



## City of Santa Rosa

City Hall  
100 Santa Rosa Avenue  
Santa Rosa, CA 95404

### **CITY COUNCIL REGULAR MEETING AGENDA AND SUMMARY REPORT - REVISED - DECEMBER 6, 2016**

**3:00 P.M. CLOSED SESSION (MAYOR'S CONFERENCE ROOM 10)**

**4:00 P.M. - REGULAR SESSION (COUNCIL CHAMBER)**

#### **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.

Comments from the public on non-agenda items will be heard under Agenda Items 13 and 18. 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. The first public comment period on non-agenda items (Agenda Item 13) will begin no earlier than 5:00 p.m. and will be limited to ten 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.

To address the Council you are requested to complete a yellow Speaker Card and give it to the City Clerk. If you are unable to or do not wish to wait for the public comment portion of the agenda, you are encouraged to contact the Council or City Clerk directly by submitting your comments to 100 Santa Rosa Avenue, Room 10, Santa Rosa 95404 or [cityclerk@srcity.org](mailto:cityclerk@srcity.org).

**3:00 P.M. (MAYOR'S CONFERENCE ROOM, ROOM 10)**

#### **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

*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.*

addressed in Closed Session.

**2.1 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Consideration of whether to initiate litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: one potential case.

**RECESS CLOSED SESSION(S) AND RECONVENE TO OPEN SESSION IN THE COUNCIL CHAMBER**

**3. 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. (CITY COUNCIL CHAMBER)**

**4. ANNOUNCEMENT OF ROLL CALL**

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

**6. PROCLAMATIONS/PRESENTATIONS - NONE.**

**7. STAFF BRIEFINGS - NONE.**

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

**9. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS**

**10. MAYOR'S/COUNCILMEMBERS' REPORTS**

**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**

**10.1.2 Sonoma County Transportation Authority/Regional Climate Protection Authority (SCTA/RCPA)**

**10.1.3 Sonoma County Water Agency (SCWA) - Water Advisory Committee**

**10.1.4 Association of Bay Area Governments (ABAG)**

**10.1.5 Sonoma County Agricultural Preservation and Open Space District Advisory Committee**

**10.1.6 Sonoma Clean Power Authority (SCPA)**

**10.1.7 Sonoma County Waste Management Agency (SCWMA)**

**10.1.8 Other**

**11. APPROVAL OF MINUTES - NONE.**

11.1 November 1, 2016, Regular and Special Meetings.

**Attachments** [Draft Special Meeting Minutes](#)  
[Draft Regular Meeting Minutes](#)

**12. CONSENT ITEMS**

**12.1 MOTION - FIFTH AMENDMENT OF THE PUBLIC MEETING VIDEO STREAMING, ARCHIVING AND AGENDA MANAGEMENT AGREEMENT WITH GRANICUS, INC.**

RECOMMENDATION: It is recommended by the Information Technology Department that the Council, by motion, approve a Fifth Amendment to General Services Agreement Number F000308, with Granicus, Inc., San Jose, CA, subject to approval as to form by the City Attorney, to add Closed Captioning services, and extend the contract for an additional five (5) years, for a cumulative contract total of \$590,615.

**Attachments** [Staff Report](#)  
[Attachment 1](#)  
[Presentation](#)

### **13. 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 ten 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.

### **14. REPORT ITEMS**

#### **14.1 REPORT - SANTA ROSA WATER FUND-TO-FUND LOAN APPROVAL FOR THE PURPOSE OF ACQUIRING AGRICULTURAL LAND LOCATED AT 7630-7650 LAKEVILLE HIGHWAY, PETALUMA, FOR BIOSOLID APPLICATION**

BACKGROUND: The Water Department uses a variety of methods to dispose of biosolids generated from wastewater processing. Agricultural land for biosolid application is needed due to limited dispersal areas to protect the California Tiger Salamander, increasingly stringent organic diversion from landfills, and biosolid exclusions from certified organic family operations. Approximately 235 acres of land is available for purchase situated within Sonoma County in an already approved area for biosolid application. In order to proceed with the acquisition, approval of a fund-to-fund loan from the Local Wastewater Utility Fund to the Subregional Waste Operations Fund for up to \$2.1 million is needed.

RECOMMENDATION: It is recommended by the Board of Public Utilities and the Subregional Partners as well as the Water and Finance Departments that the Council, by resolution, approve a Santa Rosa Water fund-to-fund loan for up to \$2.1 million from the Local Wastewater Utility Fund to the Subregional Waste Operations Fund for the acquisition costs of agricultural land to be used for biosolid application located at

7630-7650 Lakeville Hwy, Petaluma, California.

**Attachments** [Staff Report](#)  
[Attachment](#)  
[Resolution](#)  
[Presentation](#)

**14.2** REPORT - AMENDMENT TO RESOLUTION NO. 28718 REGARDING  
WASTEWATER FIXED MONTHLY CHARGES TO EXISTING  
COMMERCIAL/INDUSTRIAL/MULTI-FAMILY PROPERTIES

BACKGROUND: In 2015, a five-year rate plan for water and wastewater rates was approved by the Santa Rosa City Council via Resolution No. 28718 with an effective date of January 1, 2016. Following the adoption and implementation of the revised rates, an administrative issue was identified related to the wastewater fixed monthly charge applied to commercial/industrial/multifamily properties that have larger sized meters to address fire flow requirements. Amending Resolution No. 28718 provides the Director of Water with the authority to reduce the wastewater fixed monthly charge applied to the account(s) that have larger sized meters to address fire flow requirements. There are four known accounts that can benefit from this amendment, resulting in an estimated annual loss of revenue of \$7,300.00 to the Wastewater Enterprise.

RECOMMENDATION: It is recommended by the Board of Public Utilities and the Water Department that the City Council, by resolution, amend Resolution No. 28718 to provide the Director of Water with the authority to reduce the wastewater fixed monthly charge for existing commercial/industrial/multi-family customers that have a large meter to address fire flow requirements.

**Attachments** [Staff Report](#)  
[Attachment 1](#)  
[Resolution](#)  
[Presentation](#)

**14.3** REPORT - RESOLUTION TO (1) DECLARE A FISCAL EMERGENCY  
AS A RESULT OF THE RECENT PASSAGE OF CALIFORNIA STATE

PROPOSITION 64 (ADULT USE OF MARIJUANA ACT); (2) ORDER A BALLOT SUBMISSION TO SANTA ROSA VOTERS OF AN ORDINANCE AMENDING CHAPTER 6-04 OF THE SANTA ROSA CITY CODE AND ADDING CHAPTER 6-10 OF THE SANTA ROSA CITY CODE TO AUTHORIZE THE CITY TO IMPOSE A BUSINESS TAX ON CANNABIS BUSINESSES; (3) APPROVE BALLOT LANGUAGE; (4) PERMIT THE FILING OF REBUTTAL ARGUMENTS; (5) DIRECT THE CITY ATTORNEY TO PROVIDE AN IMPARTIAL ANALYSIS; AND (6) PROVIDING DIRECTION REGARDING BALLOT ARGUMENTS IN SUPPORT OF THE MEASURE.

BACKGROUND: On November 8, 2016, the California State election passed ballot measure Proposition 64, known as “the Adult Use of Marijuana Act.” Prop 64 brings businesses to support recreational cannabis use into a regulated market, and allows the City of Santa Rosa to enact local regulations on such businesses in addition to the regulations that will be imposed by the state.

With the passing of Proposition 64, the City is facing a fiscal emergency when considering and adopting appropriate regulations to govern this new industry, administer business permits, inspect businesses, enforce code regulations, support public safety, protect the environment, and provide education to the industry and community. Such significant costs to the City may deplete general fund resources that are needed for other crucial City services.

City Staff recommends that the Council seek authorization from the voters to impose a local business license tax on the cannabis industry in order to pay for the significant costs to the City of allowing cannabis businesses to operate in Santa Rosa. The proposed business tax is not a sales tax and would not be imposed directly on cannabis users or consumers.

Under the proposed measure, the voters would authorize the City Council to impose up to a maximum business tax rate on cannabis businesses. Specifically, the measure would authorize the City Council to set the initial tax rate and adjust that rate as appropriate from time to time

up to the maximum approved by the voters. For commercial cannabis cultivators, the maximum tax rate would be based on \$38 per square feet of cultivation space, adjusted annually based on the CPI index, or up to 10% on gross receipts. For all other cannabis businesses (including nurseries, transporters, distributors, testing labs, manufacturers, dispensaries and delivery providers) the maximum tax rate would be 10% of gross revenues.

The City recognizes businesses will be bearing many initial costs as they adjust to the new legal environment and adhere to state regulations that are yet to be developed. As such, the tax rates the City intends to impose will be sufficient to secure funding for the needs of the community, while not overburdening the industry.

For the City to bring the proposed ballot measure to the voters at the March 7, 2017 election - at the same election the County of Sonoma is considering submitting its own cannabis business license tax measure to County voters - as a general tax measure requiring approval by only a simple majority of the City's voters, the members of the City Council in attendance for this item must vote unanimously to declare a fiscal emergency based on the passage of Proposition 64. Without such a unanimous declaration, the City must wait until the November 2018 election to submit to the voters a tax measure requiring approval of only a simple majority of voters.

RECOMMENDATION: It is recommended by the Planning and Economic Development and Finance Departments that the Council continue Item 14.3 to a Regular Meeting in February 2017 and direct staff to revise the resolution to submit the Cannabis Industry Tax Measure to the Santa Rosa Voters at a special election on June 6, 2017.

**Attachments** [Staff Report](#)  
[Staff Report Addendum \(uploaded 12/5/2016\)](#)  
[Resolution](#)  
[Ordinance](#)  
[Presentation](#)  
[Presentation Amendment](#)

**(THE COUNCIL WILL RECESS DURING THE EVENING FOR A DINNER BREAK)**

**14.4 REPORT - TERMINATION OF CMEDIA CONTRACT F000682**

BACKGROUND: On January 14, 2014, The City entered into an Agreement with CMedia to provide for the operation of PEG ("Public Education and Government") access channels and the management of a community media center by CMedia in exchange for funding by the City. As such, CMedia became party to this agreement that is scheduled to expire on March 31, 2017. CMedia is required to provide for such fiscal control and accounting procedures as are necessary to assure proper disbursement and accounting for funds received from the City. The unlawful use of funds shall be cause for the City to deduct such funds from any payments owed to CMedia and the immediate termination of this Agreement.

The agreement requires CMedia to submit to the City an annual proposed budget of capital equipment requirements for the upcoming year for the City's review and consideration. At the City's sole discretion, the PEG capital funding is to be provided to CMedia up to a maximum amount of \$150,000 per year for the purchase of capital equipment by CMedia.

In addition to PEG capital funding, the Agreement calls for the City to provide operating funds to CMedia in the amounts of:

- o First Year of Agreement: \$360,000
- o Second Year of Agreement: \$275,000
- o Subsequent Years through the Term of Agreement: \$200,000

On October 31, 2016 CMedia notified City staff of a complete layoff of all its staff, including its Executive Director, stating financial and internal control issues.

Following the notification of staff layoffs, on November 9, 2016 the City initiated an internal performance audit of CMedia to determine whether



CMedia complied with the accounting, reporting and usage of PEG capital funds; to evaluate CMedia's ability to sustain its operations through March 31, 2017; to determine CMedia's current payroll liability and its ability to pay its employees; and to determine the amount of PEG funds advanced to CMedia.

RECOMMENDATION: It is recommended by the Information Technology Department that the Council, by resolution, terminate the January 14, 2014 agreement between the Santa Rosa Community Media Access Center (dba CMEDIA") and the City to provide for the operation of PEG ("Public Education and Government") access channels and the management of a community media center.

**Attachments** [Staff Report](#)  
[Attachment 1](#)  
[Attachment 2](#)  
[Resolution](#)  
[Presentation](#)

**14.5 REPORT - AMENDMENT TO THE CITY CLASSIFICATION AND SALARY PLAN TO MODIFY THE SALARY RANGES OF CITY ATTORNEY AND WATER DIRECTOR CLASSIFICATIONS**

BACKGROUND: A Total Compensation Survey was requested for specific vacant classifications and due to the current job market, it became clear that an upward adjustment to the salary range would enhance the ability to recruit qualified and experienced candidates. The classifications reviewed were City Attorney and Water Director.

RECOMMENDATION: It is recommended by the Human Resources Department that the Council, by resolution, amend the City Classification and Salary Plan to modify the salary ranges of City Attorney by increasing the top of the range by 10% and the Water Director by 5%, effective the first full pay period after Council approval of this resolution.

**Attachments** [Staff Report](#)  
[Resolution](#)  
[Presentation](#)

**15. PUBLIC HEARINGS - NONE.**

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

**16. WRITTEN COMMUNICATIONS - NONE.**

**17. COUNCIL REORGANIZATION**

- 17.1** REPORT - DECLARING RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD ON TUESDAY, NOVEMBER 8, 2016, FOR THE PURPOSE OF (1) ELECTING FOUR MEMBERS TO THE CITY COUNCIL, EACH FOR A FULL TERM OF FOUR YEARS; (2) SUBMITTING TO THE VOTERS MEASURE O RELATING TO THE CITY'S PUBLIC SAFETY SPENDING LEVELS ORDINANCE; AND (3) CITY OF SANTA ROSA MEASURE N RELATING TO THE CITY'S SERVICES

BACKGROUND: Pursuant to City Charter Section 30 and the California Elections Code, the City Council called a General Municipal Election for Tuesday, November 8, 2016, for the purpose of (1) electing four members to the City Council, each for a full term of four years; (2) submitting to the voters Measure O relating to the City's Public Safety Spending Levels Ordinance; and (3) City of Santa Rosa Measure N relating to the City's Services.

RECOMMENDATION: It is recommended by the City Clerk that the Council, by resolution, declare the results of the Consolidated General Municipal Election held on Tuesday, November 8, 2016, for (1) the election of Julie Combs, Ernesto Olivares, Chris Rogers, and Jack Tibbets to the City Council, each for a full term of four years; (2) City of Santa Rosa Measure O relating to the City's Public Safety Spending Levels Ordinance; and (3) City of Santa Rosa Measure N relating to the City's Services.

**Attachments** [Staff Report](#)  
[Resolution](#)  
[Exhibit A](#)  
[Presentation](#)

**17.2 COMMENTS BY COUNCIL MEMBERS**

**17.3 ADMINISTRATION OF OATH OF OFFICE TO NEWLY ELECTED COUNCIL MEMBERS, PRESENTATION OF CERTIFICATES OF ELECTION, AND SEATING OF THE NEWLY ELECTED COUNCIL MEMBERS**

**17.4 COMMENTS BY NEWLY ELECTED COUNCIL MEMBERS**

**17.5 ELECTION OF MAYOR**

The Council, in accordance with the City's Charter and the City Council Manual of Protocols and Procedures, will elect a Mayor from among its members. The Mayor will serve for a term of two years.

**Attachments** [Staff Report](#)  
[Attachment 1](#)  
[Presentation](#)

**17.6 ELECTION OF VICE MAYOR**

The Council, in accordance with the City's Charter and the City Council Manual of Protocols and Procedures, will elect a Vice Mayor from among its members. The Vice Mayor will serve a term of one year.

**Attachments** [Staff Report](#)  
[Attachment 1](#)  
[Presentation](#)

**17.7 ELECTION OF DESIGNATED PRESIDING OFFICER TO PRESIDE OVER COUNCIL MEETINGS IN ABSENCE OF BOTH MAYOR AND VICE MAYOR; SUSPENSION OF COUNCIL PROCEDURE III(A)**

Section III (A) of the City Council Manual of Procedures and Protocols provides procedures for the selection of a presiding officer to preside

over meetings of the City Council in the event of the absence of both the Mayor and Vice Mayor. Section XII(C) of the Manual of Procedures and Protocols provides procedures for the election of Mayor and Vice Mayor.

It is recommended by staff that the Council, pass a motion: 1) suspending the procedures in Section III(A) of the Manual of Procedures and Protocols for the selection of a presiding officer in the event of the absence of both the Mayor and Vice Mayor; and 2) elect a "Designated Presiding Officer" for a term of one year to preside over Council meetings in the event of the absence of both the Mayor and Vice Mayor, using the procedures set forth in Section XII(C) of the Manual of Procedures and Protocols for the election of Mayor and Vice Mayor.

**Attachments** [Staff Report](#)  
[Attachment 1](#)  
[Presentation](#)

## **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. 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** [List](#)

City Council

- REVISED -

DECEMBER 6, 2016

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**\*Did not appear on the preliminary agenda.**

**\*\*Quasi-judicial or adjudicative action.**



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Meeting information can also be accessed via the internet at <http://srcity.org>