

**SANTA ROSA CITY COUNCIL MINUTES
REGULAR MEETING
CITY HALL, 100 SANTA ROSA AVENUE
JUNE 21, 2016**

1. CALL TO ORDER AND ROLL CALL

Mayor Sawyer called the meeting to order at 1:07 p.m. Council Members present: Mayor Sawyer, Vice Mayor Schwedhelm, Council Members Combs, Coursey, Olivares, Council Member Carlstrom and Wysocky were absent.

2. ANNOUNCEMENT OF CLOSED SESSION ITEMS

Mayor Sawyer recessed the meeting to closed session at 1:07 p.m. to discuss Items 2.1 and 2.2 as listed on the agenda:

2.1 PUBLIC EMPLOYEE APPOINTMENT

(Government Code Section 54957)

Title: City Attorney

2.2 CONFERENCE WITH LABOR NEGOTIATORS

(Government Code Section 54957.6)

Agency Designated Representatives: Mayor John Sawyer Title: Interim City Attorney, Renee Sloan Holtzman Sakai LLP

Mayor Sawyer adjourned closed session at 1:42 p.m. and reconvened the meeting to open session in the Council Chamber at 4:00 p.m.

3. STUDY SESSION – NONE.

4. ANNOUNCEMENT OF ROLL CALL

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

Mayor Sawyer reported that the Council met in closed session regarding Items 2.1 and 2.2 as listed on the agenda and there was no action to report.

6. PROCLAMATIONS/PRESENTATIONS – NONE.

7. STAFF BRIEFINGS

7.1 STAFF BRIEFING - COURTHOUSE SQUARE REUNIFICATION PROJECT

Colleen Ferguson and Julia Gonzalez provided a brief update on the progress of the Courthouse Square Reunification project.

8. CITY MANAGER'S/CITY ATTORNEY'S REPORTS – NONE.

9. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS

Council Member Coursey announced he will be abstaining from Item 12.3.

10. MAYOR'S/COUNCILMEMBERS' REPORTS

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

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

- 10.1.1 Council Subcommittee Reports – Mayor Sawyer provided a brief report on the Long Term Financial Policy Subcommittee.
- 10.1.2 Sonoma County Transportation Authority/Regional Climate Protection Authority (SCTA/RCPA) – None.
- 10.1.3 Sonoma County Water Agency (SCWA) - Water Advisory Committee – None.
- 10.1.4 Association of Bay Area Governments (ABAG) – None.
- 10.1.5 Sonoma County Agricultural Preservation and Open Space District Advisory Committee – None.
- 10.1.6 Sonoma Clean Power Authority (SCPA) – None.
- 10.1.7 Sonoma County Waste Management Agency (SCWMA) – None.
- 10.1.8 Other

PUBLIC COMMENT

Colleen Fernald spoke on her commitment to climate protection.

11. APPROVAL OF MINUTES

11.1 May 24, 2016, Regular Meeting

Approved as submitted.

12. CONSENT ITEMS

PUBLIC COMMENT

Jack Osborne spoke on Item 12.7.

Colleen Fernald spoke on Item 12.5.

MOVED by Vice Mayor Schwedhelm, seconded by Council Member Olivares, and **CARRIED** 5-0-2 (Mayor Sawyer, Vice Mayor Schwedhelm, Council Members Carlstrom, Combs, Coursey, Olivares, Wysocky voting yes; Council Members Carlstrom and Wysocky absent) to waive reading of the text and adopt Consent Items 12.1, 12.2, 12.4 through 12.7 as follows:

12.1 MOTION - CONTRACT AWARD - CITY HALL PLAZA DEMONSTRATION GARDEN AND LOW IMPACT DEVELOPMENT RETROFIT

MOTION AWARDING CONTRACT NO. C01931, CITY HALL PLAZA DEMONSTRATION GARDEN AND LID RETROFIT, IN THE AMOUNT OF \$1,144,239.70 TO THE LOWEST RESPONSIBLE BIDDER, SIRI GRADING AND PAVING, INC. OF SANTA ROSA, CA, APPROVE A 15% CONTRACT CONTINGENCY, AND AUTHORIZE A TOTAL CONTRACT AMOUNT OF \$1,315,875.65

12.2 MOTION - WORK ORDER APPROVAL - PRELIMINARY DESIGN AND ENVIRONMENTAL DOCUMENTATION FOR THE FULTON ROAD IMPROVEMENTS GUERNEVILLE ROAD TO PINER ROAD TO GHD INCORPORATED

MOTION APPROVING WORK ORDER #A010070-2011-62, FOR PRELIMINARY DESIGN AND ENVIRONMENTAL DOCUMENTATION FOR THE PROPOSED IMPROVEMENTS TO FULTON RD FROM GUERNEVILLE RD TO PINER RD - WIDEN TO FOUR LANES, IN THE AMOUNT OF \$588,665 WITH GHD INCORPORATED OF SANTA ROSA, CA

12.4 MOTION - CONTRACT EXTENSION TWELFTH AMENDMENT - F000384 JANITORIAL SERVICES

MOTION APPROVING THE TWELFTH AMENDMENT TO CONTRACT F000384 FOR JANITORIAL SERVICES FOR A ONE-YEAR EXTENSION, WITH A 2.6% INCREASE IN UNIT PRICE WITH UNIVERSAL BUILDING SERVICES AND SUPPLY COMPANY (UBS), RICHMOND, CALIFORNIA, IN THE AMOUNT OF \$452,188.66, PLUS A 5% CONTINGENCY AMOUNT OF \$22,609 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$474,797.66

12.5 RESOLUTION - FIRST AMENDMENT TO THE PROFESSIONAL SERVICE AGREEMENT - MISCELLANEOUS EMPLOYEES FOR WELLNESS SERVICES WITH WELLNESS SOLUTIONS, INC.

RESOLUTION NO. 28806 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A FIRST AMENDMENT TO THE PROFESSIONAL SERVICE AGREEMENT - MISCELLANEOUS EMPLOYEES FOR WELLNESS SERVICES WITH W. SOLUTIONS, INC. DBA WELLNESS SOLUTIONS, INC.

12.6 RESOLUTION - FIRST AMENDMENT TO THE PROFESSIONAL SERVICE AGREEMENT - SAFETY (POLICE AND FIRE) EMPLOYEES FOR WELLNESS SERVICES WITH WELLNESS SOLUTIONS, INC.

RESOLUTION NO. 28807 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A FIRST AMENDMENT TO THE PROFESSIONAL SERVICE AGREEMENT - SAFETY EMPLOYEES (POLICE AND FIRE) FOR WELLNESS SERVICES WITH W. SOLUTIONS, INC. DBA WELLNESS SOLUTIONS

12.7 RESOLUTION AND ORDINANCE INTRODUCTION - APPOINTMENT OF INTERIM CITY ATTORNEY AND ESTABLISHMENT OF COMPENSATION

RESOLUTION NO. 28808 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPOINTING AN INTERIM CITY ATTORNEY

ORDINANCE ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ESTABLISHING SALARY AND OTHER COMPENSATION AND BENEFITS FOR THE INTERIM CITY ATTORNEY

MOVED by Vice Mayor Schwedhelm, seconded by Council Member Olivares, and **CARRIED** 4-0-2-1 (Mayor Sawyer, Vice Mayor Schwedhelm, Council Members Combs, Olivares, voting yes; Council Members Carlstrom and Wysocky absent; Council Member Coursey abstain/recused) to waive reading of the text and adopt Consent Items 12.3 as follows:

12.3 MOTION - CONTRACT AWARD - ANNUAL SLURRY SEAL 2016

MOTION AWARDING CONTRACT NO. C02054, ANNUAL SLURRY SEAL 2016, IN THE AMOUNT OF \$357,027.18 TO THE LOWEST RESPONSIBLE BIDDER, TELFER PAVEMENT TECHNOLOGIES, LLC, OF MCCLELLAN, CALIFORNIA, APPROVE A 10% CONTRACT CONTINGENCY, AND AUTHORIZE A TOTAL CONTRACT AMOUNT OF \$392,729.90, EFFECTIVE JULY 1, 2016. FUNDING FOR THIS PROJECT WAS APPROPRIATED IN THE FY 2016/17 BUDGET ADOPTED BY COUNCIL AT THE BUDGET HEARINGS JUNE 14, 2016 WITHIN THE CAPITAL IMPROVEMENT PROGRAM

The time not yet being 5:00 p.m., Mayor Sawyer took Report Item 14.1 before Item 13 – Public Comment on Non-Agenda Matters.

14. REPORT ITEMS

14.1 REPORT - REVOCABLE LICENSE AGREEMENT AND OPERATING MEMORANDUM FOR LIMITED VEHICULAR ACCESS FOR EMPLOYEES OF TENANTS OF THE MUSEUM ON THE SQUARE BUILDING, 520 THIRD STREET

BACKGROUND: The owner of the Museum on the Square (“MOTS”) Building has requested City Council action to allow up to fourteen employees of the commercial tenants of the MOTS Building to drive their private vehicles into and out of the Transit Mall to access the privately owned parking lot at the south side of the building (“Requested License”). These employees would use the parking lot only so long as no residential units are occupied in the project.

Because funds from the Federal Transit Administration (“FTA”) provided 80% of the funding used to purchase the 1986 quit claim easement, the City must obtain FTA’s approval of the non-transit use of the Transit Mall. That approval includes provisions that ensure the City maintains continuing control over the Transit Mall so that the incidental use does not interfere with transit use of the Transit Mall. Staff has requested FTA’s permission for this incidental use and expects to receive a letter from the FTA Regional Administrator in the next two weeks.

The revocable license (“License”) includes provisions for a biennial review of the uses allowed by the License do not interfere with the transit use of the Transit Mall; a provision that the License can be revoked by the City if the City determines that the uses allowed by the License interfere with the underlying transit purpose of the Transit Mall, but before the revocation is made the City and Owner will work together to eliminate the activity that interferes with transit use of the Transit Mall; an Operating Memorandum that includes the requirements for the use of the parking permits allowed under the License and describes the Owner’s and City’s respective responsibilities.

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by resolution, approve the issuance of a License for limited vehicular access into and out of the Transit Mall to access the surface parking lot on the south side of the MOTS Building for up to fourteen employees of tenants of

the MOTS Building located at 520 Third Street and approve the Operating Memorandum that addresses operational details of the License.

Presented by Jason Nutt, Director – Transportation & Public Works.

MOVED by Council Member Olivares, seconded by Vice Mayor Schwedhelm, and **CARRIED 5-0-2** (Mayor Sawyer, Vice Mayor Schwedhelm, Council Members Combs, Coursey, Olivares voting yes; Council Members Carlstrom and Wysocky absent) to waive reading of the text and adopt:

RESOLUTION NO. 28809 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A REVOCABLE NON-EXCLUSIVE LICENSE AGREEMENT FOR LIMITED VEHICULAR ACCESS FOR EMPLOYEES OF TENANTS OF THE MUSEUM ON THE SQUARE BUILDING, 520 THIRD STREET

13. PUBLIC COMMENT ON NON-AGENDA MATTERS

Allen Thomas spoke on a letter he received from the lawyers representing BoDean Asphalt Plant.

Carlos Campos spoke on the events that took place at the raid of CBD Guild and asked Council for help in creating a path for safe harbor provisions.

Erik Moore spoke on the events that took place at the raid of the CBD Guild and the medicinal benefits of the products manufactured by the CBD Guild.

Tawnie Logan, Sonoma County Growers Alliance, spoke on the need to create a safe harbor provision.

Johnathan Cachat spoke on the breach of faith by the City due to the raid on the CBD Guild and asked for a safe harbor provisions.

Colleen Fernald spoke on hemp being an agricultural product to raise revenue in California and various other topics.

Lynne Brown spoke on behalf of the First United Methodist Church and the CHAPP discussion coming before Council in July.

14.2 REPORT - EXTEND AND MODIFY CITYBUS INTER-OPERATOR TRANSFER POLICY FOR SONOMA-MARIN AREA RAIL TRANSIT

BACKGROUND: The City of Santa Rosa currently accepts inter-operator transfers as a means to promote more convenient, affordable, and seamless transit travel throughout the region. With the initiation of Sonoma-Marin Area Rail Transit (SMART) rail service in late 2016, Sonoma County transit operators wish to include SMART as a party to inter-operator transfers privileges. Staff propose to extend to SMART riders the opportunity to transfer multiple times without paying an additional fare within a two hour limit on CityBus in order to complete their trip. CityBus would also extend this CityBus transfer not only to SMART riders but also Golden Gate Transit and Sonoma County Transit riders.

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by motion, extend inter-operator transfer privileges to Sonoma-Marin Area Rail Transit (SMART) riders boarding CityBus. It is further recommended that the Council, by motion, modify the CityBus inter-operator transfer policy allowing riders transferring to CityBus from SMART, Golden Gate Transit and Sonoma County Transit to be issued a CityBus transfer which allows the rider to complete their trips within a two hour limit.

Presented by Yuri Koslen, Transit Planner.

PUBLIC COMMENT

Anne Seeley, Concerned Citizens for Santa Rosa, spoke in support of the extension.

MOVED by Council Member Coursey, seconded by Council Member Combs, and **CARRIED** 5-0-2 (Mayor Sawyer, Vice Mayor Schwedhelm, Council Members Combs, Coursey, Olivares, voting yes; Council Members Carlstrom, Wysocky absent) to extend inter-operator transfer privileges to Sonoma-Marin Area Rail Transit (SMART) riders boarding CityBus, and to modify the CityBus inter-operator transfer policy allowing riders transferring to CityBus from SMART, Golden Gate Transit and Sonoma County Transit to be issued a CityBus transfer which allows the rider to complete their trips within a two hour limit.

15. PUBLIC HEARINGS

15.1 PUBLIC HEARING - TEFRA HEARING - LEISURE PARK, LOCATED AT 2185 OCCIDENTAL ROAD

BACKGROUND: Millennium Housing, the owner of Leisure Park mobile home park, has requested the Independent Cities Finance Authority, a joint powers authority of which the City of Santa Rosa is an associate member, to issue tax exempt revenue bonds in an amount not to exceed \$15,250,000 to refund outstanding bonds issued in 2007 that were used to finance the acquisition and renovation of the mobile home park with 182 spaces known as Leisure Park, located at 2185 Occidental Road, Santa Rosa (the "Project"). Refinancing at a lower interest rate will enable Millennium Housing to build up its Capital Improvement & Surplus Funds and pay off a loan made by the Housing Authority in the amount of approximately \$240,000, including principal and interest. All financial obligations for the project are the responsibility of Millennium Housing. The issuance of tax exempt, private activity bonds, even by a joint powers authority, must be approved by the governing body in whose jurisdiction the project is located following a public hearing.

RECOMMENDATION: It is recommended by the Housing and Community Services Department that the Council, by resolution, approve the issuance by the Independent Cities Finance Authority of tax exempt, mobile home park revenue refunding bonds in an amount not to exceed \$15,250,000 for Leisure Park, a mobile home park located at 2185 Occidental Road.

Presented by Frank Kasimov, Program Specialist.

PUBLIC HEARING

Mayor Sawyer opened the public hearing at 5:41 p.m.

Seeing no one else wishing to speak, Mayor Sawyer closed the public hearing at 5:41 p.m.

MOVED by Mayor Sawyer, seconded by Vice Mayor Schwedhelm, and **CARRIED** 5-0-2 (Mayor Sawyer, Vice Mayor Schwedhelm, Council Members Combs, Coursey, Olivares, voting yes; Council Members Carlstrom, Wysocky absent) to waive reading of the text and adopt:

RESOLUTION NO. 28810 ENTITLED: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE ISSUANCE OF TAX-EXEMPT, MOBILEHOME PARK REVENUE REFUNDING BONDS BY THE INDEPENDENT CITIES FINANCE AUTHORITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO

EXCEED \$15,250,000 FOR LEISURE PARK, LOCATED AT 2185 OCCIDENTAL ROAD

16. **WRITTEN COMMUNICATIONS – 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 – NONE.**
19. **ADJOURNMENT OF MEETING**

Hearing no further business, Mayor Sawyer adjourned the meeting at 5:48 p.m. The next regularly scheduled meeting will take place on June 28, 2016, at a time to be set by the Mayor.

Approved on: July 12, 2016

/s/ Stephanie A. Williams, Interim City Clerk