIN THE CITY'S FEE SCHEDULE FOR THE RECREATION AND PARKS DEPARTMENT

The motion carried by the following vote:

Yes: 7 - Mayor Natalie Rogers, Vice Mayor Mark Stapp, Council Member Eddie Alvarez, Council Member Victoria Fleming, Council Member Dianna MacDonald, Council Member Jeff Okrepkie, and Council Member Chris Rogers

7. PROCLAMATIONS/PRESENTATIONS - NONE.

8. STAFF BRIEFINGS

8.1 2024 EARTH DAY EVENT IN COURTHOUSE SQUARE

Santa Rosa Water staff will provide information on Santa Rosa's annual Earth Day event taking place at the Courthouse Square on Saturday, April 20, from 12pm-4pm. The Council may discuss this item and give direction to staff.

Alicia Quilici, Research and Program Coordinator, presented.

No public comments were made.

8.2 COMMUNITY EMPOWERMENT PLAN UPDATE

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

Ana Horta, Community Engagement Manager, presented on upcoming community events.

10. STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS

13. CONSENT ITEMS

No public comments were made.

Approval of the Consent Agenda

A motion was made by Vice Mayor Stapp, seconded by Council Member Rogers, to waive reading of the text and adopt Consent Items 13.1 through 13.9 and waive further reading of the text. The motion carried by the following vote:

Yes: 7 - Mayor Natalie Rogers, Vice Mayor Mark Stapp, Council Member Eddie Alvarez, Council Member Victoria Fleming, Council Member Dianna MacDonald, Council Member Jeff Okrepkie, and Council Member Chris Rogers

13.1 RESOLUTION - APPROVAL OF GRANT OF EASEMENT TO PG&E OVER A PORTION OF RINCON RIDGE PARK

RECOMMENDATION: It is recommended by the Transportation and Public Works and Recreation and Parks Departments, and Real Estate Services, that the Council, by resolution: 1) approve a grant of easement to Pacific Gas and Electric Company ("PG&E") over a portion of City owned property commonly known as Rincon Ridge Park located

at 3960 Park Gardens Drive and 3950 Fountaingrove Parkway, Santa Rosa, APNs 173-480-058 and 173-480-059 (collectively, the "Property"); and 2) authorize the Director of Transportation and Public Works to execute the Easement Deed, in the form as approved by the City Attorney, and any additional documents necessary to accomplish these actions, in connection with the Fire Damaged Roadway Landscaping Project.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2024-039 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A GRANT OF EASEMENT TO PACIFIC GAS & ELECTRIC (PG&E) OVER A PORTION OF RINCON RIDGE PARK IN CONNECTION WITH THE FIRE DAMAGED ROADWAY LANDSCAPING PROJECT AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION AND PUBLIC WORKS TO EXECUTE THE EASEMENT DEED AND ANY OTHER NECESSARY DOCUMENTS

13.2 RESOLUTION - APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH APPLIED SURVEY RESEARCH, INC. FOR CHOICE GRANT PROGRAM EVALUATION SERVICES

RECOMMENDATION: It is recommended by the Recreation and Parks Department, Violence Prevention Partnership, that the Council, by resolution: 1) approve a Professional Services Agreement in the amount of \$125,000 with Applied Survey Research, Inc., Watsonville, California, to provide evaluation services for the CHOICE Grant Program from July 1, 2024, through December 31, 2026; and 2) delegate authority to the City Manager to execute the Professional Services Agreement and any amendments thereto, subject to approval as to form by the City Attorney.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2024-040 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE PROFESSIONAL SERVICE AGREEMENT WITH APPLIED SURVEY RESEARCH, INC. IN THE AMOUNT OF \$125,000 TO PROVIDE EVALUATION SERVICES FOR THE CHOICE GRANT PROGRAM

13.3 RESOLUTION - RESCINDING RESOLUTION NO. RES-2021-199 AND ADOPTING A REVISED RESOLUTION AUTHORIZING THE

SUBMITTAL OF AN APPLICATION REQUESTING AN AMOUNT NOT TO EXCEED \$11.36 MILLION TO THE STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT'S HOMEKEY GRANT PROGRAM; AND AUTHORIZING THE MAYOR OR DESIGNEE TO EXECUTE THE APPLICATION AND THE HOMEKEY DOCUMENTS

RECOMMENDATION: It is recommended by the Housing and Community Services Department that the Council, by two resolutions, 1) rescind Resolution No RES-2021-199, which authorized the submittal of a grant application to the State of California Department of Housing and Community Development Homekey grant program jointly with Catholic Charities of the Diocese of Santa Rosa in an amount not to exceed \$11.36 million; and 2) adopt a revised resolution to authorize the submittal of a joint application with Catholic Charities of the Diocese of Santa Rosa and Caritas Center QALICB to the State of California Department of Housing and Community Development's Homekey grant program in an amount not to exceed \$11.36 million for Caritas Center; and authorizing the Mayor or designee to execute the application and Homekey documents.

These Consent - Resolutions were adopted.

RESOLUTION NO. RES-2024-041 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA RESCINDING RESOLUTION NO. RES-2021-199 WHICH PREVIOUSLY AUTHORIZED THE SUBMITTAL OF A HOMEKEY GRANT APPLICATION TO THE STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

RESOLUTION NO. RES-2024-042 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE SUBMITTAL OF AN APPLICATION REQUESTING AN AMOUNT NOT TO EXCEED \$11.36 MILLION TO THE STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT'S HOMEKEY GRANT PROGRAM FOR THE CITY TO BE A CO-APPLICANT ON CARITAS CENTER WITH CATHOLIC CHARITIES OF THE DIOCESE OF SANTA ROSA AND CARITAS CENTER QALICB; AND AUTHORIZING THE MAYOR OR DESIGNEE TO EXECUTE THE APPLICATION, STANDARD AGREEMENT AND THE HOMEKEY DOCUMENTS [THIS REPLACES RESOLUTION RES-2021-199]

13.4

RESOLUTION - APPROVAL AND ISSUANCE OF A PURCHASE ORDER FOR THE PURCHASE OF ONE 2028 PIERCE ENFORCER

107' AERIAL FIRE TRUCK UTILIZING THE PRICING FROM THE HOUSTON GALVESTON AREA COUNCIL (H-GAC) INTERLOCAL COOPERATIVE AGREEMENT #10-2428, PIERCE H-GAC CONTRACT #FS12-23 WITH GOLDEN STATE FIRE APPARATUS, INC.

RECOMMENDATION: It is recommended by the Transportation and Public Works and Finance Departments that the Council, by resolution; 1) approve the purchase of one (1) 2028 Pierce Enforcer 107' Aerial Fire Truck with Golden Fire Apparatus, Inc., Sacramento, California for a total amount not to exceed \$2,541,247.49; and 2) approve the use of cooperative purchasing through the Houston Galveston Area Council Interlocal Cooperative Agreement #10-2428, Pierce H-GAC Contract #FS12.23.

This Consent - Motion was approved.

RESOLUTION NO. RES-2024-043 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE COOPERATIVE PURCHASE OF ONE 2028 PIERCE ENFORCER 107' AERIAL FIRE TRUCK WITH GOLDEN STATE FIRE APPARATUS, INC. IN AN AMOUNT NOT TO EXCEED \$2,541,247.49 THROUGH HOUSTON GALVESTON AREA COUNCIL (H-GAC) INTERLOCAL COOPERATIVE AGREEMENT #10-2428, PIERCE H-GAC CONTRACT #FS12-23

13.5 RESOLUTION - APPROVAL OF FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH BKF FOR ADDITIONAL DESIGN SERVICES ASSOCIATED WITH THE HIGHWAY 101 BICYCLE AND PEDESTRIAN OVERCROSSING PROJECT

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that Council, by resolution, approve and delegate authority to the City Manager to negotiate and execute a First Amendment to Professional Services Agreement Number F002308 with BKF Engineers, of Santa Rosa, California, for the Highway 101 Bicycle and Pedestrian Overcrossing Project to finalize bid documents, and provide additional studies and grant application support increasing the contract amount by \$973,850, for a total amount not to exceed \$4,816,802.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2024-044 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA TO APPROVE THE FIRST AMENDMENT OF THE PROFESSIONAL SERVICES AGREEMENT NUMBER F002308 WITH BKF ENGINEERS TO PROVIDE PROFESSIONAL DESIGN AND RIGHT OF WAY SERVICES FOR THE PRELIMINARY ENGINEERING PHASE OF THE HIGHWAY 101 BICYCLE AND PEDESTRIAN OVERCROSSING PROJECT, INCREASING COMPENSATION BY \$973,850 FOR A TOTAL AMOUNT NOT TO EXCEED \$4,825,052

13.6 ORDINANCE INTRODUCTION - CONVERT RILEY STREET FROM FIFTH STREET TO SEVENTH STREET FROM A ONE-WAY TO A TWO-WAY STREET

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by ordinance amend Ordinance 1544 convert Riley Street between Fifth Street and Seventh Street from a one-way street to a two-way street.

This Consent - Ordinance was introduced on first reading.

ORDINANCE ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING ORDINANCE 1544 TO CONVERT RILEY STREET BETWEEN FIFTH STREET AND SEVENTH STREET FROM A ONE-WAY STREET TO A TWO-WAY STREET

13.7 RESOLUTION - TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3 GRANT APPLICATION FOR FISCAL YEAR 2024/2025

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by resolution: 1) request that the Metropolitan Transportation Commission (MTC) allocate \$27,341 from Fiscal Year (FY) 2024/2025 Transportation Development Act (TDA) Article 3 funds towards the installation of up to two Rectangular Rapid Flashing Beacons; 2) request that MTC allocate \$200,000 from FY 2024/2025 TDA Article 3 funds towards the North Dutton Avenue Corridor Improvements project; 3) authorize the Director of Transportation and Public Works to file the application and other required documents to install Rectangular Rapid Flashing Beacons at a maximum of two locations, and to hold the remaining funds for improvements to the North Dutton Avenue corridor between West Third Street and West College Avenue, supported by the Bicycle and Pedestrian Advisory Board.

This Consent - Resolution was adopted.

RESOLUTION NO: RES-2024-045 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA REQUESTING THE ALLOCATION OF FISCAL YEAR 2024/2025 TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 PEDESTRIAN/BICYCLE PROJECT FUNDING FROM THE METROPOLITAN TRANSPORTATION COMMISSION

- 13.8 ORDINANCE ADOPTION SECOND READING - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING ZONING CODE TEXT AMENDMENTS TO TITLE 20 OF THE SANTA ROSA CITY CODE, SECTION 20-38, SIGNS, TO PROVIDE CLEAR STANDARDS FOR BOTH BUSINESS IDENTIFICATION WAYFINDING AND CIVIC/PUBLIC AMENITY WAYFINDING, AND SECTION 20-70.020, GLOSSARY, TO ADD DEFINITIONS RELATED TO WAYFINDING SIGNS - FILE NUMBER REZ23-009

RECOMMENDATION: This ordinance, introduced at the March 26, 2024, Regular Meeting by a 6-0-1 vote (Council Member Fleming absent), amends Zoning Code Chapter 20-38, Signs, and Section 20-70.020, Glossary to allow and provide standards for public/civic wayfinding and business wayfinding, as well as various text amendments to allow for the implementation of wayfinding signage within the boundaries of the North Santa Rosa Station Area Specific Plan and the Downtown Station Area Specific Plan. The text amendments also include renumbering of Chapter 20-38, Signs, and amendments to any cross-references to each section that has been changed. Additionally, the Glossary amendments include new definitions related to Wayfinding Signage.

This Consent - Ordinance was adopted on second reading.

ORDINANCE NO. ORD-2024-005 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING ZONING CODE TEXT AMENDMENTS TO TITLE 20 OF THE SANTA ROSA CITY CODE, SECTION 20-38, SIGNS, TO PROVIDE CLEAR STANDARDS FOR BOTH BUSINESS IDENTIFICATION WAYFINDING AND CIVIC/PUBLIC AMENITY WAYFINDING, AND SECTION 20-70.020, GLOSSARY, TO ADD DEFINITIONS RELATED TO WAYFINDING SIGNS - FILE NUMBER REZ23-009

- 13.9 ORDINANCE ADOPTION SECOND READING - ORDINANCE OF THE

COUNCIL OF THE CITY OF SANTA ROSA AMENDING SANTA ROSA CITY CODE TITLE 9 - HEALTH AND SAFETY CODE CHAPTER 9-22, BICYCLES, SKATEBOARDS, ROLLER SKATES, IN-LINE SKATES, AND SIMILAR DEVICES TO ALLOW SCOOTERS TO OPERATE ON PUBLIC STREETS, PUBLIC ALLEYS, AND PUBLIC GUTTERS

RECOMMENDATION: This ordinance, introduced at the March 26, 2024, Regular Meeting by a 6-0-1 vote (Council Member Fleming absent), amends the existing code to allow for all scooters to operate on public streets, public alleys, and public gutters by amending Chapter 9-22 of the Santa Rosa City Code, related to Bicycles, Skateboards, Roller Skates, In-Line Skates, and similar devices.

This Consent - Ordinance was adopted on second reading.

ORDINANCE NO. ORD-2024-006 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING SANTA ROSA CITY CODE TITLE 9 - HEALTH AND SAFETY CODE CHAPTER 9-22, BICYCLES, SKATEBOARDS, ROLLER SKATES, IN-LINE SKATES, AND SIMILAR DEVICES TO ALLOW SCOOTERS TO OPERATE ON PUBLIC STREETS, PUBLIC ALLEYS, AND PUBLIC GUTTERS

Mayor N. Rogers announced that Item 15.3 would be taken next on the agenda.

15. REPORT ITEMS

- 15.3** REPORT - JENNINGS AVENUE AT-GRADE BICYCLE AND PEDESTRIAN RAILROAD CROSSING REAL PROPERTY LICENSE AGREEMENT WITH THE SONOMA MARIN AREA RAIL TRANSIT DISTRICT (SMART)

BACKGROUND: The City received approval from the California Public Utilities Commission (CPUC) on September 20, 2016, through Decision 16-09-002, granting the City's application for an at-grade bicycle and pedestrian crossing of SMART's rail line at Jennings Avenue. Since that date, the City and SMART have been negotiating the terms and conditions required to achieve SMART's approval to proceed with construction. In alignment with the City's third request to the CPUC to extend the authorization period for construction of the at-grade crossing, SMART's staff has insisted upon a license agreement to allow the City to proceed with construction that includes very one-sided, expansive

language that would impose substantial liability on the City related to SMART's negligent acts. The language in the proposed agreement requires the City to assume all operational costs associated with the crossing and liability resulting from the location, design, establishment or maintenance of the at-grade crossing even if resulting solely from SMART's negligence, except for liability ultimately determined by the courts to be due to the gross negligence or willful misconduct of SMART. Additionally, the License Agreement proposed by SMART staff requires the City to pay the attorneys' fees and costs associated with defending SMART against any claims resulting from the location, design, establishment or maintenance of the at-grade crossing, even if the courts ultimately determine that the claims resulted from SMART's gross negligence or willful misconduct.

RECOMMENDATION: It is recommended by the City Manager's Office, Transportation and Public Works Department and the City Attorney's Office that the Council consider, by motion, taking one of the following actions relating to the license agreement proposed by staff of SMART for use and construction of the at-grade crossing of SMART's Right-of-Way at Milepost 54.96 in the City of Santa Rosa at Jennings Avenue: 1) direct the City Manager to execute the version of the license agreement proposed by SMART's staff after the remaining Exhibits have been provided by SMART in a form to be approved by the City Attorney, and return the executed agreement to the SMART Board of Directors for consideration and notify the CPUC; or 2) direct the City Manager to execute a revised license agreement containing more balanced liability and indemnity language after the remaining Exhibits have been provided by SMART in a form to be approved by the City Attorney, and return the executed agreement to the SMART Board of Directors for consideration and notify the CPUC; or 3) reject the license agreement proposed by SMART's staff and direct the City Manager to notify the CPUC and SMART that the City retracts its application to construct an at-grade bicycle and pedestrian crossing at Jennings Avenue.

Jason Nutt, Assistant City Manager, and Adam Abel, Assistant City Attorney, presented and answered questions from Council.

PUBLIC COMMENT:

James Duncan spoke in support of the CPUC judge and in support of Option 2 on the recommendation language.

Victor Delpanno was not present at time of public comment but provide a speaker card showing support of the at-grade crossing at Jennings Avenue.

Alexa Forrester, Bikeable Santa Rosa, showed several maps of crossing areas, and spoke in support of the at-grade crossing at Jennings Avenue.

Chris Guenther, Bikeable Santa Rosa, spoke in support of the at-grade crossing at Jennings Avenue.

Eris Weaver, Sonoma County Bike Coalition, spoke in support of the Option 2, revised agreement.

Tess Caldwell spoke in support of the at-grade crossing at Jennings Avenue.

Dani Sheehan was not present during public comment but submitted speaker card with comment, " Take option 3 off the table."

A motion was made by Council Member Rogers, seconded by Council Member Alvarez, to direct the City Manager to: (1) negotiate and execute, subject to approval as to form by the City Attorney, a Real Property License Agreement in a form substantially the same as Attachment 2 to the Staff Report of this item, but also including complete versions of Exhibit A and Exhibit B that are substantively similar to the description of those Exhibits in the Staff Report; and (2) notify SMART and the CPUC regarding this Council action. The motion carried by the following vote:

Yes: 7 - Mayor Natalie Rogers, Vice Mayor Mark Stapp, Council Member Eddie Alvarez, Council Member Victoria Fleming, Council Member Dianna MacDonald, Council Member Jeff Okrepkie, and Council Member Chris Rogers

15.1 REPORT - APPROVAL OF A FIVE YEAR (2024-2029) ECONOMIC DEVELOPMENT STRATEGIC PLAN

BACKGROUND: Under the Council's direction, a five-year economic

development strategic plan (“the Plan”) has been developed to support the Council’s economic and community vibrancy goal of creating a diverse and thriving economy that benefits Santa Rosa residents and businesses. While the Plan's main focus revolves around welcoming new and innovative businesses, workforce retention, and expansion, its objectives include community investment, infrastructure, and opportunity access. This well-vetted Plan rooted in sustainable, economic resiliency, encompasses a community engagement perspective and local and regional economic development alignment.

RECOMMENDATION: It is recommended by the Planning and Economic Development Department that the Council, by resolution, approve a five-year (2024-2029) Economic Development Strategic Plan.

Gabe Osburn, Director of Planning and Economic Development presented and answered questions from Council.

Council Member Fleming left the dais at 9:25 p.m.

No public comments were made.

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

RESOLUTION NO. RES-2024-046 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A FIVE YEAR (2024-2029) ECONOMIC DEVELOPMENT STRATEGIC PLAN

The motion carried by the following vote:

Yes: 6 - Mayor Natalie Rogers, Vice Mayor Mark Stapp, Council Member Eddie Alvarez, Council Member Dianna MacDonald, Council Member Jeff Okrepkie, and Council Member Chris Rogers

Absent: 1 - Council Member Victoria Fleming

15.2 REPORT - SOUTH SANTA ROSA SPECIFIC PLAN COMMUNITY ENGAGEMENT STRATEGY AND ENGAGEMENT ADVISORY COMMITTEE FORMATION

BACKGROUND: The Planning and Economic Development Department has contracted with 4LEAF, Inc. to prepare the South Santa Rosa Specific Plan (Specific Plan). The Community Engagement Strategy for

the Specific Plan outlines the open, thoughtful, and inclusive approach to community outreach that will occur throughout the Specific Plan process, and staff is seeking Council's acceptance of the proposed Strategy. An important component of the Community Engagement Strategy is the formation of the Engagement Advisory Committee (EAC), which represents residents and stakeholders in the development of the Specific Plan. Council Policy 000-06, Appointments to Boards/Commissions/Committees, outlines specific requirements for appointments to City committees. Because the Specific Plan EAC will be an official City committee, it is required to comply with this Council Policy. However, strict application of the Policy requires that members be residents of the City of Santa Rosa and requires member appointment by the City Council. Because a large portion of the Specific Plan area is in unincorporated Sonoma County, and to ensure an expedited appointment process for the project, staff is recommending that the Policy be waived to allow County residents within the Specific Plan area to participate and to allow City staff to appoint members based on the EAC composition included in the Strategy.

RECOMMENDATION: It is recommended by the Planning and Economic Development Department that the Council, by motion: 1) waive Council Policy 00-06 regarding appointments to Boards/Commissions/Committees to allow Staff to appoint members of the Engagement Advisory Committee for the South Santa Rosa Specific Plan; and 2) accept the Community Engagement Strategy for the South Santa Rosa Specific Plan.

Jessica Jones, Deputy Director - Planning, and Conor McKay, Senior Planner, presented.

No public comments were made.

A motion was made by Council Member Alvarez, seconded by Council Member MacDonald, to approve a waiver of Council Policy 000-06 regarding appointments to Boards, Commissions and Committees to allow staff to appoint County residents within the Specific Plan area and to allow City staff to appoint members based on the EAC composition included in the Strategy and secondly move to accept the Community Engagement Strategy for the South Santa Rosa Specific Plan.

The motion carried by the following vote:

Yes: 6 - Mayor Natalie Rogers, Vice Mayor Mark Stapp, Council Member Eddie Alvarez, Council Member Dianna MacDonald, Council Member Jeff Okrepkie, and Council Member Chris Rogers

Absent: 1 - Council Member Victoria Fleming

15.4 REPORT - BUDGET AMENDMENT - ONE-TIME PROJECT FUNDING

BACKGROUND: General Fund capital project funding is typically not available during the budget development process as the primary focus is General Fund operations. For those capital project needs, staff will use unassigned General Fund reserves to fund one-time projects, should there be sufficient reserves to support the projects. When funding is available, staff will request a list of projects including cost estimates, and justifications for project approval. These projects are vetted to come up with a final list to be presented to the City Council along with a recommendation to fund the projects from the unassigned General Fund reserves.

RECOMMENDATION: It is recommended by the Finance Department that the Council, by resolution, amend the Fiscal Year (FY) 2023-24 adopted budget by increasing appropriations by \$3,060,000 to fund one-time projects as set forth in Exhibit A of the resolution.

Alan Alton, Chief Financial Officer, presented and answered questions from Council.

No public comments were made.

A motion was made by Vice Mayor Stapp, seconded by Council Member Okrepkie, to waive reading of the text and adopt:

RESOLUTION NO. RES-2024-047 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING THE FISCAL YEAR 2023-2024 BUDGET BY INCREASING APPROPRIATIONS BY \$3,060,000 TO FUND ONE-TIME PROJECTS.

The motion carried by the following vote:

Yes: 6 - Mayor Natalie Rogers, Vice Mayor Mark Stapp, Council Member Eddie Alvarez, Council Member Dianna MacDonald, Council Member Jeff Okrepkie, and Council Member Chris Rogers

Absent: 1 - Council Member Victoria Fleming

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

Teresa Stricker, City Attorney, reported there was no reportable action taken on Item 3.1 and reported on the robust conversation on Item 4.1 on development of impact fee waivers.

No public comments were made.

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

None.

11. MAYOR'S/COUNCIL MEMBERS' REPORTS

Council Member C. Rogers asked that an item be added to a future agenda to have a discussion a senior overlay for mobile home parks. Mayor N. Rogers concurred.

Council Member Alvarez asked that an item be added to a future agenda to discuss the development of a language translation policy. Council Member MacDonald concurred.

Council Member Alvarez asked that an item be added to a future agenda to discuss buffer zones related to cell phone towers. Council Member MacDonald concurred.

Council Member Okrepkie provided a brief report.

Council Member MacDonald provided a brief report.

Mayor N. Rogers provided a brief report on recent meetings and events attended.

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

11.1.1 Council Subcommittee Reports

11.1.2 Sonoma County Transportation Authority/Regional Climate Protection Authority (SCTA/RCPA)

Council Member C. Rogers provided a brief report.

11.1.3 Sonoma County Water Agency (SCWA) - Water Advisory Committee

Mayor Rogers provided a brief report.

11.1.4 Association of Bay Area Governments (ABAG)

11.1.5 Sonoma County Agricultural Preservation and Open Space District Advisory Committee

11.1.6 Sonoma Clean Power Authority (SCPA)

Council Member C. Rogers provided a brief report.

11.1.7 Zero Waste Sonoma (formerly known as Sonoma County Waste Management Agency (SCWMA))

11.1.8 Groundwater Sustainability Agency (GSA)

11.1.9 Sonoma County Homeless Coalition

Mayor N. Rogers provided a brief report.

11.1.10 Renewal Enterprise District (RED)

11.1.11 Public Safety Subcommittee

11.1.12 Other

11.2 MATTERS FROM COUNCIL REGARDING FUTURE AGENDA ITEMS

11.2.1 REQUEST FOR AGENDA ITEM REGARDING TEMPORARILY VACATING PORTIONS OF FOURTH STREET

BACKGROUND: At the March 26, 2024, City Council meeting, Mayor Natalie Rogers requested a future agenda item to discuss impacts of temporarily vacating portions of Fourth Street. Council Member Chris Rogers concurred with the request.

Maraskeshia Smity, City Manager and Daryel Dunston, Assistant City Manager, answered questions from Council.

A motion was made by Mayor Rogers, seconded by Council Member Rogers, to approve placement of a discussion of impacts of temporarily closing portions of Fourth Street to a future agenda D Street to near Beer Baron, and then La Rosa to B Street, closing Fourth Street for

bicycle and pedestrian use, but maintain traffic flow around the Square.

The motion carried by the following vote:

Yes: 5 - Mayor Natalie Rogers, Vice Mayor Mark Stapp, Council Member Eddie Alvarez, Council Member Dianna MacDonald, and Council Member Chris Rogers

No: 1 - Council Member Jeff Okrepkie

Absent: 1 - Council Member Victoria Fleming

11.2.2 REQUEST FOR AGENDA ITEM REGARDING DEVELOPMENT OF PROCESS TO ACTIVATE VACANT PARCELS

BACKGROUND: At the March 26, 2024, City Council meeting, Council Member C. Rogers requested a future agenda item to discuss development of a process to activate vacant parcels. Council Member Okrepkie concurred with the request.

No public comments were made.

A motion was made by Council Member Rogers, seconded by Vice Mayor Stapp, to approve placement of a discussion on development of a process to activate vacant parcels to a future agenda. The motion carried by the following vote:

Yes: 6 - Mayor Natalie Rogers, Vice Mayor Mark Stapp, Council Member Eddie Alvarez, Council Member Dianna MacDonald, Council Member Jeff Okrepkie, and Council Member Chris Rogers

Absent: 1 - Council Member Victoria Fleming

12. APPROVAL OF MINUTES

12.1 March 26, 2024, Special Meeting Minutes.

No public comments were made.

Approved as submitted.

17. WRITTEN COMMUNICATIONS

17.1 LEGISLATIVE UPDATE -

- State Bill - Support Letter for AB 2257 (Wilson): Local government: property-related water and sewer fees and assessments: remedies. Provided for information.

- Federal Bill - Support Letter for S. 1430 (Lummis): Water Systems PFAS Liability Protection Act. Provided for information.

No public comments were made.

This item was received and filed.

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 [IF NEEDED]

20. ADJOURNMENT OF MEETING

Mayor N. Rogers adjourned the meeting at 10:38 p.m. The next regularly scheduled meeting will be held on April 16, 2024, at a time set by the Mayor.

21. UPCOMING MEETINGS

21.1 UPCOMING MEETINGS LIST

This item was received and filed.

Approved on:

Dina Manis
City Clerk