



City of Santa Rosa

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

CITY COUNCIL REGULAR MEETING AGENDA AND SUMMARY REPORT DECEMBER 3, 2019

**1:00 P.M. - JOINT CITY COUNCIL/PLANNING COMMISSION STUDY
SESSION (COUNCIL CHAMBER)**

2:30 P.M. - STUDY SESSION (COUNCIL CHAMBER)

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

COUNCIL MAY RECESS DURING THE EVENING FOR A DINNER BREAK

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.

Comments from the public on non-agenda items will be heard under Agenda Items 15 and 19. 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 15) 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 19.

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.

1:00 P.M. (CITY COUNCIL CHAMBER)

1. CALL TO ORDER AND ROLL CALL

NOTICE IS HEREBY GIVEN that the Council of the City of Santa Rosa will hold a **Special Joint Meeting with the Planning Commission on Tuesday, December 3, 2019, at 1:00 p.m. in the City Council Chamber, 100 Santa Rosa Avenue, Santa Rosa, California.** The purpose of this joint meeting is to discuss the following issue:

2. JOINT STUDY SESSION

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

2.1 DOWNTOWN STATION AREA SPECIFIC PLAN UPDATE - PREFERRED ALTERNATIVE SELECTION

The City has initiated an update to the Downtown Station Area Specific Plan, which was originally adopted in 2007. This study session will provide the Planning Commission and Council with an opportunity to provide feedback and guidance on the draft preferred alternative.

Attachments: [Staff Report](#)
[Attachment 1 - Study Area](#)
[Attachment 2 - Draft Preferred Plan Concept](#)
[Attachment 3 - Barriers to Downtown Development](#)
[Attachment 4 - Existing Conditions Report](#)
[Attachment 5 - Late Correspondence \(Uploaded 12/2/2019 Presentation](#)
[Presentation \(REVISED 12/2/2019\)](#)

ADJOURN SPECIAL JOINT MEETING OF THE CITY COUNCIL AND PLANNING COMMISSION AND CONVENE TO THE REGULAR STUDY SESSION OF THE CITY COUNCIL

2:30 P.M. (CITY COUNCIL CHAMBER)

3. ANNOUNCEMENT OF ROLL CALL

4. ANNOUNCEMENT OF CLOSED SESSION ITEMS - NONE.

5. STUDY SESSION

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

5.1 STUDY SESSION PRESENTED BY THE COUNTY SUPERVISORS TO DISCUSS A PROPOSED ONE-HALF PERCENT (0.5%) SALES TAX MEASURE ENTITLED THE "SONOMA COUNTY WILDFIRE PREVENTION, EMERGENCY ALERT, AND RESPONSE TRANSACTIONS AND USE TAX ORDINANCE"

The focus of the study session is to evaluate the proposed one-half percent sales tax measure entitled the "Sonoma County Wildfire Prevention, Emergency Alert, and Response Transactions and Use Tax Ordinance".

Attachments: [Staff Report](#)
[Attachment 1 - County Ordinance](#)
[Attachment 2 - County Expenditure Plan](#)
[Attachment 3 - County Resolution Calling Special Election Presentation](#)

4:00 P.M. (CITY COUNCIL CHAMBER)

6. ANNOUNCEMENT OF ROLL CALL

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

8. PROCLAMATIONS/PRESENTATIONS - NONE.

9. 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.

9.1 FIRE RECOVERY AND REBUILD UPDATE

This will be a standing item on the agenda. No action will be taken except for possible direction to staff.

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

10.1 QUARTERLY REPORT OF SETTLEMENTS AND ACTIVE LITIGATION

The City Attorney will report on settlements over \$50,000 within the third quarter of 2019 (07/01/2019 -09/30/2019) as well as provide a summary of pending litigation against the City.

Attachments: [Memorandum](#)
[Exhibits A-C](#)

11. STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS

12. MAYOR'S/COUNCIL MEMBERS' REPORTS

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

12.1.1 Council Subcommittee Reports

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

12.1.3 Sonoma County Water Agency (SCWA) - Water Advisory Committee

12.1.4 Association of Bay Area Governments (ABAG)

12.1.5 Sonoma County Agricultural Preservation and Open Space District Advisory Committee

12.1.6 Sonoma Clean Power Authority (SCPA)

12.1.7 Sonoma County Waste Management Agency (SCWMA)

12.1.8 Groundwater Sustainability Agency (GSA)

12.1.9 Home Sonoma County (HSC)

12.1.10 Renewal Enterprise District (RED)

12.1.11 Other

13. APPROVAL OF MINUTES

13.1 November 12, 2019, Regular Meeting Minutes

Attachments: [Draft Minutes](#)

14. CONSENT ITEMS

14.1 RESOLUTION - FIFTH AMENDMENT TO GENERAL SERVICES AGREEMENT WITH DAY MANAGEMENT CORPORATION, DBA DAY WIRELESS SYSTEMS FOR MAINTENANCE, REPAIR AND INSPECTION SERVICES FOR EXISTING COMMUNICATIONS EQUIPMENT

RECOMMENDATION: It is recommended by the Finance Department, that the Council, by resolution, approve the Fifth Amendment to General Services Agreement Number F000913 with Day Management Corporation, dba Day Wireless Systems, Benicia California, increasing compensation in the amount of \$40,000 for a total amount not to exceed \$549,826.14.

Attachments: [Staff Report](#)
[Resolution](#)
[Exhibit A- Fifth Amendment](#)
[Presentation](#)

14.2 RESOLUTION - RESOLUTION APPROVING AMENDMENT NO. 2 TO CITY ATTORNEY'S EMPLOYMENT AGREEMENT AND ORDINANCE TO INCREASE THE COMPENSATION OF THE CITY ATTORNEY BY PROVIDING, EFFECTIVE MAY 12, 2019, (1) A 7.5% MERIT INCREASE, AND (2) 2.5% INCREASE IN DEFERRED COMPENSATION FOR A TOTAL CONTRIBUTION OF 5% OF BASE PAY, AND EFFECTIVE JULY 7, 2019, (1) A 2.5% COST OF LIVING SALARY ADJUSTMENT, AND (2) AN INCREASE IN CONTRIBUTION BY THE CITY FOR THE 2019-2020 FISCAL YEAR EQUAL TO 0.25% OF BASE WAGE TO THE CITY ATTORNEY'S RETIREE HEALTH SAVINGS PLAN, FOR A TOTAL CONTRIBUTION OF 0.75% OF BASE WAGE

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 Attorney and introduce an Ordinance to increase the compensation of the City Attorney by providing, effective May 12, 2019 (1) A seven and a half percent (7.5%) merit increase, (2) a two and a half percent (2.5%) increase in deferred compensation for a total contribution of five percent (5%) of base pay, and effective July 7, 2019, (1) a two and a half percent (2.5%) cost of living salary adjustment, and (2) an increase in contribution by the City for the 2019-2020 fiscal year in an amount equal to one-quarter percent (0.25%) of the City Attorney's base wage toward her Retiree Health Savings Plan, for a total contribution by the City of point seven five percent (0.75%) of base wage.

Attachments: [Staff Report](#)
[Attachment](#)
[Resolution](#)
[Exhibit](#)
[Ordinance](#)
[Presentation](#)

14.3 ORDINANCE INTRODUCTION - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 21 OF THE SANTA ROSA CITY CODE - CORRECTING SECTION 21-02.050.B OF CHAPTER 21-02, INCLUSIONARY HOUSING ORDINANCE, TO LIMIT HOUSING IMPACT FEE AND INCLUSIONARY HOUSING INCENTIVES TO MULTIFAMILY RESIDENTIAL AND MIXED USE PROJECTS IN THE DOWNTOWN AREA- FILE NUMBER PRJ19-036

RECOMMENDATION: It is recommended by the Planning and Economic Development Department that the Council introduce an ordinance to amend Title 21 of the Santa Rosa City Code to correct Section 21-02-050.B of the Inclusionary Ordinance to limit the Downtown Inclusionary Housing Incentive to multifamily residential or mixed use development projects located in the Downtown area of the City of Santa Rosa.

Attachments: [Staff Report](#)
[Attachment 1 - Staff Report, October 1, 2019](#)
[Attachment 2 - Presentation, Slide 17, October 1, 2019](#)
[Attachment 3 - Ordinance Amendment, Adopted October 2](#)
[Attachment 4 - Redline Ordinance](#)
[Ordinance](#)
[Presentation](#)

- 14.4** ORDINANCE ADOPTION SECOND READING - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE - RECLASSIFICATION OF PROPERTY LOCATED AT 407 SOUTH A STREET TO THE CG (GENERAL COMMERCIAL) DISTRICT - ASSESSOR'S PARCEL NUMBER 010-221-016; FILE NUMBER MNP14-018

RECOMMENDATION: This ordinance, introduced at the November 19, 2019, Regular Meeting by a (7-0-0) vote, reclassifies one (1) parcel located at 407 South A Street from R-2 (Medium Density Multi-Family Residential) to CG (General Commercial), consistent with the policies in the General Plan and Downtown Station Area Specific Plan.

Attachments: [Ordinance](#)

- 14.5** RESOLUTION - HOLIDAY SHOPPING GARAGE USER FEE REDUCTION

RECOMMENDATION: It is recommended by the Finance Department that the Council, by resolution, approve free parking in the five public garages on Saturdays and Sundays from December 7, 2019 through December 29, 2019.

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

- 14.6** RESOLUTION - APPROVAL AND ADOPTION OF THE CITY'S SALARY PLAN AND SCHEDULE (**THIS ITEM WAS CONTINUED FROM THE NOVEMBER 5, 2019, REGULAR MEETING**)

RECOMMENDATION: It is recommended by the Human Resources Department that the Council, by resolution, approve and adopt the

City's Salary Plan and Schedule.

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

15. 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 19.

16. REPORT ITEMS

- 16.1** REPORT - RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ACKNOWLEDGING RECEIPT OF A REPORT MADE BY THE SANTA ROSA FIRE CHIEF REGARDING COMPLIANCE WITH SECTIONS 13146.2 AND 13146.3 OF THE CALIFORNIA HEALTH AND SAFETY CODE

BACKGROUND: SB 1205 holds jurisdictional policy makers accountable to make progress on fire prevention resource requests and ensures fire department funding allocations account for the longstanding needs of resource deficient fire prevention bureaus.

RECOMMENDATION: It is recommended by the Fire Department that the Council, by resolution, acknowledge receipt of a report made by the Santa Rosa Fire Chief regarding the inspection of certain occupancies required to receive annual inspections pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code.

Attachments: [Staff Report](#)
[Resolution](#)
[Exhibit A - SRFD Inspection Report](#)
[Presentation](#)

16.2 REPORT - COUNCIL VACANCY APPOINTMENT PROCEDURE AND SCHEDULE

BACKGROUND: Council member Julie Combs has announced her resignation from the City Council effective November 25, 2019. Her resignation creates a vacancy on the Council. Section 31 of the Santa Rosa City Charter provides that such vacancy may be filled either (a) by appointment by the Council within 60 days of the vacancy, or (b) by the calling of a special election.

Council must first determine which method it prefers for the filling of the vacancy. A special election would take place no earlier than the second Tuesday in April, 2020. The City Clerk has received a preliminary estimate from the County of Sonoma that the cost of such special election could range between \$184,718 and \$323,257. An appointment by the Council would be governed by Council Policy No. 000-23, and would be effective upon selection of the successor. Policy No. 000-23 requires that the Council, at the earliest possible time after a vacancy occurs, adopt a schedule setting forth the time and date for: (1) submission of applications to fill the vacancy; (2) submission by the public of questions for applicant interviews; and (3) interviews of prospective candidates by the Council at a public meeting. The selection process must be completed within 60 days of the vacancy. If Council determines to proceed by way of an appointment, Council may, by motion, approve a proposed schedule and authorize related documents and procedures.

RECOMMENDATION: It is recommended by the City Attorney's Office that the Council, by motion, determine the procedure and schedule for filling the Council vacancy caused by the resignation of Council Member Julie Combs.

Attachments: [Staff Report](#)
[Attachment 1 - Application Schedule](#)
[Attachment 2 - Vacancy Application](#)
[Attachment 3 - Council Policy No. 000-23](#)
[Attachment 4 - Excerpts from SRCC](#)
[Presentation](#)

17. 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.

- 17.1** PUBLIC HEARING - ORDINANCE ADOPTION - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA MODIFYING CHAPTER 18-44 IN ITS ENTIRETY AND SUBSECTION (B) OF SECTION 18-04.015 OF THE SANTA ROSA CITY CODE CONCERNING ADOPTION OF THE 2019 CALIFORNIA FIRE CODE AS AMENDED, ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA MODIFYING CHAPTER 18 TO ADOPT BY REFERENCE, WITH LOCAL AMENDMENTS, THE 2019 CALIFORNIA BUILDING STANDARDS CODE, (NOT INCLUDING THE 2019 CALIFORNIA ENERGY CODE), THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE, AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION PERMIT AND WASTE DISCHARGE REQUIREMENTS

BACKGROUND: The State of California has adopted and published the 2019 update to the California Building Standards Code. The model State codes will go into effect in all California cities and counties effective January 1, 2020. The Health and Safety Code allows local jurisdictions to change or modify the State adopted model codes based on local geologic, climatic, or topographic conditions. The Fire Department is requesting adoption of the 2019 California Fire Code with local amendments and administrative changes. The Planning and Economic Development Department is requesting adoption of the 2019 California Building Standards Code as well as the updated 2018 International Property Maintenance Code, with certain local amendments and administrative changes.

RECOMMENDATION: It is recommended by the Fire Department and the Planning and Economic Development Department that the Council: 1) adopt an ordinance introduced at the November 19, 2019, Regular meeting by a 5-0-0-2 vote (Vice Mayor Fleming and Council Member Tibbetts abstaining), adopting by reference the 2019 edition of the California Fire Code as adopted and amended by the State of California, and further amended based on local conditions, for use in

Chapter 18-44 of the Santa Rosa City Code, repeal existing sections not applicable to new codes and modify the Santa Rosa City Code to reflect the new model code; and 2) adopt an ordinance introduced at the November 19, 2019, Regular meeting by a 5-0-0-2 vote (Vice Mayor Fleming and Council Member Tibbetts abstaining), adopting by reference, with local amendments, the 2019 California Administrative Code, 2019 California Building Code, 2019 California Residential Code, 2016 California Green Building Standards Code, 2019 California Electrical Code, 2019 California Mechanical Code, 2019 California Plumbing Code, 2019 California Historical Building Code, 2019 California Existing Building Code, 2019 California Referenced Standards Code, 2018 International Property Maintenance Code, and the National Pollutant Discharge Elimination Permit and Waste Discharge Requirements.

Attachments: [Staff Report](#)
 [Building Code Ordinance](#)
 [Fire Code Ordinance](#)
 [Presentation](#)

- 17.2** PUBLIC HEARING - CONTINUED HEARING ON APPEAL OF PLANNING COMMISSION DECISION TO APPROVE A CONDITIONAL USE PERMIT FOR FOX DEN INC, A CANNABIS RETAIL AND DELIVERY BUSINESS IN AN EXISTING BUILDING LOCATED AT 4036 MONTGOMERY AVE, UNIT B, SANTA ROSA, CA; ASSESSOR'S PARCEL NUMBER 013-284-012; FILE NO. CUP18-076.

BACKGROUND: On January 24, 2019, the Planning Commission approved a Conditional Use Permit for a cannabis retail dispensary and delivery for medicinal and adult use in an existing 1,773 square foot building located at 4036 Montgomery Ave, Unit B. On February 1, 2019, the Kiwi Preschool and Childcare filed an appeal of the Planning Commission's action. The grounds for the appeal are that the cannabis dispensary is an incompatible use with the Kiwi Preschool and Childcare located on the adjoining property behind the dispensary, traffic safety concerns, and that the dispensary will be detrimental to the welfare of Kiwi Preschool and Childcare.

The City Council held a public hearing on the appeal on April 9, 2019

and after taking public comment and deliberating on the merits of the application continued the hearing to allow the applicant to revise the proposal to address parking and on-site traffic circulation concerns.

RECOMMENDATION: It is recommended by the Planning Commission and the Planning and Economic Development department that the Council, by resolution, deny the appeal and approve a Conditional Use Permit for cannabis retail (dispensary) and delivery for medical and adult use at 4036 Montgomery Ave, Unit B.

Attachments: [Staff Report](#)
[Attachment 1 - Disclosure Form](#)
[Attachment 2 - Location Map](#)
[Attachment 3 - Appeal Form](#)
[Attachment 3b -Appeal Supplement](#)
[Attachment 4 - Revised Project Narrative July 2019](#)
[Attachment 5 - Project Plans Sept. 2018](#)
[Attachment 6 - Updated Project Plans August 2019](#)
[Attachment 7 - Traffic Study April 2018](#)
[Attachment 8 - Traffic Studies and Responses](#)
[Attachment 9 -TEP Engineering Odor Control](#)
[Attachment 10 - CC ORD-2017-025](#)
[Attachment 11 - Chapter 20-46 CANNABIS](#)
[Attachment 12 - Chapter 17-16 NOISE](#)
[Attachment 13 - PC Resolution 11935](#)
[Attachment 14 - Correspondence](#)
[Attachment 15 - Architectural Drawings \(Uploaded 12/2/20](#)
[Attachment 16 - Updated Traffic Study \(Uploaded 12/2/201](#)
[Attachment 17 - Late Correspondence \(Uploaded 12/2/201](#)
[Resolution](#)
[Presentation](#)

18. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)

18.1 FINAL MAP - LANTANA HOMES - Provided for Information.

Attachments: [Notice of Submittal of Final Map](#)
[Location Map](#)

19. 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.

20. ANNOUNCEMENT OF CONTINUED CLOSED SESSION ITEMS, RECESS TO CLOSED SESSION IN THE MAYOR'S CONFERENCE ROOM, RECONVENE TO OPEN SESSION, AND ANNOUNCEMENTS [IF NEEDED]

21. ADJOURNMENT OF MEETING

22. UPCOMING MEETINGS

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

22.1 UPCOMING MEETINGS LIST

Attachments: [Upcoming Meetings List](#)

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

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

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. Requests should be submitted as far in advance as possible, but no later than two business days before the scheduled 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.