**City of Santa Rosa** 



City Hall, Council Chamber 100 Santa Rosa Avenue Santa Rosa, CA 95404

# CITY COUNCIL REGULAR MEETING AGENDA AND SUMMARY REPORT MAY 23, 2023

COUNCIL MEMBER CHRIS ROGERS WILL BE PARTICIPATING IN THE MEETING VIA TELECONFERENCE FROM WOODEND COTTAGE, PERTH ROAD, PERTHSHIRE PH7 3LZ, SCOTLAND. THIS AGENDA SHALL BE POSTED AT THE LOCATION.

2:30 P.M. - CLOSED SESSION (VIA IN-PERSON AND ZOOM)

3:30 P.M. - BOARD INTERVIEWS (VIA IN-PERSON AND ZOOM)

4:00 P.M. - REGULAR SESSION (VIA IN-PERSON AND ZOOM)

MEMBERS OF THE PUBLIC CAN PARTICIPATE IN THE MEETING BY ATTENDING IN-PERSON FROM COUNCIL CHAMBER AT 100 SANTA ROSA AVENUE (IT IS RECOMMENDED THAT SOCIAL DISTANCING BE OBSERVED), OR VIA ZOOM WEBINAR BY VISITING HTTPS://SRCITY-ORG.ZOOM.US/J/86876779687, OR BY DIALING 877-853-5257 AND ENTERING WEBINAR ID: 868 7677 9687

THE MEETING WILL ALSO BE LIVE STREAMED AT HTTPS://SANTA-ROSA.LEGISTAR.COM/CALENDAR. CLICK ON THE "IN PROGRESS" LINK TO VIEW. THE MEETING CAN ALSO BE VIEWED ON COMCAST CHANNEL 28, AT&T U-VERSE CHANNEL 99, AND AT HTTPS://WWW.YOUTUBE.COM/CITYOFSANTAROSA

Public Comment may be made live during the meeting via Zoom, In-Person from Council Chamber, or submitted in advance by 5:00 pm, the Monday before the City Council Meeting via e-mail at cc-comment@srcity.org, or recorded voice message at 707-543-3005.

# PLEASE NOTE THAT ALL E-MAILS SENT TO THE CITY COUNCIL ARE CONSIDERED TO BE PUBLIC RECORDS AND SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT.

# DEADLINES AND ADDITIONAL INSTRUCTION FOR PUBLIC COMMENT ARE SET FORTH BELOW.

# COUNCIL MAY RECESS DURING THE EVENING FOR BREAKS. PUBLIC HEARING MATTERS WILL BEGIN NO EARLIER THAN 5:00 P.M.

# MATTERS ON THE AGENDA MAY BE TAKEN OUT OF ORDER.

#### **PUBLIC COMMENTS:**

Except for public hearing items, comments from the public will be allowed on all agenda items at the time each item is called. Comments on public hearing items may be made when the hearing is opened.

Live Public Comment: Members of the public can provide comment on an Agenda Item In-Person from Council Chamber by completing a Speaker Card or signing up with the Administrator in Council Chamber, by accessing the meeting through the Zoom link, or by dial-in at the time an Agenda Item is discussed during the City Council Meeting. Go to https://srcity.org/virtualparticipation for more information.

Advanced Public Comment:

E-mail Public Comment: To submit an e-mailed public comment to the City Council, please send to: cc-comment@srcity.org by 5:00 p.m., Monday, May 22. Identify in the subject line of your e-mail the Agenda Item Number on which you wish to comment, provide your name in the body of the e-mail and your comment.

Recorded Voice Message Public Comment: To submit a voice message public comment, please call 707-543-3005 by 5:00 p.m., Monday, May 22. State your name, the Agenda Item Number(s) on which you wish to comment,

and your comment. PLEASE DO NOT LEAVE YOUR PHONE NUMBER OR PERSONAL ADDRESS IN THE VOICE MESSAGE AS IT WILL BE PLAYED BACK LIVE DURING THE CITY COUNCIL MEETING.

E-mail public comments received by the deadline will be distributed to City Council members and uploaded to the agenda prior to the start of the City Council Meeting for public access. Recorded voice message public comments will be played during the meeting at the time the item is heard.

Non-Agenda Items are the time when any person may address the Council on matters not listed on this agenda, but which are within the subject matter jurisdiction of the Council. The first public comment period on non-agenda items (Agenda Item 14) will begin no earlier than 5:00 p.m. and will be limited to twelve speakers selected randomly by the Mayor. Each speaker will be allowed three minutes. Speakers who do not have an opportunity to speak during this time will be allowed to make public comment under Agenda Item 18.

# 2:30 P.M. (VIA IN-PERSON AND ZOOM)

# 1. CALL TO ORDER AND ROLL CALL

# 2. ANNOUNCEMENT OF CLOSED SESSION ITEMS

Following the announcement of Closed Session items and prior to recess into Closed Session, the public may speak up to three minutes on items to be addressed in Closed Session.

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

Name of Case: STG Unocal Place, LLC v. City of Santa Rosa Sonoma Superior Court Case No. SCV-271224

# RECESS CLOSED SESSION(S) AND RECONVENE TO OPEN SESSION IN THE COUNCIL CHAMBER AND VIA ZOOM.

# 3:30 P.M. (VIA IN-PERSON AND ZOOM)

# 3. INTERVIEWS FOR BOARDS, COMMISSIONS AND COMMITTEES

3.1 INTERVIEWS FOR PERSONNEL BOARD

The Council will interview applicants for one At-Large vacancy and one Labor Representative vacancy on the Personnel Board.

 Attachments:
 Staff Report

 Attachment 1 - Notice of Application Availability

 Attachment 2 - Council Policy 000-06

 Attachment 3 - PB Appointment

 Attachment 4 - Reference

# 3.2 INTERVIEWS FOR BICYCLE AND PEDESTRIAN ADVISORY BOARD

The Council will interview applicants for the Bicycle and Pedestrian Advisory Board Senior Community Representative and Disabled Community Representative.

 Attachments:
 Staff Report

 Attachment 1 - Notice of Availability of Applications

 Attachment 2 - Council Policy 000-06

 Attachment 3 - Resolution No. 26536

# 4. STUDY SESSION - NONE.

Study Session items are items for in-depth discussion and possible direction to staff. No action will be taken.

# 4:00 P.M. (VIA IN-PERSON AND ZOOM)

# 5. ANNOUNCEMENT OF ROLL CALL (IF NEEDED)

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

# 7. PROCLAMATIONS/PRESENTATIONS

7.1 PROCLAMATION - NATIONAL PUBLIC WORKS WEEK

Attachments: Proclamation

7.2 PROCLAMATION - JEWISH AMERICAN HERITAGE MONTH

Attachments: Proclamation

7.3 PROCLAMATION - WILDFIRE AWARENESS MONTH

Attachments: Proclamation

## 7.4 PROCLAMATION - MENTAL HEALTH AWARENESS MONTH

Attachments: Proclamation

#### 8. STAFF BRIEFINGS

This time is reserved for City staff to provide a five-minute briefing to the Council on departmental issues of interest. No action will be taken on these matters except to possibly place a particular item on a future agenda for Council consideration.

#### 8.1 RUSSIAN RIVER WATER FORUM UPDATE

Water Department staff will provide an update on the Russian River Water Forum, which is a grant funded collaborative effort to identify water supply resiliency solutions in response to the planned license surrender and decommissioning of PG&E's Potter Valley Hydroelectric Project. No action will be taken except for possible direction to staff.

Attachments: Presentation

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

#### 9.1 REPORT OF SETTLEMENTS AND ACTIVE LITIGATION

The City Attorney will report on settlements over \$50,000 through April 2023 as well as provide a summary of pending litigation against the City.

Attachments: Litigation Report

#### **10. STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS**

# 11. MAYOR'S/COUNCIL MEMBERS' REPORTS

# 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 Sonoma County Continuum of Care (CoC)
- 11.1.10 Renewal Enterprise District (RED)
- 11.1.11 Public Safety Subcommittee
- 11.1.12 Other
  - 11.1.12. MOTION APPROVAL OF ABSENCE FROM CITY MAYOR N.1 ROGERS

Mayor Rogers will be travelling outside the City in June. During that time, she intends to participate in Council meetings remotely in accordance with Brown Act noticing requirements. Although the Mayor plans and expects to be back in the City well within thirty days of her departure, unanticipated flight or other travel delays could cause her time outside the jurisdiction to be extended. Given the potential for unanticipated travel delays extending her time out of the City, and the possibility of unexpected technology/connectivity issues interfering with her intended remote participation in Council meetings during her travels, it is recommended by the City Attorney that, in an abundance of caution, Mayor N. Rogers receive Council permission for a

possible extended absence from the City jurisdiction and possible absence from City Council meetings from June 4, 2023 through July 11, 2023. (References: City Charter Section 31(d) and City Council Manual of Procedures and Protocols, Section I.F.).

# 11.2 BOARD, COMMISSION & COMMITTEE APPOINTMENTS

- **11.2.1** Council may vote to make appointments to the following boards:
  - Personnel Board (1) At-Large Representative and (1) Labor Representative, with terms ending 12/31/2026.
  - Bicycle and Pedestrian Advisory Board (1) Senior Community Representative and (1) Disabled Community Representative, with terms ending 12/31/2026.
- 11.2.2 MAYOR'S APPOINTMENTS TO PUBLIC FINANCING AUTHORITY Mayor N. Rogers will announce and request Council approval of the (2) City of Santa Rosa appointments and (1) alternative to the Public Financing Authority.

# **12. APPROVAL OF MINUTES**

12.1 May 4, 2023, Special Meeting.

Attachments: Draft Minutes

# 13. CONSENT ITEMS

**13.1** MOTION - ADOPTION OF FINAL REPORT OF CITY COUNCIL PRIORITIES

RECOMMENDATION: It is recommended by the City Manager that the Council, by motion, adopt the final report for the City of Santa Rosa Council Priority Setting workshop, held on March 9 and March 10, 2023.

 Attachments:
 Staff Report

 Attachment 1 - City Council Workshop Report

 Attachment 2 - 23-24 City Council Goals

**13.2** RESOLUTION - EIGHTH AMENDMENT TO PROFESSIONAL

SERVICES AGREEMENT NO. F001238 WITH R3 CONSULTING GROUP, INC.

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by resolution, approve the Eighth Amendment to Professional Services Agreement Number F001238 with R3 Consulting Group Inc., of Roseville, California, to perform a detailed rate review of Recology's January 1, 2024, rate application in an amount not to exceed \$70,000, for which the City anticipates seeking reimbursement from Recology, for a total contract amount not to exceed \$448,910.

Attachments:Staff ReportResolutionExhibit A - Eighth Amendment to PSA F001238

# 13.3 RESOLUTION - OPPOSITION TO INITIATIVE 21-0042A1

RECOMMENDATION: It is recommended by the Communications & Intergovernmental Relations Office that the Council, by resolution, oppose Initiative 21-0042A1, the Taxpayer Protection and Government Accountability Act, a proposed statewide ballot measure for the November 2024 election.

 Attachments:
 Staff Report

 Attachment 1 – Cal Cities Fiscal Analysis

 Attachment 2 – Text of Proposed Ballot Initiative 21-0042A

 Resolution

13.4 RESOLUTION - FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH TURBO DATA SYSTEMS, INC. FOR PARKING CITATION PROCESSING SERVICES

> RECOMMENDATION: It is recommended by the Finance Department that the Council, by resolution, approve the First Amendment to the Professional Services Agreement Number F001697 with Turbo Data Systems, Inc., of Santa Ana, California, for Citation Processing Services that are required for enforcement operations provided by the Parking Division by 1) correcting an erroneous reference to the end of the Contract term, 2) exercising the City's option to extend the term of the

agreement by one year through June 30, 2024, 3) and increasing compensation under the Agreement by \$94,000 for a total contract not-to-exceed amount of \$519,000.

<u>Attachments:</u> <u>Staff Report</u> <u>Resolution</u> Exhibit A - First Amendment to PSA F001697

13.5 RESOLUTION - APPROVAL OF AMENDMENT NO. 2 TO CITY MANAGER'S EMPLOYMENT AGREEMENT AND INTRODUCE AN ORDINANCE TO INCREASE THE COMPENSATION OF THE CITY MANAGER

> RECOMMENDATION: It is recommended by the Human Resources Department that the Council, by resolution, approve Amendment No. 2 to the Employment Agreement of the City Manager and introduce an ordinance to increase the compensation of the City Manager by providing (1) a 5% merit increase in salary effective January 1, 2023, (2) a 2.5% cost of living salary adjustment effective July 2, 2023, (3) a merit increase equal to 5% of \$276,750 effective December 3, 2023, (4) a merit increase equal to 6% of \$276,750 effective the beginning of the first pay period in June, 2024, (5) a merit increase in June 2025 if and as needed to align the city manager's salary to the then-average City Manager salary in comparable jurisdictions, (6) an enhanced wellness benefit of \$4,800 yearly, effective January 1, 2023, (7) a five year contract term, and (8) an opportunity to explore housing loan options.

# Attachments: Staff Report

Attachment 1 - Redline Changes to Employment Agreemen Resolution Exhibit A - Amendment No. 2 to Employment Agreement Ordinance

# 14. PUBLIC COMMENT ON NON-AGENDA MATTERS

This is the time when any person may address the Council on matters not listed on this agenda, but which are within the subject matter jurisdiction of the Council. This public comment period will begin no earlier than 5:00 p.m. and will be limited to twelve speakers selected randomly by the Mayor. Each speaker will be allowed three minutes. Speakers who do not have an

opportunity to speak during this time will be allowed to make public comment under Agenda Item 18.

Voice message public comments received for non-agenda items may be played under Agenda Item 14 or at Item 18. Recorded public comments are limited to three minutes to mirror in-person meeting protocols.

LATE CORRESPONDENCE

Attachments: Late Correspondence (Uploaded 5-23-2023)

## 15. REPORT ITEMS

**15.1** REPORT - REPEAL CHAPTER 11-16 - CRUISING PROHIBITED WITHIN THE CORE AREA OF THE CITY FROM TITLE 11 - VEHICLE AND TRAFFIC

> BACKGROUND: On January 21, 1986, the City Council held a public hearing on cruising. Representatives from the Santa Rosa Police Department recommended that the City enact an anti-cruising ordinance, referencing concern that cruising was a source of undue traffic congestion which caused air and noise pollution, that cruising impeded the movement of emergency vehicles, and that cruising created an environment of fear and criminal activity against both persons and property. It was noted that the California Vehicle Code authorized such an ordinance and that other communities across California had implemented similar ordinances. On January 28, 1986, the Council adopted Ordinance No. 2519, adding Chapter 11-18 to the Santa Rosa City Code to prohibit cruising within the core area of the City. On August 2, 1988, the Santa Rosa City Council adopted Ordinance No. 2713, making minor changes to the code and renumbering it as Chapter 11-16.

In 2021, after a six-month long community engagement process, the Office of Community Engagement created the Community Empowerment Plan Listening Sessions Report. Included in the report were community feedback, input and recommendations that focused on systemic racism in Santa Rosa. The report concluded by stating that the City of Santa Rosa must address its role in the systemic racism that

impacts our communities of color and address its own policies and practices that enable historical institutional racism. This included making changes that impact the structure and culture of the organization, adopting a variety of practices, policies and procedures that change how the City serves all of its residents.

Since then, City staff has implemented a variety of strategies and projects aimed at increasing diversity, equity, inclusion and belonging and improving relationships with all members of our community. This includes declaring racism as a public health and human rights crisis; developing and implementing a City Equity Plan; developing and implementing the inRESPONSE Mental Health Crisis Response Team; implementing the Multicultural Roots Project; and partnering with the Sonoma County Lowrider Council to create the Marylou Lowrider Patrol Car.

Upon completion and reveal of the Marylou Lowrider Patrol Car to the community, the Sonoma County Lowrider Council approached the City to discuss the repeal of City Council Ordinance No. 2713 Chapter 11-16 Traffic, also known as the Cruising Ordinance. During the October 25, 2022 Council meeting, former Vice Mayor Alvarez requested a future agenda item to discuss the ordinance and possible repeal of the City's cruising prohibition.

RECOMMENDATION: It is recommended by the Santa Rosa Violence Prevention Partnership that the Council introduce an ordinance to repeal Chapter 11-16 - Cruising Prohibited Within the Core Area of the City of Title 11 - Vehicle and Traffic Code of the Santa Rosa City Code.

 Attachments:
 Staff Report

 Attachment 1 - Chapter 11-16 Redlined

 Ordinance

 Presentation

#### **16. PUBLIC HEARINGS**

Public Hearing matters will begin no earlier than 5:00 p.m. or as soon thereafter as the matters are reached on the agenda.

#### AMENDMENT

BACKGROUND: Zoning Code Text Amendments for State law consistency. A broad range of revisions were adopted to State Housing Laws during the 2022 Legislative Session and signed into law by the Governor. The State requires local jurisdictions to revise local zoning codes to ensure consistency with these changes.

RECOMMENDATION: It is recommended by the Planning Commission and the Planning and Economic Development Department that the Council introduce an Ordinance amending Title 20 of the Santa Rosa City Code by modifying Zoning Code Chapter 20-31, and Sections 20-36.040, 20-50.020, and 20-70.020, and adding Chapter 20-33, to bring the Zoning Code into compliance with State Legislation, as required by law.

#### Attachments: Staff Report

 Attachment 1 - Density Bonus Law – Letter of Technical As

 Attachment 2 - Assembly Bill 2097

 Attachment 3 - Assembly Bill 2244

 Attachment 4 - Assembly Bill 2244

 Attachment 5 - Assembly Bill 2334

 Attachment 6 - Assembly Bill 2011

 Attachment 7 - Senate Bill 6

 Attachment 8 - Assembly Bill 2295

 Attachment 9 - Planning Commission Resolution

 Attachment 10 - SRCC Redline Changes to Zoning Code

 Ordinance

 Public Hearing Notice

 Presentation

## **16.2** PUBLIC HEARING - 1650 W STEELE LANE APARTMENTS APPEAL

BACKGROUND: On January 25, 2023, the Zoning Administrator approved the 1650 W Steele Lane Apartments Project (the Project), which proposes to construct a 36-unit multifamily residential development located at 1650 W Steele Lane. The project included three Planning approvals including an Addendum to a previously

certified EIR, a Minor Conditional Use Permit, and Minor Design Review. On February 6, 2023, an appeal of that action was received, which requires City Council review and action.

RECOMMENDATION: It is recommended by the Zoning Administrator and the Planning and Economic Development Department that the Council, by three resolutions, deny the appeal and uphold the decision of the Zoning Administrator to 1) adopt an Addendum to the certified North Santa Rosa Station Area Specific Plan Environmental Impact Report, 2) approve a Minor Conditional Use Permit, and 3) approve Minor Design Review for the 1650 W Steele Lane Apartments Project located at 1650 W Steele Lane.

Attachments:	Staff Report
	Attachment 1 - Disclosure Form
	Attachment 2 - Conditional Use Permit Narrative
	Attachment 3- Density Bonus Project Narrative and Cost R
	Attachment 4 - Zoning Administrator Plan Set
	Attachment 5- Addendum to North Station Area Specific Pl
	Attachment 6 - Civil Submittal
	Attachment 7 - Consideration of Design Review Board's Co
	Attachment 8 - Climate Action Plan Checklist
	Attachment 9 - Traffic Study and Parking Program Descript
	Attachment 10 - Public Comments received prior to May 3r
	Attachment 11 - Applicant's Attorney Presentation
	Attachment 12 - Appeal Application - Charles M Shulz Crea
	Attachment 13 - Appellant Presentation
	Attachment 14 - City Council Plan Set
	Attachment 15 - Applicant's Attorney Memo
	<u>Attachment 16 - ZA-2023-005</u>
	<u>Attachment 17 - ZA-2023-006</u>
	Attachment 18 - Birds Eye View with Rendering.pdf
	Attachment 19 - HCD Letter of Support and Technical Assi
	Attachment 20 - Appellants Disclosure Form.pdf
	Resolution 1 - Addendum to the North SR Station Area Spe
	Exhibit A
	Resolution 2 - Minor Conditional Use Permit
	Resolution 3 - Minor Design Review
	Exhibit A
	Presentation
	Public Hearing Notice
	Location Map
	Applicant Disclosure Form (Uploaded 05-23-2023)
	Late Correspondence (Uploaded 05-23-2023)

# **17. WRITTEN COMMUNICATIONS**

**17.1** STATE LEGISLATIVE UPDATE:

- Support for AB 50 (Wood) -- Public utilities: timely service: timely electrical interconnection. Provided for information.
- Support for AB 74 (Muratsuchi) -- Vehicles: street takeovers, sideshows, and racing. Provided for information.
- Support for AB 817 (Pacheco) -- Open meetings: teleconferencing: subsidiary body. Provided for information.

Attachments:State Legislative Memo<br/>Bill Text - AB 50 Public Utilities<br/>AB 50 Letter of Support<br/>Bill Text - AB 74 Vehicles<br/>AB 74 Letter of Support<br/>Bill Text - AB 817 Open Meetings<br/>AB 817 Letter of Support

# **18. PUBLIC COMMENTS ON NON-AGENDA MATTERS**

This is the time when any person may address the Council on matters not listed on this agenda, but which are within the subject matter jurisdiction of the Council and not able to speak under Agenda Item 14. Each speaker will be allowed three minutes.

# 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

# 21. UPCOMING MEETINGS

This schedule is tentative and subject to change pending final publication and posting of the City Council Meeting Agenda.

# 21.1 UPCOMING MEETINGS LIST

Attachments: Upcoming Meetings List

\*Did not appear on the preliminary agenda.

\*\*Quasi-judicial or adjudicative action.

The Open Government Ordinance (ORD-2020-018) was adopted by City Council in December 2020. This ordinance, adds Chapter 1-10 to the City Code to codify the City of Santa Rosa's commitment to embrace a culture of open government to ensure public trust, engage the community, and establish a system of transparency, public participation, and collaboration. To view a full version of the Open Government Ordinance go to http://srcity.org/OpenGovOrdinance. To request a paper copy of the Open Government Ordinance contact the City Clerk's Office at 707-543-3015 (TTY Relay at 711) or cityclerk@srcity.org.

The City of Santa Rosa does not discriminate against individuals with disabilities in its employment, services, benefits, facilities, programs, or activities. Requests for accommodations, auxiliary aids, or services necessary to participate in a City program, service, or activity, including printed information in alternate formats, are available by contacting the City Clerk's Office at 707-543-3015 (TTY Relay at 711) or cityclerk@srcity.org. If the request is received at least 7 business days prior to the City Council meeting, the copy shall be provided no later than two (2) business days prior to the City Council meeting. Meeting information can also be accessed via the internet at http://srcity.org

Any writings or documents provided to a majority of the City Council prior to this meeting regarding any item on this agenda, excluding closed session items, are available for public review in the City Clerk's Office, Room 10, City Hall, 100 Santa Rosa Ave, during normal business hours.