



City of Santa Rosa

City Hall, Council
Chamber
100 Santa Rosa Avenue
Santa Rosa, CA 95404

CITY COUNCIL REGULAR MEETING AGENDA AND SUMMARY REPORT DECEMBER 6, 2022

2:00 P.M. - CLOSED SESSION (HYBRID VIA IN-PERSON AND ZOOM)

3:00 P.M. - STUDY SESSION (HYBRID VIA IN-PERSON AND ZOOM)

4:00 P.M. - REGULAR SESSION (HYBRID VIA IN-PERSON AND ZOOM)

PURSUANT TO GOVERNMENT CODE SECTION 54953(e) AND THE RECOMMENDATION OF THE HEALTH OFFICER OF THE COUNTY OF SONOMA, CITY COUNCIL MEMBERS WILL BE PARTICIPATING IN THIS MEETING EITHER VIA ZOOM WEBINAR OR IN-PERSON, SOCIALLY DISTANCED, IN THE COUNCIL CHAMBER AT 100 SANTA ROSA AVENUE.

MEMBERS OF THE PUBLIC CAN PARTICIPATE IN THE MEETING BY ATTENDING IN-PERSON FROM COUNCIL CHAMBER AT 100 SANTA ROSA AVENUE (SOCIAL DISTANCING REQUIREMENTS WILL BE OBSERVED), VISITING [HTTPS://SRCITY-ORG.ZOOM.US/J/83488513627](https://srcity-org.zoom.us/j/83488513627), OR BY DIALING 877-853-5257 AND ENTER WEBINAR ID: 834 8851 3627

**THE MEETING WILL ALSO BE LIVE STREAMED AT [HTTPS://SANTA-ROSA.LEGISTAR.COM/CALENDAR](https://santa-rosa.legistar.com/calendar).
CLICK ON THE "IN PROGRESS" LINK TO VIEW.**

**THE MEETING CAN ALSO BE VIEWED ON COMCAST CHANNEL 28,
AT&T U-VERSE CHANNEL 99, AND AT
[HTTPS://WWW.YOUTUBE.COM/CITYOFSANTAROSA](https://www.youtube.com/cityofsantarosa)**

Public Comment may be made live during the meeting via Zoom, In-Person from Council Chamber, or submitted in advance by 5:00 pm, the Monday before the City Council Meeting via e-mail at cc-comment@srcity.org, or recorded voice message at 707-543-3005.

PLEASE NOTE THAT ALL E-MAILS SENT TO THE CITY COUNCIL ARE CONSIDERED TO BE PUBLIC RECORDS AND SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT.

DEADLINES AND ADDITIONAL INSTRUCTION FOR PUBLIC COMMENT ARE SET FORTH BELOW.

COUNCIL MAY RECESS DURING THE EVENING FOR BREAKS. PUBLIC HEARING MATTERS WILL BEGIN NO EARLIER THAN 5:00 P.M.

MATTERS ON THE AGENDA MAY BE TAKEN OUT OF ORDER.

PUBLIC COMMENTS:

Except for public hearing items, comments from the public will be allowed on all agenda items at the time each item is called. Comments on public hearing items may be made when the hearing is opened.

Live Public Comment: Members of the public can provide comment on an Agenda Item In-Person from Council Chamber by signing up with the Administrator in Council Chamber (in lieu of Speaker Card), by accessing the meeting through the Zoom link, or by dial-in at the time an Agenda Item is discussed during the City Council Meeting. Go to <https://srcity.org/virtualparticipation> for more information.

Advanced Public Comment:

E-mail Public Comment: To submit an e-mailed public comment to the City Council, please send to: cc-comment@srcity.org by 5:00 p.m., Monday, December 5. Identify in the subject line of your e-mail the Agenda Item Number on which you wish to comment, provide your name in the body of the e-mail and your comment.

Recorded Voice Message Public Comment: To submit a voice message public comment, please call 707-543-3005 by 5:00 p.m., Monday, December 5. State your name, the Agenda Item Number(s) on which you wish to

comment, and your comment. PLEASE DO NOT LEAVE YOUR PHONE NUMBER OR PERSONAL ADDRESS IN THE VOICE MESSAGE AS IT WILL BE PLAYED BACK LIVE DURING THE CITY COUNCIL MEETING.

E-mail public comments received by the deadline will be distributed to City Council members and uploaded to the agenda prior to the start of the City Council Meeting for public access. Recorded voice message public comments will be played during the meeting at the time the item is heard.

Non-Agenda Items are the time when any person may address the Council on matters not listed on this agenda, but which are within the subject matter jurisdiction of the Council. The first public comment period on non-agenda items (Agenda Item 13) will begin no earlier than 5:00 p.m. and will be limited to twelve speakers selected randomly by the Mayor. Each speaker will be allowed three minutes. Speakers who do not have an opportunity to speak during this time will be allowed to make public comment under Agenda Item 17.

2:00 P.M. (HYBRID VIA IN-PERSON AND ZOOM)

1. CALL TO ORDER AND ROLL CALL

2. ANNOUNCEMENT OF CLOSED SESSION ITEMS

Following the announcement of Closed Session items and prior to recess into Closed Session, the public may speak up to three minutes on items to be addressed in Closed Session.

2.1 CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)

Agency Designated Representatives: Mayor Chris Rogers
Unrepresented Employee: City Manager

2.2 PUBLIC EMPLOYEE - EVALUATION OF PERFORMANCE
(Government Code Section 54957(b))

Title: City Manager

RECESS CLOSED SESSION(S) AND RECONVENE TO OPEN SESSION I THE COUNCIL CHAMBER AND VIA ZOOM

3:00 P.M. (HYBRID VIA IN-PERSON AND ZOOM)

3. STUDY SESSION

Study Session items are items for in-depth discussion and possible direction to staff. No action will be taken.

3.1 BENNETT VALLEY GOLF COURSE ENTERPRISE UPDATE

It is recommended by the Transportation and Public Works Department that the Council hold a Study Session to receive information, ask questions, discuss, provide feedback, and give direction to staff regarding the Bennett Valley Golf Course Enterprise.

Attachments: [Staff Report](#)
[Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachment 4](#)
[Presentation](#)
[Late Correspondence \(Uploaded 12-6-22\)](#)

4:00 P.M. (HYBRID VIA IN-PERSON AND ZOOM)

4. ANNOUNCEMENT OF ROLL CALL (IF NEEDED)

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

6. PROCLAMATIONS/PRESENTATIONS - NONE.

7. STAFF BRIEFINGS

This time is reserved for City staff to provide a five-minute briefing to the Council on departmental issues of interest. No action will be taken on these matters except to possibly place a particular item on a future agenda for Council consideration.

7.1 COMMUNITY EMPOWERMENT PLAN UPDATE

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

7.2 HEARN COMMUNITY HUB UPDATE

The Office of Community Engagement and RCD Architecture, Inc. will provide a brief presentation on the outcomes of the Hearn Community Hub Needs Assessment and Collaboration Project.

Attachments: [Presentation](#)

7.3 SHARED SCOOTER SYSTEM PILOT PROGRAM

Staff will provide a six-month update on the Council approved Shared Scooter System Pilot Program. No action will be taken except for possible direction to staff.

Attachments: [Presentation](#)

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

9. STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS

10. MAYOR'S/COUNCIL MEMBERS' REPORTS

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 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

11. APPROVAL OF MINUTES

11.1 October 11, 2022, Regular Meeting.

Attachments: [Draft Minutes](#)

12. CONSENT ITEMS

12.1 RESOLUTION - APPROVING FORGIVENESS OF DEFERRED RENT AMOUNTS FOR CITY TENANTS IMPACTED BY COVID-19 ORDERS

RECOMMENDATION: It is recommended by the Water and Finance Departments and Real Estate Services that the Council, by resolution: 1) approve the forgiveness of the various outstanding back rent amounts previously deferred during the COVID-19 Pandemic; and 2) authorize the City Manager or the City Manager's designee to execute any amendments, as necessary, to implement the back rent forgiveness in an amount not to exceed \$22,324 for the Water Enterprise Fund and \$29,916.48 for the Parking Enterprise Fund.

Attachments: [Staff Report](#)
[Resolution](#)

12.2 RESOLUTION - SOLE MANUFACTURER BID AWARD AND PURCHASE ORDER OF FOUR (4) NEW CUMMINS ISB6.7 DIESEL ENGINES TO CUMMINS INC. DBA CUMMINS SALES AND SERVICE

RECOMMENDATION: It is recommended by the Transportation and Public Works and Finance Departments that the Council, by resolution, approve a sole manufacturer bid award under Invitation for Bid (IFB) 22-42, and issuance of purchase order for four (4) Cummins ISB6.7

Diesel Engines to Cummins Inc. dba Cummins Sales and Service, San Leandro, California in an amount not to exceed \$149,748.36.

Attachments: [Staff Report](#)
[Resolution](#)

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.

Attachments: [Resolution](#)

12.4 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.

Attachments: [Staff Report](#)
[Resolution](#)

12.5 ORDINANCE ADOPTION - SECOND READING - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 6 OF THE SANTA ROSA CITY CODE CHAPTER 6-66 - RENT CONTROL - MOBILEHOMES

RECOMMENDATION: This ordinance, introduced at the November 29, 2022, Regular Meeting by a 5-2 vote (Sawyer, Schwedhelm no), amends Chapter 6-66 of the Santa Rosa City Code to: (1) reduce the allowable annual rent increases from 100% of CPI with a 6% cap to 70% of CPI with a 4% cap; (2) allow for a 10% increase in space rent following in-place transfers; and (3) make other minor amendments to conform to changes in State law.

Attachments: [Ordinance](#)
[Ordinance Redlined \(Revised 11.29.2022\)](#)
[Ordinance Final \(Revised 11.29.2022\)](#)

13. PUBLIC COMMENT ON NON-AGENDA MATTERS

This is the time when any person may address the Council on matters not listed on this agenda, but which are within the subject matter jurisdiction of the Council. This public comment period will begin no earlier than 5:00 p.m. and will be limited to twelve speakers selected randomly by the Mayor. Each speaker will be allowed three minutes. Speakers who do not have an opportunity to speak during this time will be allowed to make public comment under Agenda Item 17.

Voice message public comments received for non-agenda items may be played under Agenda Item 13 or at Item 17. Recorded public comments are limited to 3 minutes to mirror in-person meeting protocols.

14. REPORT ITEMS

14.1 REPORT - FY 2021-22 MEASURE O ANNUAL REPORT

BACKGROUND: Ordinance 3680 added Chapter 3-26 to the Santa Rosa City Code establishing a special transaction and use tax. The special tax measure, known as Measure O, increased sales tax by a quarter percent to fund specific Police, Fire, and Gang Prevention and Youth Programs, as set forth in the Ordinance.

The Ordinance also established a seven-member Citizen Oversight Committee, with members appointed by the City Council, to annually review expenditures and appropriations of the tax revenues to ensure that all such revenues are spent or appropriated for the purposes and uses set forth in the Ordinance. Each year, an Annual Report is prepared by City staff, reviewed by the Citizen Oversight Committee, and presented to the City Council reporting on expenditures and activities during the past fiscal year.

The tax revenues generated by Measure O are split between Fire (40%), Police (40%), and Gang Prevention and Youth Programs (20%),

with these revenues, spent in accordance with an Implementation Plan which was adopted by the City Council.

RECOMMENDATION: It is recommended by the Finance, Fire, and Police departments, the Violence Prevention Partnership Program, and the Measure O Citizens' Oversight Committee that the Council, by motion accept the Measure O Annual Report for Fiscal Year 2021-22.

Attachments: [Staff Report](#)
[Attachment 1 - Measure O Annual Report](#)
[Presentation](#)

14.2 REPORT - DECLARATION OF CITY OWNED PARCELS IN THE DOWNTOWN AS NON-EXEMPT SURPLUS LAND

BACKGROUND: Staff recently completed a three-part Council study session series and received feedback and direction from Council on a surplus strategy for its Downtown City assets. As a result of Council direction to Staff, the following City owned parcels: (a) the two parcels comprising Garage 5; (b) Lot 11; and (c) the Whitehouse Site are being brought forward for Council to declare "non-exempt surplus land". Additionally, Staff is requesting Council approval to prepare and submit a Notice of Availability for each parcel and to authorize the City Manager to take all necessary actions to comply with the Surplus Lands Act (SLA) and carry out Council's direction in the disposition of the Surplus Lands.

RECOMMENDATION: It is recommended by the Finance, Planning and Economic Development and Transportation and Public Works Departments that the Council, by three separate resolutions, pursuant to Government Code Section 54221: 1) declare that each of the following City owned properties located at (a) 625 and 637 3rd Street, APNs 009-013-011 and 009-013-012 ("Garage 5"), (b) 500 5th Street, APN 010-053-028 ("Lot 11"), and (c) 730 3rd Street, APN 009-072-044 ("Lot 7", aka "Whitehouse Site", together with Garage 5 and Lot 11, collectively "Surplus Lands") are "non-exempt surplus land"; 2) direct Staff to prepare and submit Notices of Availability for the Surplus Lands; and 3) authorize the City Manager to take all necessary actions to comply with the Surplus Lands Act and carry out Council's direction in

the disposition of the Surplus Lands.

Attachments: [Staff Report](#)
[Attachment 1 - Downtown Map](#)
[Attachment 2 - Walker Consultants Memo](#)
[Resolution 1 - Garage 5](#)
[Resolution 2 - Lot 7 / White House](#)
[Resolution 3 - Lot 11](#)
[Presentation](#)
[Late Correspondence \(Uploaded 12-6-2022\)](#)

14.3 REPORT - ORDINANCE INTRODUCTION INCREASING COUNCIL COMPENSATION IN ACCORDANCE WITH THE PROVISIONS OF SECTION 4 OF THE SANTA ROSA CITY CHARTER

BACKGROUND: Section 4 of the City Charter provides that the Council may, by ordinance, provide for compensation of its members in accordance with standards set forth in state law. State law, in turn, sets forth a schedule of Council compensation based on city population. For a city the size of Santa Rosa, state law allows for an initial Council member salary of up to \$800 per month. State law further provides that Council member salaries may be increased up to 5% each calendar year. The 5% increase is a flat rate, not compounded. For purposes of our Council members, the 5% increase equals an additional \$40 per month.

Although state law allows for periodic increases in salary, the Council has not taken advantage of that statutory allowance, and Council member salary has remained at \$800 per month since 2005. The permitted 5% annual increase has thus accumulated for seventeen years. Based on that accumulation, the Council may now increase Council member compensation by up to \$680 per month (\$40 x 17 years). The resulting monthly salary equals \$1480, for an annual salary of \$17,760.

Section 4 of the City Charter provides that the Mayor shall receive 150% of Council member salary. Pursuant to that provision, the Mayor currently receives \$1,200 per month. With the increase to Council

member salaries, the Mayor's monthly salary would correspondingly increase to \$2,220, for an annual salary of \$26,640.

Under state law, adjustments to Council compensation can be made effective only upon one or more members beginning a new term of office. The proposed ordinance therefore provides that the new salaries will become effective upon installation of the new Council members in December 2022.

RECOMMENDATION: It is recommended that the Council consider introduction of an ordinance to increase Council compensation in accordance with the provisions of Section 4 of the Santa Rosa City Charter, providing for an increase in the salary of Council members from \$800 per month to \$1480 per month (resulting in an annual salary of \$17,760) and an increase in the salary of the Mayor from \$1200 per month to \$2,220 per month (resulting in an annual salary of \$26,640) effective December 14, 2022.

Attachments: [Staff Report](#)
[Ordinance](#)
[Presentation \(Uploaded 12-06-2022\)](#)

15. PUBLIC HEARINGS

Public Hearing matters will begin no earlier than 5:00 p.m. or as soon thereafter as the matters are reached on the agenda.

15.1 PUBLIC HEARING - JANE DISPENSARY APPEAL

BACKGROUND: On September 22, 2022, the Planning Commission unanimously approved a Conditional Use Permit for Jane Dispensary, a 1,997-square-foot space within an existing 4,776-square-foot multi-tenant commercial building located at 4040 Highway 12, Assessor's Parcel No. 032-500-040. On October 3, 2022, the City Clerk's Office received an Appeal application, prepared by Peter Spoerl, appealing the Commission's decision.

RECOMMENDATION: It is recommended by the Planning Commission and the Planning and Economic Development Department that the Council, by resolution, deny the appeal and uphold the Planning

Commission decision to approve a Conditional Use Permit for Jane Dispensary, a Cannabis Retail Facility (Dispensary) with Delivery, at 4040 Highway 12.

Attachments: [Staff Report](#)
[Attachment 1 - Disclosure Form](#)
[Attachment 2 - Location Map](#)
[Attachment 3 - Project Description](#)
[Attachment 4 - Focused Transportation Study](#)
[Attachment 5 - Project Plans](#)
[Attachment 6 - Security Plan](#)
[Attachment 7 - Odor Mitigation Plan](#)
[Attachment 8 - Appeal Application](#)
[Attachment 9 - Planning Commission Resolution No. PC-21](#)
[Resolution](#)
[Exhibit A](#)
[Exhibit B](#)
[Presentation](#)
[Public Hearing Notice](#)

16. WRITTEN COMMUNICATIONS - NONE.

17. PUBLIC COMMENTS ON NON-AGENDA MATTERS

This is the time when any person may address the Council on matters not listed on this agenda, but which are within the subject matter jurisdiction of the Council and not able to speak under Agenda Item 13. Each speaker will be allowed three minutes.

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

20. UPCOMING MEETINGS

This schedule is tentative and subject to change pending final publication and posting of the City Council Meeting Agenda.

20.1 **UPCOMING MEETINGS LIST**

Attachments: [Upcoming Meetings List](#)

***Did not appear on the preliminary agenda.**

****Quasi-judicial or adjudicative action.**

The Open Government Ordinance (ORD-2020-018) was adopted by City Council in December 2020. This ordinance, adds Chapter 1-10 to the City Code to codify the City of Santa Rosa's commitment to embrace a culture of open government to ensure public trust, engage the community, and establish a system of transparency, public participation, and collaboration. To view a full version of the Open Government Ordinance go to <http://srcity.org/OpenGovOrdinance>. To request a paper copy of the Open Government Ordinance contact the City Clerk's Office at 707-543-3015 (TTY Relay at 711) or cityclerk@srcity.org.

The City of Santa Rosa does not discriminate against individuals with disabilities in its employment, services, benefits, facilities, programs, or activities. Requests for accommodations, auxiliary aids, or services necessary to participate in a City program, service, or activity, including printed information in alternate formats, are available by contacting the City Clerk's Office at 707-543-3015 (TTY Relay at 711) or cityclerk@srcity.org. If the request is received at least 7 business days prior to the City Council meeting, the copy shall be provided no later than two (2) business days prior to the City Council meeting. Meeting information can also be accessed via the internet at <http://srcity.org>

Any writings or documents provided to a majority of the City Council prior to this meeting regarding any item on this agenda, excluding closed session items, are available for public review in the City Clerk's Office, Room 10, City Hall, 100 Santa Rosa Ave, during normal business hours.