



**City Council
Regular Meeting Minutes - Final**

Tuesday, October 22, 2019

1:30 PM

1. CALL TO ORDER AND ROLL CALL

Mayor Schwedhelm called the meeting to order at 1:34 p.m.

Present: 7 - Mayor Tom Schwedhelm, Vice Mayor Chris Rogers, Council Member Julie Combs, Council Member Victoria Fleming, Council Member Ernesto Olivares, Council Member John Sawyer, and Council Member Jack Tibbetts

2. ANNOUNCEMENT OF CLOSED SESSION ITEMS

Mayor Schwedhelm recessed the meeting to closed session at 1:34 p.m. to discuss Item 2.1 as listed on the agenda:

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

Name of Case: Nicholle Vannucci, et al. v. County of Sonoma, et al.
Court Case No. USDC Northern District of California Case No. 3:18-cv-01955-VC

Mayor Schwedhelm adjourned the closed session at 2:46 p.m. and reconvened the meeting at 2:50 p.m.

3. STUDY SESSION

3.1 PROPOSED FEE BASED RENTAL INSPECTION PROGRAM

The purpose of this item is to present a proposed fee-based Rental Inspection Program as a component of Santa Rosa's comprehensive housing strategy. Outreach was completed, and program design was discussed with California Apartment Association (CAA) and North Bay Association of Realtors (NORBAR), tenant advocacy, and other community groups. Program options are included in the presentation. Subject to Council's direction, staff will return with a draft ordinance and fee based cost estimate for potential adoption.

Attachments: [Staff Report](#)
[Attachment 1 - Late Correspondence 3.1 - \(Uploaded 10/21/2019\)](#)
[Presentation](#)

City Attorney Gallagher announced that four council members have potential conflict of interest on the item. Those four council members include: Vice Mayor Rogers, and Council Members Combs, Tibbetts and Sawyer. Based on informal advice the City received from the Fair Political Practice Commission (FPPC), in the abundance of caution, all four council members recused themselves from the item.

The recusals left the Council without a quorum. FPPC regulations include a provision called the "Rule of Necessity" allowing a process for which an affected council member can join the remaining three in order to reach a quorum. It was determined by random name draw that Vice Mayor Rogers would participate on this item.

Council Member Combs, Sawyer and Tibbetts left the dais as part of their recusal.

Presented by Dave Gouin, Director of Housing and Community Services.

PUBLIC COMMENT

Deborah Tavares spoke in opposition to the item.

Allen Thomas spoke in opposition to the item.

Nohemi Palomino submitted a speaker card but was not present at the time of public comment. Speaker card indicated support of this item.

Gregory Fearon spoke in support of the item.

Anita LaFollette requested clarification of the item.

Alex Khalfin, California Apartment Association, spoke on the item.

This item was received and filed.

Mayor Schwedhelm recessed the meeting at 4:04 p.m. and reconvened at 4:07 p.m.

4. ANNOUNCEMENT OF ROLL CALL

Present: 5 - Mayor Tom Schwedhelm, Vice Mayor Chris Rogers, Council Member Victoria Fleming, Council Member Ernesto Olivares, and Council Member John Sawyer

Absent: 2 - Council Member Julie Combs, and Council Member Jack Tibbetts

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

City Attorney Gallagher announced that Council provided direction to staff for Item 2.1.

Assistant City Manager Guhin announced that Items 15.1 and 15.2 are continued to a date certain of November 12, 2019.

6. PROCLAMATIONS/PRESENTATIONS

6.1 PROCLAMATION - ACTIVE 20-30 WEEK

Attachments: [Proclamation](#)

Vice Mayor Rogers read and presented the proclamation to Ryan Riewarts, Active 20-30 of Santa Rosa #50, Club President.

7. STAFF BRIEFINGS

7.1 TRANSIT INTEGRATION AND EFFICIENCY STUDY

The Sonoma County Transportation Authority (SCTA) has recently completed a Transit Integration and Efficiency Study focused on opportunities to improve the customer experience for transit riders in Sonoma County and increase efficiency by improving integration of Santa Rosa CityBus, Sonoma County Transit, and Petaluma Transit. The study was funded by the City of Santa Rosa and the Metropolitan Transportation Commission.

Attachments: [Presentation \(Uploaded 10/22/2019\)](#)

Presented by Rachel Ede, Deputy Director of Transit.

This item was received and filed.

7.2 FIRE RECOVERY AND REBUILD UPDATE

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

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

Assistant City Manager Guhin provided a brief report that the City activated the Emergency Operation Center (EOC) due to the declared Red Flag Warning status by the National Weather Services and the potential Public Safety Power Shut-off (PSPS) and encouraged the public to look for more information at srcity.org/emergency. Due to the potential PSPS, community resource centers will be opened on Thursday October 24, from 8:00 a.m. to 6:00 p.m. and located at the Veterans Memorial Building and Hannah's Boys Center.

Assistant City Manager Guhin also reported that the Fulton Road Reconstruction Project has resumed at West Third Street and Occidental, with a anticipated completion date of November 23, 2019. For more information on the project please go to srcity.org/cip.

PUBLIC COMMENT

Deborah spoke regarding the Public Safety Power Shut-off and the coordination of street light timing and greater psychological impact of these events.

9. STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS

Council Member Sawyer announced his abstention from Items 11.1 and 11.2.

Council Member Olivares announced his abstention from Item 11.4.

10. MAYOR'S/COUNCIL MEMBERS' REPORTS

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

Council Member Sawyer reported on the Merit Awards and thanked those volunteers in attendance.

Council Member Fleming reported on the Merit Awards, the Potter Valley project, and the active shooter incident in Districts 4 and 5.

Vice Mayor Rogers reported on the Sonoma-Marín Area Rail Transit (SMART) meeting.

Mayor Schwedhelm reported on the Merit Awards, and regarding his attendance at the League of California Cities.

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

10.1.1 Council Subcommittee Reports

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

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

10.1.4 Association of Bay Area Governments (ABAG)

10.1.5 Sonoma County Agricultural Preservation and Open Space District Advisory Committee

10.1.6 Sonoma Clean Power Authority (SCPA)

10.1.7 Sonoma County Waste Management Agency (SCWMA)

10.1.8 Groundwater Sustainability Agency (GSA)

10.1.9 Home Sonoma County (HSC)

10.1.10 Renewal Enterprise District (RED)

10.1.11 Other

11. APPROVAL OF MINUTES

11.1 September 24, 2019, Emergency Meeting Minutes.

Attachments: [Draft Minutes](#)

Approved as submitted, with Council Member Sawyer abstaining.

11.2 September 24, 2019, Special Meeting Minutes.

Attachments: [Draft Minutes](#)

Approved as submitted, with Council Member Sawyer abstaining.

11.3 September 24, 2019, Regular Meeting Minutes.

Attachments: [Draft Minutes](#)

Approved as submitted.

11.4 October 1, 2019, Regular Meeting Minutes.

Attachments: [Draft Minutes](#)

Approved as submitted, with Council Member Olivares abstaining.

12. CONSENT ITEMS

PUBLIC COMMENT

George Uberti spoke on Item 12.2 and in support of Item 12.4 - commercial linkage fee.

Approval of the Consent Agenda

A motion was made by Vice Mayor Rogers, seconded by Council Member Sawyer, to waive reading of the text and adopt Consent Items 12.1 through 12.4.

The motion carried by the following vote:

Yes: 5 - Mayor Schwedhelm, Vice Mayor Rogers, Council Member Fleming, Council Member Olivares, and Council Member Sawyer

Absent: 2 - Council Member Combs, and Council Member Tibbetts

12.1 MOTION - CONTRACT AWARD - BICYCLE AND PEDESTRIAN GAP CLOSURES, PINER RD DUTTON AVE

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by motion, award Contract No. C02198, Bicycle and Pedestrian Gap Closures, Piner Rd and Dutton Ave, in the amount of \$1,158,961.25 to the lowest responsible bidder, Ghilotti Construction Company, Inc. of Santa Rosa, California, approve a 10% contract contingency, and authorize a total contract amount of \$1,274,857.38.

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

This Consent - Motion was approved.

12.2 RESOLUTION - RESOLUTION AUTHORIZING APPLICATION FOR, AND RECEIPT OF, SENATE BILL 2 PLANNING GRANTS PROGRAM FUNDS

RECOMMENDATION: It is recommended by the Planning and Economic Development Department that the Council, by resolution, approve the filing of a Senate Bill 2 Grant application for State funding in the amount of \$310,000, for various planning initiatives to accelerate or incentivize the production of housing.

Attachments: [Staff Report](#)
 [Attachment 1 - 2019 SB 2 Planning Grant Application](#)
 [Attachment 2 - Missing Middle Housing](#)
 [Attachment 3 - Historic Resource Evaluation](#)
 [Attachment 4 - Growth Management](#)
 [Resolution](#)
 [Presentation](#)

This Consent - Resolution was adopted.

RES-2019-156 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING APPLICATION FOR, AND RECEIPT OF, SENATE BILL 2 PLANNING GRANTS PROGRAM FUNDS

12.3 ORDINANCE ADOPTION SECOND READING - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ADDING CHAPTER 10-45 TO THE SANTA ROSA CITY CODE TO ESTABLISH MINIMUM WAGES TO BE PAID BY EMPLOYERS

RECOMMENDATION: This ordinance, introduced at the October 1, 2019, Regular Meeting by a 6-0-1 vote (Council Member Olivares

absent), adds Chapter 10-45 to the Santa Rosa City Code to establish minimum wages to be paid by employers.

Attachments: [Ordinance](#)
[Revised Ordinance_Redline](#)
[Ordinance_Final](#)

This Consent - Ordinance was adopted.

ORD-2019-014 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ADDING CHAPTER 10-45 TO THE SANTA ROSA CITY CODE TO ESTABLISH MINIMUM WAGES TO BE PAID BY EMPLOYERS

12.4 ORDINANCE ADOPTION SECOND READING - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 21 OF THE SANTA ROSA CITY CODE - UPDATING CHAPTER 21-02, HOUSING ALLOCATION PLAN, TO MODIFY THE REQUIREMENTS FOR PROVIDING ON-SITE INCLUSIONARY HOUSING UNITS, AND TO ESTABLISH A COMMERCIAL LINKAGE FEE - FILE NUMBER PRJ19-036

RECOMMENDATION: This ordinance, introduced at the October 1, 2019, Regular Meeting by a 5-0-2 vote (Council Members Olivares and Tibbetts absent), amends Title 21 of the Santa Rosa City Code updating Chapter 21-02 Housing Allocation Plan, to modify the requirements for providing on-site inclusionary housing units, and to establish a commercial linkage fee.

Attachments: [Redlined Municipal Code Chapter 21-02](#)
[Ordinance as Amended](#)
[Ordinance](#)

This Consent - Ordinance was adopted.

ORD-2019-015 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 21 OF THE SANTA ROSA CITY CODE - UPDATING CHAPTER 21-02, HOUSING ALLOCATION PLAN, TO MODIFY THE REQUIREMENTS FOR PROVIDING ON-SITE INCLUSIONARY HOUSING UNITS, AND TO ESTABLISH A COMMERCIAL LINKAGE FEE - FILE NUMBER PRJ19-036

The time not being 5:00 p.m., Mayor Schwedhelm took Report Item 14.1 before Item 13 - Public Comment.

14. REPORT ITEMS

14.1 REPORT - ORDINANCE AMENDING CERTAIN SECTIONS OF SANTA ROSA CITY CODE TITLE 15 - SEWERS TO MAINTAIN COMPLIANCE WITH ENVIRONMENTAL PROTECTION AGENCY INDUSTRIAL PRETREATMENT PROGRAM REGULATION REVISIONS

BACKGROUND: This ordinance consists of proposed sewer code edits from three sources. First, the North Coast Regional Water Quality Control Board (NCRWQCB) recently approved a "Re-Evaluation of Local Limits for the Laguna Subregional Water Reclamation System Industrial Pretreatment Program." The second source of edits derive from NCRWQCB Pretreatment Compliance Inspection findings from the April 2018 audit of the City's industrial pretreatment program. The third source of edits incorporates the new Dental Office Federal Category 40 CFR 441 and updates the City's amalgam separator program.

RECOMMENDATION: It is recommended by the Board of Public Utilities and the Water Department that Council, introduce an ordinance adopting amendments to certain sections of Santa Rosa City Code Title - 15 Sewers to maintain compliance with Environmental Protection Agency Industrial Pretreatment Program regulation revisions: 15-04.030 Definitions; 15-06.120 Publication of Users in Significant Non-Compliance; 15-06.200 Appeals; 15-08.050 Wastewater discharge permit classification; 15-08.070 Prohibited discharge standards; 15-08.100 Local Limits; 15-08.210 Hauled Wastewater; 15-08.215 Clean-up and remediation projects; 15-08.340 Wastewater discharge permit contents; 15-08.430 Sampling; 15-08.490 Periodic compliance reports; and 15-08.567 Amalgam separators.

Attachments: [Staff Report](#)
 [Attachment 1 - Local Limits Study](#)
 [Attachment 2 - Ordinance Redline](#)
 [Attachment 3 BPU Resolution](#)
 [Ordinance](#)
 [Presentation](#)

Presented by Martin St. George, Environmental Compliance Supervisor

PUBLIC COMMENT

Thomas Ells spoke on the item.

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

ORDINANCE ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING CERTAIN SECTIONS OF SANTA ROSA CITY CODE TITLE 15 - SEWERS TO MAINTAIN COMPLIANCE WITH EPA INDUSTRIAL PRETREATMENT PROGRAM REGULATION REVISIONS

The motion carried by the following vote:

Yes: 5 - Mayor Schwedhelm, Vice Mayor Rogers, Council Member Fleming, Council Member Olivares, and Council Member Sawyer

Absent: 2 - Council Member Combs, and Council Member Tibbetts

13. PUBLIC COMMENT ON NON-AGENDA MATTERS

PUBLIC COMMENT

Jason Kindle spoke on policies related to illegal homeless camps.

Steve Mosher spoke regarding the SMART train.

Thomas Ells spoke on Senate Bill 2.

Gregory Fearon spoke regarding the Joe Rodota Trail.

Kevan Brown spoke regarding homelessness concerns.

Justin Glover spoke in support of the reach code adoption.

Comment provided from speaker card: The local adoption of Reach Codes are essential to meeting state carbon emission goals.

15. PUBLIC HEARINGS

15.1 PUBLIC HEARING - PROPOSED BUILDING CODE AND ALL-ELECTRIC RESIDENTIAL REACH CODE ADOPTION AND FIRE CODE ADOPTION

BACKGROUND: The State of California has adopted and published the 2019 update to the California Building Standards Code that includes all elements necessary to administer construction requirements.

The model State codes will go into effect in all California cities and counties effective January 1, 2020. 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 Fire Department is requesting adoption of the 2019 California Fire Code with local amendments and administrative changes. The Planning and Economic Development Department is requesting adoption of the 2019 California Building Standards Code as well as the updated 2018 International Property Maintenance Code, with certain local amendments and administrative changes. As part of the Building Standards Code adoption, we are proposing the adoption of amended sections of the California Energy Code over and above base code which is considered a "Reach Code".

Fire Code updates have been collaboratively executed through a committee of Fire Prevention Officers from across Sonoma County to evaluate the various Fire Code Ordinances throughout Sonoma County. Building Code updates have been addressed with The Redwood Empire Chapter of Code Officials (REACO) to collaborate and review common goals in establishing local amendments that reflect common concerns germane to local conditions within the North Bay areas.

RECOMMENDATION: It is recommended by the Fire Department and the Planning and Economic Development Department that the Council 1) introduce an ordinance adopting by reference the 2019 edition of the California Fire Code as adopted and amended by the State of California, and further amended based on local conditions, for use in Chapter 18-44 of the Santa Rosa City Code, repeal existing sections not applicable to new codes and modify the Santa Rosa City Code to reflect the new model code, 2) introduce an ordinance adopting by reference, with local amendments, the 2019 California Administrative Code, 2019 California Building Code, 2019 California Residential Code, 2016 California Green Building Standards Code, 2019 California Electrical Code, 2019 California Mechanical Code, 2019 California Plumbing Code, 2019 California Historical Building Code, 2019 California Existing Building Code, 2019 California Energy Code, 2019 California Referenced Standards Code, 2018 International Property Maintenance Code, and the National Pollutant Discharge Elimination Permit and Waste Discharge Requirements, and 3) adopt a resolution

setting a public hearing on November 19, 2019, for adoption of the ordinances.

Attachments: [Staff Report](#)
[Attachment 1 - Public Correspondence](#)
[Attachment 2 - Late Correspondence 15.1 - \(Uploaded 10/21/2019\)](#)
[Attachment 3 - Late Correspondence \(Uploaded 10/23/2019\)](#)
[Attachment 4 - Late Correspondence \(Uploaded 10/23/2019\)](#)
[Fire Ordinance](#)
[Building Code Ordinance](#)
[Resolution](#)
[Presentation](#)
[Revised Presentation \(Uploaded 10/22/2019\)](#)

This item was continued to November 12, 2019.

15.2 PUBLIC HEARING - OBJECTIVE DESIGN STANDARDS FOR STREAMLINED AND MINISTERIAL RESIDENTIAL DEVELOPMENTS

BACKGROUND: The purpose of the Objective Design Standards for Streamlined and Ministerial Residential Developments (Standards) is to prepare and adopt clear and objective design standards that respond to recent State legislation that requires a ministerial process for housing developments including Senate Bill 35 (SB 35) and Assembly Bill 2162 (AB 2162). The City is subject to SB35 and AB2162, which means that an eligible project within the City must be streamlined and shall not be subject to discretionary review (e.g.: Conditional Use Permit, Design Review and/or Landmark Alteration Permit). The Standards are sourced from the City's Design Guidelines, which address residential and non-residential development. The proposed Standards aim to incorporate the intent of the Santa Rosa Design Guidelines to the greatest extent possible, while complying with the intent of State legislation to facilitate the construction of housing in Santa Rosa.

The City Council's role is to consider Design Standards that will be codified into the City's Zoning Code.

RECOMMENDATION: It is recommended by the Planning Commission and the Planning and Economic Development Department that the Council, by ordinance, amend Title 20 of the Santa Rosa City Code adding Chapter 20-39 - Objective Design Standards for Streamlined and Ministerial Residential Developments, related to objective design standards for streamlined and ministerial residential developments.

Attachments: [Staff Report](#)
[Attachment 1 - HCD - Draft SB35 Guidelines](#)
[Attachment 2 - Government Code for SB35](#)
[Attachment 3 - Government Code for AB2162](#)
[Attachment 4 - Joint DRB CHB Minutes - June 20, 2019](#)
[Attachment 5 - Results of Community Survey](#)
[Ordinance](#)
[Presentation](#)

This item was continued to November 12, 2019.

16. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION) - NONE.

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

18. ANNOUNCEMENT OF CONTINUED CLOSED SESSION ITEMS, RECESS TO CLOSED SESSION IN THE MAYOR'S CONFERENCE ROOM, RECONVENE TO OPEN SESSION, AND ANNOUNCEMENTS [IF NEEDED]

19. ADJOURNMENT OF MEETING

Hearing no further business, Mayor Schwedhelm adjourned the meeting at 5:32 p.m. The next regularly scheduled meeting will take place on October 29, 2019, at a time set by the Mayor.

20. UPCOMING MEETINGS

20.1 UPCOMING MEETINGS LIST

Attachments: [Upcoming Meetings List](#)

This item was received and filed.

Approved on: November 5, 2019
/s/ Dina Manis, Acting City Clerk