

**SANTA ROSA CITY COUNCIL MINUTES
REGULAR MEETING
CITY HALL, 100 SANTA ROSA AVENUE
OCTOBER 11, 2016**

1. CALL TO ORDER AND ROLL CALL

Mayor Sawyer called the meeting to order at 4:15 p.m. Council Members present: Mayor Sawyer, Vice Mayor Schwedhelm, Council Members Carlstrom, Combs, Coursey, Olivares, and Wysocky.

2. ANNOUNCEMENT OF CLOSED SESSION ITEMS

Mayor Sawyer recessed the meeting to closed session at 2:08 p.m. to discuss Items 2.1 – 2.3 as listed on the agenda:

2.1 PUBLIC EMPLOYEE - EVALUATION OF PERFORMANCE (Government Code section 54957(b))

Title: City Manager

2.2 CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)
Agency Designated Representatives: Rhonda McKinnon Interim Human Resources Director, Anthony Gossner Fire Chief, Teresa Stricker Interim City Attorney.

Employee Organizations: Santa Rosa Firefighters Association - Local 1401 (representing City Employee Unit 2)

2.3 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government Code Section 54956.9)

Name of Case: City of Santa Rosa v. Villages at Wild Oak Association, et al. Court Case No. Sonoma County Superior Court Case No. SCV-248544; Court of Appeal, First Appellate District Case No. A134107.

Mayor Sawyer adjourned closed session at 4:03 p.m. and reconvened the meeting to open session in the Council Chamber at 4:15 p.m.

3. STUDY SESSION – NONE.

4. ANNOUNCEMENT OF ROLL CALL

City Clerk Gomez announced that all Council Members were present.

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

Interim City Attorney Stricker reported that the Council met in closed session regarding Items 2.1 – 2.3 as listed on the agenda and there was no action taken by the Council.

6. PROCLAMATIONS/PRESENTATIONS

6.1 PROCLAMATION - NATIONAL DISABILITY AWARENESS MONTH

Council Member Coursey read the proclamation and presented it to Eileen Allen, President of So. Co. Mayor Committee on the Employment of People with Disabilities.

6.2 PROCLAMATION - DOMESTIC VIOLENCE AWARENESS MONTH

Council Member Carlstrom read the proclamation and presented it to Madeleine O'Connell, CEO, YWCA of Sonoma County.

7. STAFF BRIEFINGS

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

City Manager McGlynn reported on The Splash Pad is open for use, a brief description of the Southeast Greenway project, and Supervising Engineer Steve Dittmer has been selected as the "Infrastructure Champion Lifetime Award of the Year" by the American Council of Engineering Companies (ACEC)-CA North Coast Chapter.

9. STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS

Mayor Sawyer announced that he would abstain from Item 14.1.

Council Member Carlstrom announced that she would abstain from Item 11.2.

10. MAYOR'S/COUNCIL MEMBERS' REPORTS

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

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 – Council Member Wysocky provided a brief report on the Downtown Subcommittee.

10.1.2 Sonoma County Transportation Authority/Regional Climate Protection Authority (SCTA/RCPA) – Council Member Coursey provided a brief report.

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 – None.

11. APPROVAL OF MINUTES

11.1 September 13, 2016, Regular Meeting.

Approved as submitted.

11.2 September 20, 2016, Regular Meeting.

Approved as submitted, with Council Member Carlstrom abstained.

12. CONSENT ITEMS

MOVED by Vice Mayor Schwedhelm, seconded by Council Member Olivares and **CARRIED** unanimously to waive reading of the text and adopt Consent Items 12.1 through 12.3 as follows:

12.1 MOTION - MULTIPLE PURCHASE ORDERS AWARD - REPLACEMENT PUMPS FOR WATER DEPARTMENT

MOTION approving two purchase orders for pumps to Thomas and Associates, Novato, California, in the total amount not to exceed \$314,379.08. Funds for this one-time expenditure are included in the Fiscal Year 2016-17 adopted budget for the Transportation & Public Works Department.

12.2 RESOLUTION - REQUEST TO SUMMARILY VACATE APPROXIMATELY 7,978 SQUARE FEET OF PUBLIC EASEMENT FOR THE PROPERTY LOCATED AT 170 RAILROAD STREET

RESOLUTION NO. 28866 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA SUMMARILY VACATING 7,978 SQUARE FEET OF UTILITY EASEMENT LOCATED ACROSS THE PROPERTY LOCATED AT 170 RAILROAD STREET, ASSESSOR'S PARCEL NO. 010-760-006 - FILE NO. VAC16-003

12.3 RESOLUTION - ANNUAL APPROVAL OF NEW MASTER AGREEMENTS AND APPROVAL OF UPDATED MASTER AGREEMENTS TO PROVIDE PROFESSIONAL SERVICES

RESOLUTION NO. 28867 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING MASTER PROFESSIONAL SERVICES AGREEMENTS (MPSA'S); AUTHORIZING CITY STAFF TO EXECUTE PROJECT WORK ORDERS WITH THE PARTIES TO THE MPSA'S

Mayor Sawyer abstained from Item 14.1 – Report and left the Chamber at 4:37 p.m.

The time not yet being 5:00 p.m., Vice Mayor Schwedhelm took Report Item 14.1 on before Item 13.1 – Public Comment on Non-Agenda Matters.

14. REPORT ITEMS

14.1 REPORT - REFERENDUM PETITION CHALLENGING ORDINANCE NO. 4072

BACKGROUND: On September 26, 2016, the Petition was filed with the City Clerk. The Petition challenges all provisions of the Ordinance except for one: The Petition does not challenge the provision of the Ordinance that repealed both the 90-day moratorium on rent increases which took effect on July 7, 2016, and the Just Cause Eviction Ordinance which took effect on September 16, 2016.

Currently, the Sonoma County Registrar of Voters (“Registrar”) is in the process of reviewing the Petition to determine whether it contains a sufficient number of signatures of qualified voters.

- If the Registrar determines that the petition is insufficient, the challenged portions of the Ordinance will then take effect at the next City Council meeting once the City Clerk reports the Registrar's determination.
- If the Registrar determines that the petition is sufficient, the City Council must decide whether to (1) repeal the challenged portions of the Ordinance or (2) submit the issue to the voters at the November 2018 general election or sooner at a special election. If the Ordinance is submitted to the voters, the Ordinance will not take effect unless and until the voters approve it.

RECOMMENDATION: For Information Only.

Presented by Teresa Stricker, Interim City Attorney and Daisy Gomez, City Clerk.

PUBLIC COMMENT

Anne Seeley spoke on the ordinance challenge for rent stabilization and just cause eviction.

Peter Tschernoff spoke on the effects of the referendum petition.

Item was received and filed.

Mayor Sawyer returned to the Chamber at 5:13 p.m.

13. PUBLIC COMMENT ON NON-AGENDA MATTERS

Elizabeth Neylon spoke on various topics.

Anita LaFalette spoke on homeless commotion.

Peter Tschernoff spoke on various topics.

Steve Dunnrite spoke on homelessness.

Steve Elliott spoke on homelessness.

Victoria Yanez spoke on behalf of Richard Canini regarding Resolution No. 28480.

14.2 REPORT - EXPANDED YEAR-ROUND COMMUNITY HOMELESS ASSISTANCE PROGRAM (CHAP)

BACKGROUND: On July 19, 2016, Council received a report from staff regarding the potential for an expanded year-round Community Homeless Assistance Program (CHAP). Staff sought direction as to the scope of activities to be permitted under such program, potentially to include safe parking, the placement and maintenance of portable toilets, provision of temporary overnight shelter, a safe camping program, and other measures such as increasing availability of bathroom facilities, or storage for personal belongings. Council, by motion, directed staff to work with the Homeless Policy Subcommittee to prepare appropriate ordinance amendments for an expanded CHAP. On August 9, 2016, Council declared a local homeless emergency which gives the Council additional flexibility to address local homelessness. The declaration could allow Council, by resolution, to direct the immediate implementation of CHAP on an interim basis until the City is able to complete the necessary ordinance amendments for a more permanent solution. The Subcommittee, with the assistance of a Technical Advisory Committee, has prepared interim CHAP Guidelines for Council's consideration. Staff is seeking approval of the proposed interim Guidelines and the immediate implementation of CHAP under the declaration of local emergency.

Presented by Kelli Kuykendall, Program Specialist and Sue Gallagher, Assistant City Attorney.

PUBLIC COMMENT

Anita LaFalette spoke on homelessness.

Gregory Fearon spoke on CHAP extension.

Cynthia Stebbinx spoke on homelessness.

Thomas Ells spoke on homelessness.

MOVED by Council Member Olivares, seconded by Council Member Combs, and **CARRIED** unanimously and waive reading of the text and adopt:

RESOLUTION NO. 28868 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ISSUING REGULATIONS UNDER THE CITY'S DECLARATION OF HOMELESS EMERGENCY TO PROVIDE FOR IMMEDIATE IMPLEMENTATION OF AN EXPANDED YEAR-ROUND COMMUNITY HOMELESS ASSISTANCE PROGRAM (CHAP) TO INCLUDE SAFE PARKING, SAFE CAMPING, THE PLACEMENT AND MAINTENANCE OF PORTABLE TOILETS AND ACCESS TO EXISTING BATHROOM FACILITIES, PROVISION OF TEMPORARY OVERNIGHT SHELTER, AND STORAGE FOR PERSONAL BELONGINGS

14.3 REPORT - PLAN BAY AREA 2040 - DRAFT PREFERRED SCENARIO

BACKGROUND: An update of Plan Bay Area, the Bay Area's Sustainable Communities Strategy as required by Senate Bill 375, is underway by the Metropolitan Transportation Commission and the Association of Bay Area Governments. The purpose of this item is to review a draft Preferred Scenario which has recently been released.

Presented by Lisa Kranz, Supervising Planner.

PUBLIC COMMENT

Thomas Ells spoke on support to the item.

MOVED by Council Member Combs, seconded by Council Member Coursey, and **CARRIED** unanimously:

MOTION to: 1) provide direction regarding comments to be provided to the Metropolitan Transportation Commission and the Association of Bay Area Governments regarding Plan Bay Area's 2040 Draft Preferred Scenario for Santa Rosa; and 2) authorize the mayor to sign a letter submitting those comments.

14.4 REPORT - ONE BAY AREA GRANT 2 (OBAG 2) PROPOSED PROJECTS

BACKGROUND: The Sonoma County Transportation Authority (SCTA) is expected to release a call for projects for the One Bay Area Grant 2 (OBAG 2) Program on November 14, 2016. The City anticipates submitting applications for pavement preservation and bicycle and pedestrian projects. This item supports three of the City Council goals: Goal #2B.1 - develop funding plan for long term unfunded liabilities, including labor and infrastructure, to achieve fiscal sustainability; Goal #3.1 - improve transportation network to reduce vehicle miles traveled and promote multi-modal transportation; and Goal #6.5 - continue design and environmental review to study possible implementation of bicycle and pedestrian bridge at Highway 101 crossing near Jennings Avenue to the Santa Rosa Junior College (SRJC).

Presented by Nancy Adams, Transportation Planner.

Council Member left the meeting at 6:42 p.m.

PUBLIC COMMENT

Thomas Ells spoke on transportation funding.

MOVED by Wysocky, seconded by Council Member Olivares, and **CARRIED** 6-0-1 (Mayor Sawyer, Vice Mayor Schwedhelm, Council Members Carlstrom, Coursey, Olivares, Wysocky voting yes; Council Member Combs absent):

MOTION to authorize the Director of Transportation and Public Works to submit grant applications for the following: 1) pavement rehabilitation project; 2) Highway 101 bicycle and pedestrian bridge design phase; and 3) bike and pedestrian gap closures citywide to the Sonoma County Transportation Authority (SCTA) for consideration in the One Bay Area Grant 2 (OBAG 2) program.

14.5 REPORT - MEASURE Y - SHOULD THE COUNCIL CONSIDER WHETHER TO ENDORSE MEASURE Y - THE SONOMA COUNTY LIBRARY INCREASE OF SALES TAX BY 1/8 OF A PERCENT TO MAINTAIN, RESTORE/ENHANCE LIBRARY SERVICES

BACKGROUND: After carefully considering all potential funding options and asking for community feedback, the volunteer Library Commission, which includes members appointed by each city the Library serves along with County appointees, decided to place this 1/8-cent sales tax on the November ballot.

Presented by David Ebright, Sonoma County Library Commissioner.

MOVED by Wysocky, seconded by Council Member Olivares, and **CARRIED** 6-0-1 (Mayor Sawyer, Vice Mayor Schwedhelm, Council Members Carlstrom, Coursey, Olivares, Wysocky voting yes; Council Member Combs absent):

MOTION to endorse Measure Y, as listed on the November 8, 2016 General Election.

14.6 REPORT - PROPOSITION 52 - THE INITIATIVE'S BALLOT TITLE IS: STATE FEES ON HOSPITALS. FEDERAL MEDI-CAL MATCHING FUNDS. INITIATIVE STATUTORY AND CONSTITUTIONAL AMENDMENT.

BACKGROUND: The federal government's Medicaid program helps pay for health care services provided to low-income patients. In California, this program is called Medi-Cal. For a state to receive federal Medicaid funds, the state has to contribute a matching amount of its own money. In 2009, a new program was created such that California hospitals were required to pay a fee to help California obtain the available federal Medicaid funds. This program has resulted in California hospitals receiving roughly \$2 billion a year in additional federal money to Medi-Cal. However, California has diverted some of the funds from the hospital fee program to the state's general fund.

If the initiative is approved by the state's voters, it will add language to the California Constitution to require voter approval of changes to the hospital fee program to make it harder for the legislature to divert these funds from the original intended purpose of supporting hospital care to Medi-Cal patients and to help pay for healthcare for low-income children

Presented by Christopher Manson, St. Joseph Health Regional.

PUBLIC COMMENT

Jack Buckhorn spoke on support to the item.

T Abraham spoke on support to the item.

An unidentified man spoke on medical fees experience.

MOVED by Schwedhelm, seconded by Council Member Carlstrom, and **CARRIED** 5-1-1 (Mayor Sawyer, Vice Mayor Schwedhelm, Council Members Carlstrom, Olivares, Wysocky voting yes; Council Member Coursey voting no; Council Member Combs absent):

MOTION to endorse Proposition.52, as listed on the November 8, 2016 General Election.

15. PUBLIC HEARINGS

15.1 PUBLIC HEARING - FY 2016-25 SHORT RANGE TRANSIT PLAN AND POSSIBLE ADOPTION

(This item was continued from the September 27, 2016 Regular Meeting)

BACKGROUND: The Short Range Transit Plan serves as a guide for investments in Santa Rosa's public transportation system over a ten-year period, and includes measures to promote long-term financial stability as well as improved performance. All transit operators receiving federal funding through the Metropolitan Transportation Commission (MTC) are required to complete a Short Range Transit Plan (SRTP) every four years.

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by resolution, adopt the FY 2016-25 Short Range Transit Plan which incorporates the Reimaging Plan for CityBus, updates the 10-year financial plan and updates the CityBus and Santa Rosa Paratransit goals, objectives, performance measures and standards.

Presented by Yuri Koslen, Deputy Director, Traffic Engineering.

PUBLIC HEARING

Mayor Sawyer opened the public hearing at 7:53 p.m.

PUBLIC COMMENT

Thomas Ells spoke on city bus.

Seeing no one else wishing to speak, Mayor Sawyer closed the public hearing at 7:55 p.m.

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

RESOLUTION NO. 28869 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA TO ADOPT THE FY 2016-25 SHORT RANGE TRANSIT PLAN

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 7:55 p.m. The next regularly scheduled meeting will take place on October 18 2016, at a time to be set by the Mayor.

Approved on: November 15, 2016

/s/ Daisy Gomez, City Clerk