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From: Richard C. Ersted <rcersted@ircoc.com>
Sent: Saturday, January 25, 2020 3:15 PM
To: _CityCouncilListPublic
Cc: Navarro, Rainer; Cregan, John; McBride, Chuck; Alton, Alan; Duggin, Kyle; Tramel, Brandalyn; Sprinkle, Rob; Patterson, Paul; Garth E. Pickett
Subject: [EXTERNAL] City Council Mtg: January 28, 2020: Item 12.1: Request to Pull From Consent
Attachments: city_council.2020_jan_25.v1.pdf
Importance: High

Mayor Schwedhelm; Vice Mayor Fleming; Council Members Sawyer, Rogers, Olivares, Tibbetts, and Dowd,

Attached please find letter to you regarding the above-referenced item.

Richard C. Ersted
Santa Rosa Associates II
PO Box 51387
Palo Alto CA 94303-0701
650.592.5425 [v]
650.766.9665 [c]
rcersted@ircoc.com

SANTA ROSA ASSOCIATES II

RICHARD C. ERSTED . rcersted@ircoc.com

VIA EMAIL to citycouncil@srcity.org

January 25, 2020

Mayor Tom Schwedhelm; Vice Mayor Victoria Fleming; and Council Members John Sawyer, Chris Rogers, Ernesto Olivares, Jack Tibbetts, and Richard Dowd
City of Santa Rosa

Re: City Council Meeting: January 28, 2020
Agenda Item 12.1
Third Amendment to General Services Agreement F001621 with Cream's Dismantling, Inc.,
dba Cream's Towing

Subject: Request to Pull From Consent

Mayor Schwedhelm; Vice Mayor Fleming; and Council Members Sawyer, Rogers, Olivares, Tibbetts,
and Dowd:

I am writing to respectfully request the following:

1. The City Council pull item 12.1 from the Consent Calendar, allowing the Council to contemplate possible changes to the contract amendment and a revised path forward on certain related City activities, as noted hereinbelow.
2. At present, according to staff at Cream's Towing (Cream's) late last week, (i) the outside lot at Cream's is full or nearly so, (ii) Cream's has yet to decommission a significant number of recreational vehicles, campers, and other motorized and non-motorized camping vehicles (collectively, Oversized Vehicles), including the removal of (a) waste water, (b) gasoline, brake oil, motor oil, and other engine and transmission fluids, or (c) interior trash and debris (or some combination thereof), and (iii) Cream's is planning to purchase a crushing machine, allowing Cream's, once it completes decommissioning an Oversized Vehicle, to reduce such Vehicle to a much smaller size, facilitating less-expensive transportation off-site but has yet to make such purchase. Given the lack of outside lot space, I request the City of Santa Rosa (City) amend the existing contract with Cream's to require the following:
 - a. Cream's fully clears the outside lot currently in use by Cream's – with vehicles decommissioned in accordance with any and all Federal, State, and City regulations and standards; with each vehicle transported off-site to an

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authorized disposal facility – no later than two (2) weeks from the City Council's public hearing, or Tuesday, February 11, 2020; and

- b. Here forward, throughout the remainder of the term of the agreement, (i) Cream's keeps such outside Cream's lot no more than two-thirds (2/3) full at any time, and (ii) when such lot is more than two-thirds (2/3) full, Cream's is obligated to promptly tow any vehicle – including, but not limited, to Oversized Vehicles – to a licensed third-party storage or disposal site.
3. Increase the contract amount by One Hundred Seventy-Five Thousand Dollars (\$175,000), an increase of Seventy-Five Thousand Dollars (\$75,000) above the staff recommendation, funding such increase with the monies noted in item 8 herein below. Such additional contract increase is wise, since, at present, there are a significant number of Oversized Vehicles parked on City streets which appear, at first review, to be in violation of one or more City of Santa Rosa (City) Municipal Code (Code) sections and, thus, in need of towing and disposal. Unfortunately, over time – particularly given the slow response by the County of Sonoma (County) to the increase in numbers of individuals living rough on the Joe Rodota Trail – the number of poorly-maintained, leaking, run-down Oversized Vehicles permanently parked on certain City streets has increased markedly. Such presence – where towing by the City is not, at present, possible given the current status of Cream's exterior lot – is a significant burden to City homeowners, families, residents, property owners, and business owners, those living near such Vehicles, working close by, or owning property nearby.
4. Amend the City program now in place to identify, tag, and tow Oversized Vehicles not in compliance with the Code, funding the presence of a Police Department Officer at all tagging of Oversized Vehicles. At present, according to certain Police Department staff last week, a Department volunteer tags Oversized Vehicles. Unfortunately, certain owners or occupants of Oversized Vehicles have been aggressive of late, according to certain City Public Works employees, thus, raising the risk to the volunteer(s). While I'm not fully certain of the details underlying the current tagging program, I suggest the Council review same.
5. Amend the City trash pick-up program, funding the presence of a Police Department Officer at all trash picks-up associated with or located close to Oversized Vehicles. Recent aggressive actions by certain occupants or owners of Oversized Vehicles – confirmed by City Public Works employees to one of our contractors – point to the need for such Officer presence.
6. Amend such program to create a publicly accessible database showing any and all Oversized Vehicles tagged by the Police Department, including the location of such

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Vehicle, the time and date of tagging, and the City Code violation(s). At present, when the City tags an Oversized Vehicle, the tags are at times not visible, perhaps removed or not left in place by the Vehicle's owner(s) or occupant(s). When called over the phone, Police Department staff were unable to reveal key data regarding City-tagged Oversized Vehicles.

7. Amend the Code to require each owner of an Oversized Vehicle parked on a City street provide current written evidence of licensed, lawful waste-water disposal. At present, several Oversized Vehicles are strategically parked near City storm drain inlets, allowing, at least in theory, the owner(s) or occupant(s) of such Vehicles to dispose untreated wastewater into such storm drains.
8. Fund such budget increases – those noted in items 3 through 7, inclusive, herein above – by foreclosing on the lien recorded against the real property located at 4010 Finley Avenue (Sonoma County Assessor's Parcel Number 035-141-014). Such lien was recorded on September 2, 2011, roughly eight and one-half (~8.5) years ago, in County official records as Document Number 2011075165. As of June 21, 2018, the total defaulted balance under such lien then due and payable was as follows:

One Hundred Twenty-Nine Thousand Five Hundred Sixty-Five Dollars and
Thirty-Six Cents (\$129,565.36)

As you know, Alicia Roman, Esq., is counsel for plaintiffs in the Vannucci et al. litigation. Ms. Roman has been, for several years now, a board member at Bilingual Broadcasting Foundation, Inc., the fee title holder of APN 035-141-014.

Unfortunately, the number of Oversized Vehicles parked on City streets near or adjoining the new Kaiser Permanente medical facility in Southwest Santa Rosa has grown significantly of late. While some of such Vehicles appear road-worthy, many do not, with tarps covering some part of the Vehicle to shield against rain intrusion or other evidence of poor maintenance and repair. Many of the Vehicles are quite run down, disorderly, unkept, and poorly maintained. There's no ready evidence of proper disposal of wastewater. Some of the Vehicles are campers lacking any motorized transport.

Trash is now present near certain Vehicles. Recent calls to City Public Works to pick up such trash have not resulted in any action, perhaps the result of recent encounter(s) with aggressive Vehicle owners or occupants.

As background, Santa Rosa Associates II (SRA II), together with its affiliated partnership, is fee title holder to approximately two hundred eighty (~280) acres, the single largest holding of contiguous, private property in the City of Santa Rosa. I'm the lead partner in SRA II.

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Thank you very much for your attention to the foregoing.

Sincerely,

SANTA ROSA ASSOCIATES II

DocuSigned by:



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Richard C. Ersted

Lead Partner

cc: Ray Navarro, Chief, Police Department, City of Santa Rosa via email
John Cregan, Captain, City of Santa Rosa Police via email
Chuck McBride, Assistant City Manager, City of Santa Rosa via email
Alan Alton, Deputy Director of Finance, City of Santa Rosa via email
Kyle Duggin, City of Santa Rosa Police via email
Brandalyn Tramel, Purchasing Agent, Finance Department, City of Santa Rosa via email
Rob Sprinkle, Deputy Director, Traffic Engineering, City of Santa Rosa via email
Paul Patterson, QCA, Traffic Engineering, City of Santa Rosa via email
Garth E. Pickett, Esq., Hopkins & Carley via email