



# 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 10, 2019**

**12:30 P.M. - CLOSED SESSION (MAYOR'S CONFERENCE ROOM)**

**2:00 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 13 and 17. 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 17.

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).

**12:30 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 addressed in Closed Session.

### 2.1 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

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

Name of Case: Andy Ford v. City of Santa Rosa, et al.

Court Case No. USDC Northern District of California 3:19-cv-02741

WHA

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

2:00 P.M. (CITY COUNCIL CHAMBER)

## 3. STUDY SESSION

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

### 3.1 WIRELESS SMALL CELL DEPLOYMENT ON CITY OWNED STREET LIGHTS AND JOINT UTILITY POLES

The purpose of this study session is to provide a review of the current deployment status of wireless small cell facilities within the City limits and to discuss proposals intended to address the various concerns expressed by the community since the initial phase of deployments.

**Attachments:** [Staff Report](#)

[Attachment 1 - Public Correspondence](#)

[Attachment 2 - Late Correspondence \(Uploaded 12/9/2019 Presentation\)](#)

**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**

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.

**7.1 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.

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

**9. STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS**

**10. MAYOR'S/COUNCIL MEMBERS' REPORTS**

**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**

**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 Groundwater Sustainability Agency (GSA)**

**10.1.9 Home Sonoma County (HSC)**

**10.1.10 Renewal Enterprise District (RED)**

**10.1.11 Other**

**11. APPROVAL OF MINUTES**

**11.1** November 19, 2019, Regular Meeting Minutes

**Attachments:** [Draft Minutes](#)

**12. CONSENT ITEMS**

**12.1** MOTION - CONTRACT AWARD - FIRE DAMAGED STREET LIGHTS REPLACEMENT IN FOUNTAINGROVE

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by motion, award Contract No. C02246, Fire Damaged Street Lights Replacement in Fountaingrove, in the amount of \$285,910.00 to the lowest responsible bidder, Joe Lunardi Electric, Inc., of Sebastopol, California, approve a 15% contract contingency, and authorize a total contract amount of \$328,796.50.

**Attachments:** [Staff Report](#)  
[Attachment 1 - Location Map](#)  
[Attachment 2 - Summary of Bids Presentation](#)

**12.2** MOTION - CONTRACT AWARD - FIRE DAMAGED STREET LIGHTS REPLACEMENT IN COFFEY PARK

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by motion, award Contract

No. C02233, Fire Damaged Street Lights Replacement in Coffey Park, in the amount of \$1,791,512.80 to the lowest responsible bidder, St. Francis Electric of San Leandro, California, approve a 15% contract contingency, and authorize a total contract amount of \$2,060,239.72.

**Attachments:** [Staff Report](#)  
[Attachment 1 - Location Map](#)  
[Attachment 2 - Summary of Bids Presentation](#)

- 12.3** RESOLUTION - RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AMENDMENT #1 TO THE COMMUNICATIONS SYSTEM AND SERVICES AGREEMENT WITH MOTOROLA SOLUTIONS, INC., SAN DIEGO, CA. NOT TO EXCEED \$5,303,200 TO PURCHASE AND INSTALL A DIGITAL P25 TRUNKED RADIO SYSTEM SOLUTION, APPROVAL OF EQUIPMENT LEASE-PURCHASE AGREEMENT, AND APPROPRIATION OF \$145,000 FROM THE FEDERAL ASSET FORFEITURE FUND, \$100,000 FROM THE STATE ASSET FORFEITURE FUND, AND \$3,772,000 FROM THE GENERAL FUND RESERVES TO THE RADIO PROJECT KEY 95860

RECOMMENDATION: It is recommended by the Finance and Police Departments that the Council, by resolution, 1) approve the Amendment #1 to the Communications System and Services Agreement with Motorola Solutions, Inc. in an amount not to exceed \$5,303,200; 2) approve the Equipment Lease-Purchase Agreement; and 3) appropriate \$145,000 from the Federal asset forfeiture fund, \$100,000 from the State asset forfeiture fund, and \$3,772,000 from the General Fund reserves for this project.

**Attachments:** [Staff Report](#)  
[Resolution](#)  
[Exhibit A - Amendment #1](#)  
[Exhibit B - Equipment Lease Purchase Agreement Presentation - Revised 12/9/2019](#)

- 12.4** RESOLUTION - SPEED LIMITS ON PINER ROAD, SEBASTOPOL ROAD, AND SUMMERFIELD ROAD

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by resolution, establish a speed limit of 35 miles per hour on Piner Road from Marlow Road to Coffey Lane, establish a speed limit of 35 miles per hour on Sebastopol Road from South Wright Road to Stony Point Road, and establish a speed limit of 35 on Summerfield Road from Carissa Avenue to Bethards Drive.

**Attachments:** [Staff Report](#)  
[Attachment 1 – Vicinity Maps](#)  
[Attachment 2 - Late Correspondence \(Uploaded 12/9/2019\)](#)  
[Resolution](#)  
[Presentation](#)

**12.5** RESOLUTION - VOLKSWAGEN ENVIRONMENTAL MITIGATION TRUST FUND APPLICATION

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by resolution, authorizes the Director of Transportation and Public Works, or his designee, to submit an application for funding from the Volkswagen Environmental Mitigation Trust Funds program, to sign required assurances, and to administer any awarded funding.

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

**12.6** ORDINANCE ADOPTION SECOND READING - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA INCREASING 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:** This ordinance, introduced at the December 3, 2019 Regular Meeting by a 6-0-0 vote, increases 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:** [Ordinance](#)

### **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 17.

### **14. REPORT ITEMS**

#### **14.1 REPORT - FISCAL YEAR 2018-19 MEASURE O ANNUAL REPORT**

**BACKGROUND:** Ordinance 3680 added Chapter 3-26 to the Santa Rosa City Code establishing a special transactions and use tax. The special tax measure, known as Measure O, increased sales tax by a quarter percent to fund specific Police, Fire, and Gang Prevention/Intervention programs, as set forth in the Ordinance.

The Ordinance also established a seven-member Citizen Oversight Committee, with members appointed by the City Council, to annually review expenditures and appropriations of the tax revenues to ensure that all such revenues are spent or appropriated for the purposes and uses set forth in the Ordinance. Each year, an Annual Report is prepared by City staff, reviewed by the Citizen Oversight Committee

and presented to the City Council reporting on expenditures and activities during the past fiscal year.

The tax revenues generated by Measure O are split between Fire (40%), Police (40%) and Gang Prevention/Intervention Programs (20%), with these revenues spent in accordance with an Implementation Plan which was adopted by the City Council.

RECOMMENDATION: It is recommended by the Finance, Fire, Police, Community Programs and Engagement departments, and the Measure O Citizens' Oversight Committee that the Council, by motion, accept the Measure O Annual Report for Fiscal Year (FY) 2018-19.

**Attachments:** [Staff Report](#)  
[Attachment 1- Measure O Annual Report](#)  
[Presentation](#)

**14.2** REPORT - POTENTIAL TERMINATION OF THE CITY'S  
TEMPORARY PROHIBITION ON RENTAL HOUSING PRICE  
GOUGING THROUGH REPEAL OF CHAPTER 10-44 OF THE CITY  
CODE

BACKGROUND: In response to reports of price gouging following the October 2017 wildfires, the Council adopted Urgency Ordinance ORD-2017-020 adding Chapter 10-44 to the City Code. Chapter 10-44 established a temporary prohibition on rental housing price gouging as well as associated limitations on tenant evictions. By its initial term, the Ordinance was to remain in effect until April 18, 2018. The term of the Ordinance was extended twice, and remains in effect at this time.

In general, the Ordinance places a ten percent cap on residential rental increases over the life of the Ordinance. Specifically, the Ordinance prohibits any person from increasing rent on any dwelling unit, vacation rental, hotel or motel room more than ten percent above the rental price charged on October 9, 2017. In addition, the Ordinance prohibits a landlord from evicting an existing tenant or terminating an existing lease or rental agreement and subsequently renting or leasing the same unit for more than the rental price of the unit in the thirty day period immediately preceding October 9, 2017. A landlord may obtain limited relief from these provisions if he or she can establish that the excess is

directly attributable to additional costs resulting from the labor or materials necessary to provide the rental or in certain other defined circumstances.

In November 2018, at the time of Council's last consideration of the price gouging ordinance, it directed that the Ordinance be continued in effect "until at least October 9, 2019, at which time it shall be subject to review by the City Council at a regularly scheduled Council meeting." This agenda item is the opportunity for that review.

RECOMMENDATION: Pursuant to Council request, it is recommended by the City Attorney that the Council consider whether to repeal Chapter 10-44 of the Santa Rosa City Code. Repeal of Chapter 10-44 would terminate the City's temporary prohibition on rental housing price gouging and associated temporary limitations on tenant evictions, originally adopted following the 2017 wildfires.

**Attachments:** [Staff Report](#)  
[Attachment 1 - Late Correspondence \(Uploaded 12/9/2019\)](#)  
[Ordinance](#)  
[Presentation](#)

- 14.3** REPORT - THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT F01622A WITH BUREAU VERITAS NORTH AMERICA, INC., ATASCADERO, CA, WAIVING THE COMPETITIVE SELECTION PROCESS PER COUNCIL POLICY 600-01, EXTENDING THE TERM OF THE AGREEMENT, INCREASING COMPENSATION BY \$3,045,000 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$13,717,399 FOR POST-FIRE RECOVERY AND REBUILD SERVICES, AND AMEND THE FISCAL YEAR 2019/20 GENERAL FUND BUDGET BY INCREASING APPROPRIATIONS OF \$2,425,000

BACKGROUND: Since December 2017, staff from the City of Santa Rosa and Bureau Veritas North America, Inc. have provided a variety of permit processing, plan check and inspection services for the repair and reconstruction activities associated with the Tubbs Fire. Nearly 2,100 permits have been processed to date, resulting in approximately 20,000 inspections. With approximately 700 outstanding parcels in the rebuild area, the proposed Fourth Amendment will extend the term of the

Agreement and increase the budget associated with the Professional Service Agreement with Bureau Veritas to continue providing the appropriate staffing levels to meet commitments associated with plan review and inspection turnaround times.

RECOMMENDATION: It is recommended by the Planning and Economic Development Department that the Council, by resolution, (1) waive the competitive selection procedures in Council Policy 600-01 in the best interests of the City; (2) approve the Third Amendment to Professional Services Agreement F01622A with Bureau Veritas North America, Inc., Atascadero, CA to a) extend the term of the Agreement, and b) increase compensation by \$3,045,000 for a total amount not to exceed \$13,717,399; and (3) amend the Fiscal Year (FY) 2019/20 General Fund adopted budget by increasing appropriations of \$2,425,000; of which \$1,547,000 will be offset with anticipated associated permitting revenue and \$878,000 will be appropriated from the General Fund Reserve balance.

**Attachments:** [Staff Report](#)  
[Resolution](#)  
[Exhibit A - PED Budget Amendment](#)  
[Exhibit B - Third Amendment](#)  
[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 (AND POSSIBLE COUNCIL ACTION)

- 16.1 QUARTERLY BOARDS, COMMISSIONS AND COMMITTEES ATTENDANCE REPORT - Provided for information.

**Attachments:** [Attendance Report](#)

- 16.2 PUBLIC SAFETY POWER SHUTOFF GRANT APPLICATION - Provided for information.

**Attachments:** [PSPS Resiliency Allocation Project Proposal](#)

## 17. 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.

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

**19. ADJOURNMENT OF MEETING**

**20. UPCOMING MEETINGS**

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

**20.1 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](mailto: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.*