

**SANTA ROSA CITY COUNCIL MINUTES
REGULAR MEETING
CITY HALL, 100 SANTA ROSA AVENUE
SEPTEMBER 17, 2013**

1. CALL TO ORDER AND ROLL CALL

Mayor Bartley called the regular meeting to order at 1:30 p.m. in the Mayor's Conference Room. Council Members present: Mayor Bartley, Council Members Combs, Olivares, Ours, Swinth and Wysocky. Vice Mayor Carlstrom arrived at 1:33 p.m.

2. ANNOUNCEMENT OF CLOSED SESSION ITEMS

City Attorney Fowler announced the Council will meet in Closed Session regarding the Closed Session items as listed on the agenda.

2.1 PUBLIC COMMENT ON CLOSED SESSION ITEMS

None.

2.2 RECESS TO CLOSED SESSION IN MAYOR'S CONFERENCE ROOM

**2.3 PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code Section 54957)**

Title: City Manager

**2.4 PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code Section 54957)**

Title: City Attorney

**2.5 CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)**

Agency Designated Representatives: Fran Elm, Human Resources Director, Chris Sliz, Employee Relations Manager and Carol Stevens of Burke, Williams & Sorensen, LLP.

Employee Organizations: Santa Rosa Firefighters Association – Local 1401 (representing City Employee Unit 2); Operating Engineers Local 3, Maintenance and Utility System Operators (Employee Units 3 and 16); Santa Rosa City Employees Association (Employee Units 4, 6, 7); Santa Rosa Police Officers Association, (Employee Unit 5); Service Employees International Union Local 1021, (Employee Units 8 and 14); Public Safety Management Association (Employee Unit 9); Santa Rosa City Attorneys' Association (Employee Unit 17), Santa Rosa Management Association (Employee Unit 18).

**2.6 CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)**

Agency Designated Representatives: Kathleen Millison, City Manager and Jennifer Phillips, Assistant City Manager. Unrepresented Executive Management, Middle Management, and Confidential Employees (Employee Units 10, 11 and 12).

**2.7 RECESS CLOSED SESSION(S) AND RECONVENE TO OPEN SESSION IN THE
COUNCIL CHAMBER**

Mayor Bartley reconvened the meeting to open session in the Council Chamber at 4:29 p.m.

3. STUDY SESSION – NONE

4. ANNOUNCEMENT OF ROLL CALL

City Clerk Griffin announced all Council Members were present.

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

City Attorney Fowler reported that the Council met in Closed Session regarding Items 2.3 through 2.6 and there were no actions to report.

6. PROCLAMATIONS/PRESENTATIONS

PUBLIC COMMENT

Peter Tscherneff spoke regarding Proclamation Items 6.1 and 6.2.

6.1 PROCLAMATION - FALL PREVENTION AWARENESS WEEK

Council Member Swinth read the proclamation and presented it to Jim Redding, Advisory Council Member for the Sonoma County Area Agency on Aging.

6.2 PROCLAMATION - CREEK WEEK

Vice Mayor Carlstrom read the proclamation and presented it to Jill Scott, Utilities Research & Program Coordinator.

7. STAFF BRIEFINGS

7.1 DESTINATION MARKETING CAMPAIGN

As a key component of Santa Rosa's Economic Development Strategic Initiative- Business Climate, Culture and Communication, the Department of Economic Development and Housing has launched a new destination marketing campaign to raise awareness of Santa Rosa's vacation appeal. This is accomplished by engaging locals, travelers and potential businesses in unique aspects of Santa Rosa that differentiate it from the Sonoma County brand. The campaign utilizes media vehicles that encourage engagement to increase response and bookings while helping to position the city as a forward thinking, favorable location for residents, and a desired destination for visitors and business.

David Gouin, Director of Economic Development and Housing, and Raissa de la Rosa, Marketing & Outreach Coordinator, provided the staff briefing and displayed marketing videos highlighting Santa Rosa as a destination.

8. APPROVAL OF MINUTES - NONE

9. MAYOR'S/COUNCILMEMBERS' REPORTS

Mayor Bartley welcomed Teen Council Member Taylor Wang, who provided a brief report on her activities.

9.1 STATEMENTS OF ABSTENTION BY COUNCILMEMBERS

Vice Mayor Carlstrom announced that she will be abstaining on Item 11.2.

9.2 MAYOR /COUNCILMEMBERS' REPORTS

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

9.3 REPORTS BY MAYOR/COUNCILMEMBERS REGARDING VARIOUS AGENCY MEETINGS ATTENDED AND POSSIBLE COUNCIL DIRECTION TO ITS REPRESENTATIVES ON PENDING ISSUES BEFORE SUCH BOARDS (IF NEEDED)

- a) Sonoma County Transportation Authority/Regional Climate Protection (SCTA/RCPA) – Vice Mayor Carlstrom announced that the City is seeking applicants for three appointments to the Climate Action 2020 Stakeholders Advisory Group.
- b) Sonoma County Water Agency (SCWA) – Water Advisory Committee – None.
- c) Association of Bay Area Governments (ABAG) – None.
- d) Sonoma County Agricultural Preservation and Open Space District Advisory Committee – None.
- e) Sonoma Clean Power Authority (SCPA) – Council Member Ours announced that Sonoma Clean Power is seeking applicants for the Business Operations Committee and Ratepayer Advisory Committee.
- f) Other: Vice Mayor Carlstrom reported that a meeting of the Medical Cannabis Subcommittee was held on September 17. Mayor Bartley reported that a meeting of the Long Term Financial Subcommittee was held on September 17.

9.4 COUNCIL DIRECTION TO LEAGUE OF CALIFORNIA CITIES DELEGATE REGARDING COUNCIL POSITION ON RESOLUTION NO. 2 COMING BEFORE THE LEAGUE GENERAL ASSEMBLY

The resolution is: Resolution calling upon the Governor and Legislature to enter into discussions with the League and California Police Chiefs' Association representatives to identify and enact strategies that will ensure the success of public safety realignment from a local municipal law enforcement perspective.

RECOMMENDATION: It is recommended by the City Manager's Office, that the Council, by motion, consider taking a position on the resolution to provide direction to its Voting Delegate for the meeting of the League General Assembly.

Kathy Millison, City Manager, provided the staff report and responded to questions from Council Members.

PUBLIC COMMENT

Peter Tscherneff spoke regarding law enforcement concerns.

MOVED by Council Member Olivares and seconded by Council Member Ours to oppose League Resolution 2 at the league General Assembly meeting unless amended. Following Council discussion, a friendly amendment was accepted by the maker and seconder of the motion to oppose League Resolution 2. The motion to oppose League Resolution 2 at the League General Assembly meeting **CARRIED** unanimously.

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

City Attorney Fowler announced her upcoming attendance at the Legal Advocacy Committee meeting and League of California Cities Annual Conference.

11. CONSENT ITEMS

PUBLIC COMMENT

Richard Canini, spoke regarding Item 11.1.

11.1 MOTION - REMOVAL OF TWO METERED PARKING SPACES AGREEMENT - PG&E

MOVED by Vice Mayor Carlstrom, seconded by Council Member Olivares and **CARRIED** unanimously to waive reading of the text and adopt Consent Item 11.1 as follows:

MOTION TO APPROVE AN AGREEMENT WITH PACIFIC GAS & ELECTRIC COMPANY FOR REMOVAL OF TWO METERED PARKING SPACES AND ACCEPT COMPENSATION IN THE AMOUNT OF \$24,796.53.

11.2 RESOLUTION – APPROVAL OF LEAVE OF ABSENCE FOR VICE MAYOR CARLSTROM

City Attorney Fowler responded to questions.

MOVED by Council Member Olivares, seconded by Council Member Swinth and **CARRIED** 6-0-1 (Vice Mayor Carlstrom abstaining) to waive reading of the text and adopt Consent Item 11.2 as follows:

RESOLUTION NO. 28347 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A LEAVE OF ABSENCE FOR THE VICE MAYOR

12. REPORT ITEMS

12.1 REPORT – ORDINANCE AMENDING CHAPTER 11-22 OF THE CITY CODE, HUMAN HABITATION OF VEHICLES AND CAMPERS, CAMPING

BACKGROUND: The City currently has an ordinance that prohibits camping on public streets and public property. Initially adopted in 1994, the ordinance was essentially amended twice in the latter part of 2011 as a result of issues related to the Occupy Santa Rosa movement and camping at City Hall. The definition of human habitation and the provisions prohibiting the use of vehicles on public streets for human habitation were retained.

The proposed amendment will eliminate provisions of the ordinance which have been challenged in Santa Rosa, the County and other jurisdictions regarding sleeping in vehicles.

The proposed ordinance will still allow the Police Department to address the community's expectation regarding illegal camping on public streets.

RECOMMENDATION: It is recommended by the City Attorney and the Police Department that the City Council introduce an ordinance amending Chapter 11-22 Human Habitation of Vehicles and Campers, Camping of the Santa Rosa City Code.

Michael Casey, Assistant City Attorney, provided the staff report and responded to questions. Dave Gouin, Director of Economic Development and Housing, responded to questions.

PUBLIC COMMENT

Carolyn Epple expressed concerns regarding homelessness in Sonoma County and encouraged Council to not approve the ordinance unless it decriminalizes sleep.

Richard Canini spoke in opposition to the ordinance and encouraged the Council to decriminalize sleep.

David Hoffman expressed concerns regarding the intent and purpose of the ordinance.

Peter Tscherneff spoke regarding homelessness and various topics.

Linda R. Picton spoke regarding homelessness, the lack of accommodations, and the importance of sleep.

Adrienne Lauby expressed concerns regarding the prohibition on camping in vehicles on public property and laws criminalizing homelessness

Dubii Lechuga, Dorothy Day group, expressed concerns regarding the prohibition on camping in vehicles and presented petitions in support of decriminalizing homelessness. David Grabill, Sonoma County Housing Advocacy Group, spoke regarding the homeless population in Sonoma County and the lack of shelter beds and expressed concerns regarding the criminalization of sleeping in vehicles.

MOVED by Council Member Ours and 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 CHAPTER 11-22 OF THE SANTA ROSA CITY CODE, HUMAN HABITATION OF VEHICLES AND CAMPERS, CAMPING

Following Council discussion, the motion **CARRIED** 5-2 (Council Members Combs and Wysocky voting no.)

MOVED by Council Member Combs and seconded by Vice Mayor Carlstrom to bring the issue of camping in vehicles back to Council as a study session item prior to the Council's study session on homeless issues in January.

Following Council discussion, the motion **FAILED** 3-4 (Mayor Bartley, Council Members Olivares, Ours and Swinth voting no).

Mayor Bartley recessed the meeting at 6:17 p.m. and reconvened the meeting at 6:24 p.m.

****12.2 REPORT - APPEAL OF A PUBLIC CONVENIENCE OR NECESSITY DETERMINATION FOR AN OFF-SALE ALCOHOL LICENSE FOR WILIBEES AT 700 3RD STREET**

BACKGROUND: On May 20, 2013, a PCN application was filed by Vikram Badhan on behalf of Wilibeas in order to apply for an off-sale alcohol license for beer wine and distilled spirit sales (Type 21 license) at 700 3rd Street. On July 18, 2013, based on statistical information reported by the California Department of Alcoholic Beverage Control (ABC) and information provided by the Santa Rosa Police Department regarding crime issues in the area, the Community Development Director determined that public convenience or necessity would not be served by the issuance of a license for the sale of beer, wine and distilled spirits. On July 29, 2013, the applicant filed an appeal of the Director's determination.

RECOMMENDATION: It is recommended by the Community Development Department that the Council, by resolution, deny the appeal and uphold the Community Development Director's determination that the Public Convenience or Necessity would not be served by the issuance of a Type 21 ABC license for Wilibeas located at 700 3rd Street.

Council Members disclosed the following ex parte communications: Council Member Combs viewed the site and receipt of an email.

Lori Macnab, City Planner, provided the staff report and responded to questions. Sergeant Jerry Soares also responded to questions.

Elizabeth Palmer, representative for the appellant, and Vikram Badhan, applicant and appellant, provided additional information on the proposed application and spoke in support of the appeal.

PUBLIC COMMENT

Annette Cooper spoke in support of granting the appeal.

Zepporah Glass, representing the property owner, spoke in support of granting the appeal.

Bill Cole spoke in support of granting the appeal.

Claudia Cleaver, Morrison Cleaver Architects, spoke in support of granting the appeal

Jeff Sacher, Santa Rosa Realty, spoke in support of granting the appeal.

Lori Sacco, managing broker representing the appellant, spoke in support of granting the appeal.

Patrick Murray spoke in support of granting the appeal.

Linda Sandoval spoke in support of granting the appeal.

Peter Tscherneff recited a poem.

MOVED by Council Member Wysocky and seconded by Vice Mayor Carlstrom to grant the appeal. Following Council discussion, the motion CARRIED 6-1 (Council Member Ours voting no.)

12.3 REPORT – REVIEW COUNCIL POLICY 000-40, LEGISLATIVE ADVOCACY

BACKGROUND: On April 9, 2013 Council amended Policy 000-40, Legislative Advocacy to (1) merge the Council Policy and Legislative Principles and Priorities into one document; (2) incorporate the Council's current priorities, goals and objectives as legislative priorities; and (3) reflect the Council's current procedure for responding to State and Federal legislation. Council is reviewing the policy.

RECOMMENDATION: Provided as information. Council may provide direction.

Kathy Millison, City Manager, and Caroline Fowler, City Attorney, provided the staff report.

PUBLIC COMMENT

Anne Seeley questioned whether the Council could be polled regarding the City's position on state and federal legislation.

MOVED by Council Member Combs and seconded by Council Member Wysocky to revise the policy to add the last sentence of section C(3)(c), "Such action, however, does not necessarily indicate support of the legislation of the City Council." as a new section C(1)(d) to apply whenever the legislation has not been brought before the full Council for approval. The motion **FAILED** 2-5 (Mayor Bartley, Council Members Olivares, Ours, Swinth and Wysocky voting no.)

13. PUBLIC HEARINGS - NONE

14. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)

14.1 SANTA ROSA CREEK TRAIL - STREAMSIDE TO MISSION - MINOR CONTRACT AWARD MEMO

Communication provided for informational purposes. No action was taken by the Council.

15. PUBLIC COMMENTS ON NON-AGENDA MATTERS

Peter Tscherneff spoke regarding various topics.

Cynthia Wallace encouraged the City to deny the rezoning at the Warrack Hospital site and expressed concerns regarding SAY's financial resources.

16. ANNOUNCEMENT OF CONTINUED CLOSED SESSION ITEM(S), RECESS TO CLOSED SESSION(S) IN THE MAYOR'S CONFERENCE ROOM, RECONVENE TO OPEN SESSION, AND ANNOUNCEMENTS, IF ANY – NONE.

17. ADJOURNMENT OF MEETING

Hearing no further business, Mayor Bartley adjourned the meeting at 8:02 p.m. in memory of former City employee Josh Maresca. The next regularly scheduled meeting will take place on September 24, 2013, at a time to be set by the Mayor.

Approved on: October 1, 2013

/s/ Terri A. Griffin, City Clerk