



**City Council
Regular Meeting Minutes - Draft**

Tuesday, June 29, 2021

12:00 PM

1. CALL TO ORDER AND ROLL CALL

Mayor Rogers called the meeting to order at 12:03 p.m.

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

Absent: 1 - Council Member Jack Tibbetts

2. ANNOUNCEMENT OF CLOSED SESSION ITEMS

PUBLIC COMMENT

Duane De Witt submitted comment on Item 2.1.

Mayor Rogers recessed the meeting to closed session at 12:05 p.m.

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

Agency Designated Representatives: Jan Mazyck, Chief Financial Officer, Amy Reeve, Human Resources Director, Jeremia Mills, Employee Relations Manager, and Jeff Berk, Chief Assistant City Attorney.

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); Executive Management (Employee Unit 10); Middle Management (Employee Unit 11); Confidential (Employee Unit 12); Mechanics (Employee Unit 13); City Attorney (Employee Unit 15); Santa Rosa City Attorneys'

Association (Employee Unit 17), Santa Rosa Management Association (Employee Unit 18).

This item was received and filed.

Mayor Rogers adjourned closed session at 1:18 p.m. and reconvened the meeting to open session at 1:30 p.m.

3. INTERVIEWS FOR BOARDS, COMMISSIONS AND COMMITTEES

3.1 INTERVIEWS FOR HOUSING AUTHORITY VACANCY

The Council will interview applicants for the Housing Authority Tenant Commissioner and At-Large vacancies.

Council conducted applicant interviews to make appointments for two At-Large representatives, one Senior representative, and one At-Large Tenant Commissioner representative on the Housing Authority.

Council Member Fleming left the meeting at 2:02 p.m.

PUBLIC COMMENT

Duane De Witt spoke on this being an opportunity for Council to make changes to the Housing Authority.

Mayor Rogers recessed the meeting at 3:33 p.m. and reconvened to Regular Session at 4:00 p.m.

4. STUDY SESSION - NONE.

5. ANNOUNCEMENT OF ROLL CALL

Present: 5 - Mayor Chris Rogers, Vice Mayor Natalie Rogers, Council Member Eddie Alvarez, Council Member John Sawyer, and Council Member Tom Schwedhelm

Absent: 2 - Council Member Victoria Fleming, and Council Member Jack Tibbetts

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

City Attorney Sue Gallagher reported Council met in a special closed session on Item 2.1 regarding existing litigation concerning California Public Utilities Commission and gave direction to legal

counsel, on item 2.2 on existing litigation regarding Bay Cities Paving vs. City of Santa Rosa and Council gave direction to counsel, and on Item 2.3 regarding a series of leases and license agreements with Council giving direction to the Real Property Negotiator. City Attorney Gallagher also reported Council met in regular closed session with labor negotiators on Item 2.1 and provided direction to labor negotiators.

7. PROCLAMATIONS/PRESENTATIONS - NONE.

8. STAFF BRIEFINGS

8.1 COVID-19 RESPONSE UPDATE

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

No report was provided.

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

City Attorney Sue Gallagher reported Governor Newsom signed into law AB 832, extending the moratorium on evictions to September 30, 2021, noting the bill doubled the state's rental relief fund.

Interim City Manager Jeff Kolin reported Jennifer Myles, Senior Buyer, achieved certification by NIGP, a national procurement program, as one of the first 551 people in the universe to obtain an NIGP-CPT certification and extended congratulations to her.

No public comments were made.

10. STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS

No statements of abstention were made.

11. MAYOR'S/COUNCIL MEMBERS' REPORTS

No reports were made.

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)

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

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)

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 Home Sonoma County (HSC)

11.1.10 Renewal Enterprise District (RED)

11.1.11 Public Safety Subcommittee

11.1.12 Other

11.2 BOARD, COMMISSION & COMMITTEE APPOINTMENTS

A motion was made by Council Member Schwedhelm, seconded by Council Member Sawyer, to appoint Wayne Downey to one of the At-Large Housing Authority positions. The motion carried by the following vote:

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

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

A motion was made by Council Member Schwedhelm, seconded by Council Member Sawyer, to appoint Thomas LaPenna to one of the At-Large Housing Authority positions. The motion carried by the following vote:

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

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

A motion was made by Council Member Sawyer, seconded by Council Member Alvarez, to appoint Yvonne Rawhouser as the Senior representative on the Housing Authority. The motion carried by the following vote:

Yes: 4 - Vice Mayor Rogers, Council Member Alvarez, Council Member Sawyer, and Council Member Schwedhelm

No: 1 - Mayor Rogers

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

A motion was made by Council Member Schwedhelm, seconded by Council Member Sawyer, to appoint Scott McWhorter as a Tenant Commissioner to the Housing Authority. The motion carried by the following vote:

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

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

12. APPROVAL OF MINUTES

12.1 May 4-5, 2021 Special Meeting.

No public comments were made.

Approved as submitted.

13. CONSENT ITEMS

PUBLIC COMMENT

Gregory Fearon spoke regarding Item 13.2.

Duane De Witt spoke asking Council to pull Item 13.2 and spoke on Item 13.3.

Approval of the Consent Agenda

A motion was made to waive reading of the text and adopt Consent Items 13.1 through 13.9. The motion carried by the following vote:

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

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

13.1 MOTION - PACIFIC AVENUE RECONSTRUCTION - HUMBOLDT ST TO MONTECITO AVE - CONTINGENCY ACTION

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that Council, by motion, approve additional construction contingency for Contract No. C00661, Pacific Avenue Reconstruction - Humboldt Street to Montecito Avenue, in the amount of \$1,100,000.00, for both unknown conditions and to extend the service life of the roadway, increasing the contract amount to a total of \$6,677,162.80.

This Consent - Motion was approved.

13.2 MOTION - 2020 GENERAL PLAN ANNUAL REVIEW REPORT

RECOMMENDATION: It is recommended by the Planning Commission and the Planning and Economic Development Department that the City Council, by motion: 1) receive and approve the 2020 General Plan Annual Review Report; and 2) waive the Council Policy 200-001 requirement for a joint study session on the General Plan Annual Review to allow for a streamlined General Plan Annual Review process until the adoption of General Plan 2050.

This Consent - Motion was approved.

13.3 RESOLUTION - AUTHORIZING SUBMITTAL OF A GRANT APPLICATION TO THE STATE OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION OFFICE OF GRANTS AND LOCAL SERVICES PER CAPITA GRANT PROGRAM FOR THE REVITALIZATION OF THE PLAYGROUND AREA AT SOUTH DAVIS NEIGHBORHOOD PARK

RECOMMENDATION: It is recommended by the Transportation and Public Works Department, that the Council, by resolution: 1) authorize

the submittal of a grant application to the State of California Department of Parks and Recreation Office of Grants and Local Services Per Capita Grant Program for the revitalization of the playground area at South Davis Neighborhood Park in the amount of \$285,291; 2) authorize the Assistant City Manager to accept the grant and execute a state form of Grant Contract and Deed Restriction, any related grant agreements and any amendments thereto, and all other documents necessary for the completion of the project, subject to approval as to form by the City Attorney; and 3) authorize the Chief Financial Officer to increase appropriations by the amount of the grant award.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2021-115 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING SUBMITTAL OF A GRANT APPLICATION TO THE STATE OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION OFFICE OF GRANTS AND LOCAL SERVICES PER CAPITA GRANT PROGRAM FOR THE REVITALIZATION OF THE PLAYGROUND AREA AT SOUTH DAVIS NEIGHBORHOOD PARK, IN THE AMOUNT OF \$285,291; AUTHORIZING THE ASSISTANT CITY MANAGER TO NEGOTIATE AND EXECUTE THE GRANT AGREEMENT AND ADMINISTER THE GRANT, AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO INCREASE APPROPRIATIONS BY THE APPROVED GRANT AWARD

- 13.4 RESOLUTION - APPROVAL OF AMENDMENT/CHANGE ORDER NO. 3 TO THE COMMUNICATIONS SYSTEM AND SERVICES AGREEMENT WITH MOTOROLA SOLUTIONS, INC. TO INCREASE COMPENSATION BY \$2,755,731.11, FOR A TOTAL NOT TO EXCEED \$8,104,319.80 FOR NINE YEARS OF MAINTENANCE AND SOFTWARE SYSTEM UPGRADES

RECOMMENDATION: It is recommended by the Finance and Police Departments that the Council, by resolution, approve and authorize the City Manager to negotiate and execute, subject to approval as to form by the City Attorney, an Amendment/Change Order No. 3 to the Communications System and Services Agreement with Motorola Solutions, Inc. of San Diego, CA increasing the compensation by \$2,755,731.11 for a total not to exceed amount of \$8,104,319.80 covering nine years of maintenance and software system upgrades.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2021-116 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AMENDMENT/CHANGE ORDER #03 TO THE COMMUNICATIONS SYSTEM AND SERVICES AGREEMENT WITH MOTOROLA SOLUTIONS, INC., SAN DIEGO, CA, TO EXTEND MAINTENANCE AND SOFTWARE SYSTEMS UPGRADES FOR NINE ADDITIONAL YEARS AND ADD COMPENSATION IN THE AMOUNT OF \$2,755,731.11 FOR A TOTAL NOT TO EXCEED AMOUNT \$8,104,319.80

- 13.5** RESOLUTION - APPROVAL OF FIFTH AMENDMENT TO GENERAL SERVICES AGREEMENT NUMBER F001776 WITH PETRUSHA ENTERPRISES, INC. DBA ADVANCED SECURITY SYSTEMS

RECOMMENDATION: It is recommended by the Finance Department that the Council, by resolution, approve the Fifth Amendment to General Service Agreement Number F001776, to extend the term for two years and increase compensation by \$70,000, for fire and burglar alarm system monitoring services with Petrusha Enterprises, Inc. dba Advanced Security Systems, for a total amount not to exceed \$150,788.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2021-117 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE FIFTH AMENDMENT TO GENERAL SERVICES AGREEMENT NUMBER F001776 WITH PETRUSHA ENTERPRISES, INC. DBA ADVANCED SECURITY SYSTEMS FOR FIRE AND BURGLAR ALARM MONITORING SERVICES AT VARIOUS CITY LOCATIONS

- 13.6** RESOLUTION - FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT NUMBER F002259 WITH BEST BEST & KRIEGER LLP FOR REAL ESTATE LEGAL SERVICES

RECOMMENDATION: It is recommended by the City Attorney and the Transportation & Public Works Department that the Council, by resolution, approve the First Amendment to Professional Services Agreement Number F002259 with Best Best & Krieger LLP to extend services and to increase compensation by \$100,000 for a total contract amount not to exceed \$200,000 for continued legal advice relating to real estate matters.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2021-118 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT NUMBER F002259 WITH BEST BEST & KRIEGER LLP FOR REAL ESTATE LEGAL SERVICES

- 13.7 RESOLUTION - SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT NUMBER F002008 WITH GOODIN, MACBRIDE, SQUERI & DAY, LLP FOR LEGAL REPRESENTATION IN PROCEEDINGS BEFORE THE CALIFORNIA PUBLIC UTILITIES COMMISSION

RECOMMENDATION: It is recommended by the City Attorney that the Council, by resolution, approve the Second Amendment to Professional Services Agreement Number F002008 with Goodin, MacBride, Squeri & Day, LLP in the amount of \$75,000 for a total amount not to exceed \$175,000 for continued legal services in connection with regulatory requirements relating to various wildfire and de-energization proceedings before the California Public Utilities Commission.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2021-119 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT NUMBER F002008 WITH GOODIN, MACBRIDE, SQUERI & DAY, LLP FOR LEGAL REPRESENTATION IN PROCEEDINGS BEFORE THE CALIFORNIA PUBLIC UTILITIES COMMISSION

- 13.8 RESOLUTION - FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT NUMBER F002270 WITH GEARY, SHEA, O'DONNELL, GRATTAN & MITCHELL P.C. FOR LEGAL REPRESENTATION

RECOMMENDATION: It is recommended by the City Attorney and the Director of Santa Rosa Water that the Council, by resolution, approve the First Amendment to Professional Services Agreement Number F002270 with Geary, Shea, O'Donnell, Grattan & Mitchell, P.C. in the amount of \$100,000 for a total contract amount not to exceed \$175,000 for continued legal representation in the matter of *Pelayo, et al. v. Utility Partners of America, City of Santa Rosa, et al.*

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2021-120 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT NUMBER F002270 WITH GEARY, SHEA, O'DONNELL, GRATTAN & MITCHELL P.C. FOR LEGAL REPRESENTATION

13.9 RESOLUTION - FIRST AMENDMENT TO LEGAL SERVICES AGREEMENT WITH MEYERS | NAVE FOR LEGAL REPRESENTATION

RECOMMENDATION: It is recommended by the City Attorney and Transportation & Public Works Department that the Council, by resolution, approve the First Amendment to Legal Services Agreement with Meyers Nave, P.C. in the amount of \$200,000 for a total amount not to exceed \$300,000 for continued legal representation in the matter of *Bay Cities Paving & Grading, Inc. v. City of Santa Rosa Sonoma County*, Superior Court Case No. SCV-265333.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2021-121 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE FIRST AMENDMENT TO LEGAL SERVICES AGREEMENT WITH MEYERS NAVE, A PROFESSIONAL CORPORATION FOR LEGAL REPRESENTATION

Mayor Rogers recessed the meeting at 4:33 p.m. and reconvened the meeting at 5:00 p.m.

Present: 5 - Mayor Chris Rogers, Vice Mayor Natalie Rogers, Council Member Eddie Alvarez, Council Member John Sawyer, and Council Member Tom Schwedhelm

Absent: 2 - Council Member Victoria Fleming, and Council Member Jack Tibbetts

16. PUBLIC HEARINGS

16.1 PUBLIC HEARING - RESOLUTION TO ADOPT PROPOSED WATER DEMAND FEE SCHEDULE AND ORDINANCE AMENDING CHAPTER 15 OF THE CITY CODE TO ADOPT THE PROPOSED WASTEWATER DEMAND FEE SCHEDULE BASED ON THE 2021 WATER AND WASTEWATER DEMAND FEE STUDY FINAL REPORT

BACKGROUND: Water and wastewater demand fees, one-time fees charged for new development, are updated periodically to adjust the

fees based on current system valuation and customer usage. On August 26, 2014, the 2014 Water and Wastewater Demand Fee Study and the current demand fee schedule were adopted by City Council.

The proposed 2021 demand fee update will increase the demand fee per one thousand gallons of water and wastewater. However, residential categories, based on Santa Rosa Water customer usage, have reduced resulting in the combined 2021 water and wastewater demand fees being less than the current combined demand fees.

RECOMMENDATION: It is recommended by the Board of Public Utilities and Santa Rosa Water, that the Council: 1) by resolution, approve the amended water demand fee schedule; and 2) introduce an ordinance amending Chapter 15-16 of the Santa Rosa City Code to incorporate the approved sewer demand fee schedule, re-adopting the annual adjustments, and make related changes.

Jennifer Burke, Director of Water, introduced Kimberly Zunino, Deputy Director - Water Resources.

Kimberly Zunino, Deputy Director - Water Resources, and Bob Reed, The Reed Group Consultant, presented and answered questions from Council.

Mayor Rogers opened the public hearing at 5:22 p.m.

Duane De Witt spoke in support of lowering costs and for a moratorium on new development hook-ups until the drought is over.

Mitchell Suza spoke on lowering the tax base to support habitat.

Seeing no one else wishing to speak, Mayor Rogers closed the public hearing at 5:30 p.m.

A motion was made by Council Member Schwedhelm, seconded by Council Member Sawyer, to waive reading of the text and adopt

RESOLUTION NO. RES-2021-122 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING THE SCHEDULE OF WATER DEMAND FEES FOR PROPERTIES TO BE SERVICED BY

CONNECTION TO THE CITY WATER SYSTEM

The motion carried by the following vote:

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

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

A motion was made by Council Member Schwedhelm, seconded by Council Member Sawyer, to waive reading of the text and introduce

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING SECTIONS 15-16.030 AND 15-16.050 OF TITLE 15 OF THE SANTA ROSA CITY CODE ADOPTING SEWER DEMAND FEE

The motion carried by the following vote:

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

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

16.2 PUBLIC HEARING - ORDINANCE REGULATING WIRELESS FACILITIES IN THE PUBLIC RIGHT-OF-WAY AND RESOLUTION ADOPTING DESIGN AND DEVELOPMENT STANDARDS FOR SUCH FACILITIES

BACKGROUND: The Planning and Economic Development Department is proposing the introduction of an ordinance amending the Santa Rose Municipal Code to add Chapter 13-06 to Title 13 Streets, Sidewalks and Public Places. The proposed amendment will bring the City's regulation of wireless facilities within the public right-of-way into compliance with Federal and State laws. The addition of this code sections will ensure to the greatest extent possible that wireless facilities are located, designed, installed, constructed, maintained and operated in a manner that meets the aesthetic and public health and safety requirements of the City. The proposed ordinance addresses the type of wireless facilities that are exempt, permitted, conditionally permitted and prohibited within the City's public right-of-way. The proposed ordinance further outlines the general procedures for permit approval and abandonments.

The Planning and Economic Development Department is also proposing a resolution that will establish design and development standards for the placement of wireless facilities within the public right-of-way. The design and development standards will set forth specific construction and placement requirements that will attempt to balance the deployment of wireless facilities and associated wireless support structures in the public right-of-way to protect fast reliable cellular coverage and capacity, while preserving the character, safety and aesthetics of the City's street scape.

RECOMMENDATION: It is recommended by the Planning and Economic Development Department that the Council: 1) introduce an Ordinance adding Chapter 13-06 to Title 13 Streets, Sidewalks and Public Places of the Santa Rosa City Code pertaining to wireless facilities in public rights-of-way and finding the same exempt from California Environmental Quality Act; and by resolution, 2) establish design and development standards specific to the placement of wireless facilities in the public right-of-way.

Gabe Osburn, Deputy Director - Development Services and Gail Karish, Best, Best & Krieger, presented and answered questions from Council.

Mayor Rogers opened the public hearing at 6:54 p.m.

Hannah Borris, Verizon Wireless, spoke in support of the ordinance.

Alex Krohn, Safe Tech for Santa Rosa, spoke thanking Mr. Osburn for his work and in support of the ordinance.

Mary Dahl submitted comment on the impacts of exposure to RFRs in her home.

Vickie Sievers submitted comment commending staff for their work on the policy, in support of the ordinance.

Jennifer LaPorta submitted comment thanking Council and Mr.

Osburn and in support of the ordinance and policy.

Richard Boyd submitted comment in support of the ordinance the and commended Mr. Osburn for his work.

Tom LaPorta submitted comment on fiber to the premises as a revenue source, and set-backs to property.

Sidnee Cox submitted comment in support of fiber connectivity, the issue of set-backs, distance of small towers from homes, and the levels of RF radiation exposure.

Kim Schroder submitted comment thanking Mr. Osburn for his work and in support of a fiber network.

Royalynn Wooten submitted comment in support of municipal broadband or fiber connectivity and her concerns on exposure to RFRs.

Martin Miller submitted comment in support of a fiber network, and related exposure to RF.

Mayor Rogers closed the public hearing at 7:25 p.m.

A motion was made by Council Member Sawyer, seconded by Council Member Schwedhelm, to waive reading of the text and adopt

RESOLUTION NO. RES-2021-123 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ESTABLISHING DESIGN AND DEVELOPMENT STANDARDS FOR WIRELESS FACILITIES IN THE PUBLIC RIGHT-OF-WAY

The motion carried by the following vote:

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

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

A motion was made by Council Member Sawyer, seconded by Council Member Schwedhelm, to waive reading of the text and introduce as amended

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA
ADDING CHAPTER 13-06 TO TITLE 13 STREETS, SIDEWALKS AND
PUBLIC PLACES OF THE SANTA ROSA CITY CODE PERTAINING TO
WIRELESS FACILITIES IN PUBLIC RIGHTS-OF-WAY**

The motion carried by the following vote:

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

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

Mayor recessed the meeting at 7:45 p.m. and reconvened the meeting at 8:15 p.m.

Present: 5 - Mayor Chris Rogers, Vice Mayor Natalie Rogers, Council Member Eddie Alvarez, Council Member John Sawyer, and Council Member Tom Schwedhelm

Absent: 2 - Council Member Victoria Fleming, and Council Member Jack Tibbetts

14. PUBLIC COMMENT ON NON-AGENDA MATTERS

Duane De Witt spoke congratulating the City on using the hybrid approach to meetings to provide opportunity for the public to participate.

15. REPORT ITEMS

City Attorney Gallagher informed the Council Item 15.3 did not appear on the Preliminary Agenda under the Council's Early Agenda Policy and that Council would need to make findings of good cause to add Item 15.3 to the agenda.

No public comments were made.

A motion was made by Vice Mayor Rogers, seconded by Council Member Schwedhelm, to add Item 15.3 as an urgency item to the agenda by making findings of good cause that as a result of exceptional circumstances beyond the control of the Council due a decision by the State Water

Resources Board ordering a reduction in diversion from the Russian River by 20% starting July 1, 2021, which did not allow time for Council to place this on a preliminary agenda. The motion carried by the following vote:

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

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

15.1 REPORT - RESOLUTION - APPROVAL OF A DISPOSITION AND DEVELOPMENT AGREEMENT FOR A LOW-INCOME DEVELOPMENT ON CITY PROPERTY LOCATED AT 702 & 716 BENNETT VALLEY ROAD AND 921 & 927 RUTLEDGE AVENUE, SANTA ROSA, CA WITH FREEBIRD DEVELOPMENT COMPANY, LLC AND ALLIED HOUSING INC.

BACKGROUND: On May 29, 2019 the City released a Request for Developer Qualifications/Proposals for a low-income development on City Property, located at 702 & 716 Bennett Valley Road, and 921 & 927 Rutledge Avenue, Santa Rosa, also known as the former Bennett Valley Senior Center. Freebird Development, LLC and Allied Housing, Inc. (collectively "Developer") was chosen by Council on September 24, 2019, and an Exclusive Negotiation Agreement was negotiated and approved by Council on May 19, 2020. Since that time, the Developer has completed entitlements for the proposed project and Staff, pursuant to Council's direction on price and terms, and Developer have negotiated the Disposition and Development Agreement substantially in the form attached as Exhibit A and subject to City Attorney approval.

RECOMMENDATION: It is recommended by the Housing and Community Services and Transportation and Public Works Department that Council, by resolution, approve the Disposition and Development Agreement on City property located at 702 & 716 Bennett Valley Road and 921 & 927 Rutledge Avenue, Santa Rosa, CA with Freebird Development Company, LLC and Allied Housing Inc., substantially in the form attached as Exhibit A and subject to City Attorney approval.

Jill Scott, Real Estate Manager, and Nicole Rathbun, Interim Housing & Community Services Manager, and Ethan Walsh, Best Best & Krieger, presented and answered questions from Council.

PUBLIC COMMENT

Gregory Fearon spoke in support of the project.

Duane De Witt spoke in support of the project.

A motion was made by Council Member Sawyer, seconded by Vice Mayor Rogers, to waive reading of the text and adopt

RESOLUTION NO. RES-2021-124 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT FOR A LOW-INCOME HOUSING DEVELOPMENT ON CITY PROPERTY LOCATED AT 702 & 716 BENNETT VALLEY ROAD AND 921 & 927 RUTLEDGE AVENUE, SANTA ROSA, CA WITH FREEBIRD DEVELOPMENT COMPANY, LLC AND ALLIED HOUSING INC.

The motion carried by the following vote:

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

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

15.2 REPORT - AMENDMENTS TO THE OPEN GOVERNMENT ORDINANCE

BACKGROUND: On December 8, 2020, Council adopted Ordinance No. ORD-2020-018 adding Chapter 1-10, "Open Government" to Title 1 of the Santa Rosa City Code. The Ordinance established guidelines for public access to meetings, disclosure of public records, website information, agenda publication requirements for regular meetings, and meeting minutes. The effective date of the Ordinance was set for July 1, 2021, to allow time for development of required procedures and protocols.

Council directed staff to start implementation of the directives in the ordinance in advance of the effective date in order to assess and analyze impacts and issues. More time for this analysis is needed.

In addition, several significant issues have emerged in connection with the early publication dates of the Preliminary and Regular meeting agendas. Adjustments to those publication dates may be appropriate.

RECOMMENDATION: It is recommended by the Mayor and the City Clerk that Council introduce an ordinance amending Chapter 1-10.030 (A) and (C) of Ordinance No. ORD-2020-018 to revise the publication dates of the Preliminary and Regular meeting agendas, and to revise Chapter 1-10.170 Section 4, to establish a new Ordinance effective date of January 1, 2022.

City Attorney Sue Gallagher, and Stephanie Williams, City Clerk, presented and answered questions from the Council.

PUBLIC COMMENT

Gregory Fearon spoke on concerns of not getting information on the agenda and supports moving the publication of the preliminary agenda by one day.

Duane De Witt spoke in opposition of adopting the ordinance.

A motion was made by Council Member Alvarez, seconded by Council Member Sawyer, to waive reading of the text and introduce as amended

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING SECTION 1 10.030 OF THE SANTA ROSA CITY CODE AND POSTPONING THE EFFECTIVE DATE OF CHAPTER 1-10 OF THE SANTA ROSA CITY CODE "OPEN GOVERNMENT" TO JANUARY 1, 2022

The motion carried by the following vote:

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

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

***15.3**

REPORT - ADOPTION OF STAGE 3 - MANDATORY 20% REDUCTION IN WATER USE OF THE CITY'S WATER SHORTAGE CONTINGENCY PLAN

BACKGROUND: On April 21, 2021, the Governor declared a local drought emergency for Sonoma and Mendocino counties. On April 27, 2021, the County of Sonoma declared a local drought emergency. On May 14, 2021, Sonoma Water, the City's water wholesale supplier, filed a Temporary Urgency Change Petition with the State Water Resources Control Board (State Board) requesting a reduction of releases from

Lake Mendocino and Lake Sonoma to preserve critical water supply storage. On June 14, 2021, the State Board issued a Temporary Urgency Change Order that allows Sonoma Water to reduce their releases from Lake Mendocino and Lake Sonoma to preserve critical water supply storage. The Order also requires Sonoma Water to reduce their diversions from the Russian River beginning July 1 by 20% over 2020 levels. Sonoma Water will therefore be allocating water to their water contractors, including Santa Rosa Water. Adopting Stage 3 of the City's Water Shortage Contingency Plan is required to reduce retail demand and achieve targets consistent with Santa Rosa Water's allocation.

RECOMMENDATION: It is recommended by Santa Rosa Water that the Council: 1) by motion, find good cause, under the Early Agenda Policy and the Open Government Ordinance, to consider this item, notwithstanding that the item did not appear on the preliminary agenda; and by resolution, 2) declare a drought emergency; 3) adopt Stage 3 - Mandatory 20% Reduction in Water Use of the City's Water Shortage Contingency Plan; 4) direct staff to implement the water conservation program as defined by Stage 3 to realize a community-wide water use reduction of up to 20%; and 5) authorize the utilization of Water Enterprise Catastrophic Reserve funds, if necessary.

Jennifer Burke, Director Santa Rosa Water, and Peter Martin, Deputy Director - Water Resources, presented and answered questions from Council.

No public comments were made.

A motion was made by Council Member Schwedhelm, seconded by Council Member Sawyer, to waive reading of the text and adopt

RESOLUTION NO. RES-2021-125 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DECLARING A DROUGHT EMERGENCY, ADOPTING STAGE 3 OF THE CITY'S WATER SHORTAGE CONTINGENCY PLAN DIRECTING STAFF TO IMPLEMENT THE WATER CONSERVATION PROGRAM AS DEFINED BY STAGE 3 REQUIRING CUSTOMERS TO REDUCE COMMUNITY-WIDE WATER USE BY 20% AND AUTHORIZING USE OF WATER ENTERPRISE FUND FINANCIAL RESERVES

The motion carried by the following vote:

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

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

17. WRITTEN COMMUNICATIONS - NONE.

18. PUBLIC COMMENTS ON NON-AGENDA MATTERS

Gregory Fearon spoke on the State Legislature adopting programs with funding for counties and cities.

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

Hearing no further business, Mayor Rogers adjourned the meeting at 9:54 p.m. The next regularly scheduled meeting will be on July 13, 2021, at a time to be set by the Mayor.

21. UPCOMING MEETINGS

21.1 UPCOMING MEETINGS LIST

This item was received and filed.

Approved on:

Stephanie A. Williams
City Clerk