

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 13, 2022

1:30 P.M. - CLOSED SESSION (HYBRID VIA IN-PERSON AND ZOOM)

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

PURSUANT TO GOVERNMENT CODE SECTION 54953(e) AND THE RECOMMENDATION OF THE HEALTH OFFICER OF THE COUNTY OF SONOMA, CITY COUNCIL MEMBERS WILL BE PARTICIPATING IN THIS MEETING EITHER VIA ZOOM WEBINAR OR IN-PERSON, SOCIALLY DISTANCED, IN THE COUNCIL CHAMBER AT 100 SANTA ROSA AVENUE.

MEMBERS OF THE PUBLIC CAN PARTICIPATE IN THE MEETING BY ATTENDING IN-PERSON FROM COUNCIL CHAMBER AT 100 SANTA ROSA AVENUE (SOCIAL DISTANCING REQUIREMENTS WILL BE OBSERVED), VISITING HTTPS://SRCITY-ORG.ZOOM.US/J/83488513627, OR BY

DIALING 877-853-5257 AND ENTER WEBINAR ID: 834 8851 3627

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 signing up with the Administrator in Council Chamber (in lieu of Speaker Card), 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, December 12. 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, December 12. 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 13) 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.

1:30 P.M. (HYBRID 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 REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8)

Property: 625 and 637 3rd Street, APNs 009-013-011 and 009-013-012 ("Garage 5"), 500 5th Street, APN 010-053-028 ("Lot 11"), and 730 3rd Street, APN 009-072-044 ("Lot 7")

Agency Negotiators: Jill Scott, Real Property Negotiator

Negotiating Parties: To be determined

Under Negotiations: Price and terms of long term lease or sale

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

Name of Case: In Re Matter of the Appeal of City of Santa Rosa - Santa Rosa Water

Court Case No.: Department of Industrial Relations Occupational Safety and Health Appeals Board, Inspection No. 1495388

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

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

3. STUDY SESSION - NONE.

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

- 4. ANNOUNCEMENT OF ROLL CALL (IF NEEDED)
- 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

8.1 REPORT OF SETTLEMENTS AND ACTIVE LITIGATION

The City Attorney will report on settlements over \$50,000 through November 2022 as well as provide a summary of pending litigation against the City.

Attachments: Litigation Report

- 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 Zero Waste Sonoma (formerly known as Sonoma County Waste Management Agency (SCWMA))
- 10.1.8 Groundwater Sustainability Agency (GSA)
- 10.1.9 Sonoma County Continuum of Care (CoC)
- 10.1.10 Renewal Enterprise District (RED)
- 10.1.11 Public Safety Subcommittee
- 10.1.12 Other
- 11. APPROVAL OF MINUTES NONE.

12. CONSENT ITEMS

12.1 RESOLUTION - AMENDMENT TO THE CITY CLASSIFICATION AND SALARY PLAN MODIFYING THE SALARY RANGE OF MULTIPLE POSITIONS AND ADOPTION OF THE CITY'S SALARY PLAN AND SCHEDULE

RECOMMENDATION: It is recommended by the Human Resources

Department that the Council, by two resolutions: 1) approve a 5% equity increase to multiple positions, to include classifications historically linked to those previously identified for recruitment and retention adjustments; 2) pursuant to the City's minimum wage Ordinance, ORD-2019-14, approve increases to impacted temporary and seasonal employee pay scales to meet or exceed the City's minimum wage of \$17.06 per hour and preserve the salary structure of other classifications within that temporary and seasonal group effective January 1, 2023; and 3) approve and adopt the City's Salary Plan and Schedule as required by California Code Regulations Title 2, Section 570.5 - Requirement for a Publicly Available Pay Schedule.

<u>Attachments:</u> Staff Report

Resolution 1 - Equity Adjustments

Resolution 2 - Salary Plan and Schedule
Exhibit A - Salary Plan and Schedule

12.2 RESOLUTION - ADMINISTRATIVE COST RECOVERY LIEN AGAINST THE REAL PROPERTY LOCATED AT 3712 DOUGLAS DRIVE

RECOMMENDATION: It is recommended by the Planning and Economic Development Department that the Council, by resolution, approve the administrative cost recovery lien in the amount of \$4,764.70 against the property located at 3712 Douglas Drive for violations of the City Code which remain uncorrected by the responsible party, Kelly V. Spiers, and authorize the recordation of a lien and placement of a special assessment on the property tax roll for collection.

Attachments: Staff Report

Attachment 1 - Administrative Enforcement Order

Attachment 2 - Abatement Invoice

Attachment 3 - Vicinity Map

Attachment 4 - Case File Photos

Resolution

12.3 RESOLUTION - ADMINISTRATIVE COST RECOVERY LIEN AGAINST THE REAL PROPERTY LOCATED AT 211 THERESA STREET, SANTA ROSA, CA 95407

RECOMMENDATION: It is recommended by the Planning and Economic Development Department that the Council, by resolution, approve the administrative cost recovery lien in the amount of \$3460.64 against the property located at 211 Theresa St. for violations of the City Code which remain uncorrected by the responsible parties, Florentino, Angelina, Fernando, and Margarita Vicencio, and authorize the recordation of an administrative cost recovery lien and the placement of a special assessment on the property tax roll for collection.

<u>Attachments:</u> Staff Report

Attachment 1 - Administrative Enforcement Order

Attachment 2 - Case File Photos

Attachment 3 - Vicinity Map

Resolution

12.4 RESOLUTION - ADMINISTRATIVE COST RECOVERY LIEN AGAINST THE REAL PROPERTY LOCATED AT 2060 IROQUOIS STREET

RECOMMENDATION: It is recommended by the Planning and Economic Development Department that the Council, by resolution, approve the administrative cost recovery lien in the amount of \$2,633.61 against the property located at 2620 Iroquois St. for violations of the City Code which remain uncorrected by the responsible party, Guillermo Diaz Lopez, and authorize the recordation of a lien and placement of a special assessment on the property tax roll for collection.

Attachments: Staff Report

Attachment 1 - Administrative Enforcement Order

Attachment 2 - Case File Photos

Attachment 3 - Vicinity Map

Resolution

12.5 RESOLUTION - SANTA ROSA CITYBUS PUBLIC TRANSIT AGENCY SAFETY PLAN UPDATE 2023

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by resolution, adopt the Santa Rosa CityBus Public Transit Agency Safety Plan (PTASP) Update 2023 to meet the requirements of the Federal Transit

Administration's Public Transportation Agency Safety Plan Final Rule and changes from the Bipartisan Infrastructure Law.

Attachments: Staff Report

Resolution

Exhibit A - PTASP 2023

12.6 RESOLUTION - SANTA ROSA CITYBUS SHORT RANGE TRANSIT PLAN FINANCIAL SCENARIOS FOR FY 2023 TO FY 2028

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by resolution, adopt the Santa Rosa CityBus Short Range Transit Plan Financial Scenarios for Fiscal Year 2023 to Fiscal Year 2028.

Attachments: Staff Report

Resolution

Exhibit A - CityBus SRTP Narrative

12.7 RESOLUTION - APPROVAL OF THE ACQUISITION OF 3012
DUTTON MEADOW (APN 043-122-007) AND A FUND-TO-FUND
LOAN FROM THE WATER OPERATIONS FUND TO THE STORM
WATER CREEK RESTORATION FUND FOR FINANCING A PORTION
OF THE PURCHASE

RECOMMENDATION: It is recommended by the Transportation and Public Works Department, Finance Department and Santa Rosa Water that the Council, by resolution: (1) approve the acquisition of 3012 Dutton Meadow (APN 043-122-007, "Property") for construction of the Lower Colgan Creek Restoration Project- Phase 3 and the Lower Colgan Creek Neighborhood Park subject to all contract contingencies; (2) approve the demolition of the structures located thereon as the City Manager may deem necessary; (3) approve a fund-to-fund loan in the amount of \$960,000 from the Water Operations Fund to the Storm Water Creek Restoration Fund for financing a portion of the purchase of the Property necessary for construction of the Lower Colgan Creek Restoration Project- Phase 3; (4) authorize the City Manager or designee to execute all documents necessary to complete the acquisition; and (5) appropriate up to \$960,000 from the Water Operations Funds to the Storm Water Creek Restoration Fund for

payment of the fund-to-fund loan.

Attachments: Staff Report

Resolution

12.8 RESOLUTION - MAKING REQUIRED MONTHLY FINDINGS AND AUTHORIZING THE CONTINUED USE OF TELECONFERENCING FOR PUBLIC MEETINGS OF THE CITY COUNCIL AND ALL THE CITY'S BOARDS, COMMISSIONS, AND COMMITTEES PURSUANT TO ASSEMBLY BILL 361

RECOMMENDATION: It is recommended by the City Attorney that the Council, by resolution, make required monthly findings and authorize the continued use of teleconferencing for public meetings of the City Council and all the City's boards, commissions, and committees pursuant to Assembly Bill 361.

<u>Attachments:</u> Resolution

12.9 ORDINANCE ADOPTION - SECOND READING - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA INCREASING COUNCIL COMPENSATION IN ACCORDANCE WITH THE PROVISIONS OF SECTION 4 OF THE SANTA ROSA CITY CHARTER

RECOMMENDATION: This ordinance, introduced at the December 6, 2022, Regular Meeting by a 6-0-1 vote (Alvarez absent), increases Council compensation in accordance with the provisions of Section 4 of the Santa Rosa City Charter, providing for an increase in the salary of Council members from \$800 per month to \$1480 per month (resulting in an annual salary of \$17,760) and an increase in the salary of the Mayor from \$1200 per month to \$2,220 per month (resulting in an annual salary of \$26,640) effective December 14, 2022.

<u>Attachments:</u> Ordinance

Ordinance Redlines (Updated 12.7.2022)
Ordinance FINAL (Updated 12.7.2022)

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 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 13 or at Item 17. Recorded public comments are limited to 3 minutes to mirror in-person meeting protocols.

14. REPORT ITEMS

14.1 REPORT - HIGH-DENSITY MULTI-FAMILY RESIDENTIAL INCENTIVE PROGRAM

BACKGROUND: The High-Density Multi-Family Residential Incentive Program (Incentive Program) encourages housing development and increased density in downtown Santa Rosa through the reduction/deferral of the City development impact fees. The Incentive Program supports City Council goals to foster a vibrant downtown and meet housing needs for all. The incentive program was originally enacted in September 2018 for a limited term of five years. While the resolutions do not have an expiration date, there is an eligibility requirement for a qualifying project to "break ground by August 31, 2023". Breaking ground is defined as securing a foundation permit. Given the delays caused by emergency responses in recent years on downtown housing investments and construction, the Council will consider extending the Incentive Program.

RECOMMENDATION: It is recommended by the Planning and Economic Development Department that Council, by three separate resolutions: (1) rescind Resolution 2018-169 and establish payment options for water and wastewater demand fees and amend the eligibility criteria for the high density multi-family residential incentive program; (2) rescind Resolution No. 2019-067 and set forth a revised schedule of park development impact fees and amend the eligibility criteria for the high density multi-family incentive program; and (3) rescind Resolution No. 2019-066 and set forth a revised schedule of capital facilities fees and amend the eligibility criteria for the high density multi-family residential incentive program to further support housing development

and increased density in downtown Santa Rosa.

<u>Attachments:</u> Staff Report

Attachment 1 - Map of Downtown

Attachment 2 - Keyser Marston Associates, Inc. memoranc

Attachment 3 - Maximum Base FAR Map

Attachment 4 - RES-2019-066 (CFF)

Attachment 5 - RES-2019-067 (Parks)

Attachment 6 - RES-2018-169 (Water and Wastewater)

Resolution 1 - CFF

Resolution 1 Exhibit A - Downtown Map

Resolution 2 - Parks

Resolution 2 Exhibit A - Downtown Map

Resolution 3 Water and Wastewater

Resolution 3 Exhibit A - Downtown Map

Presentation

14.2 REPORT - ADOPTION OF EMERGENCY OPERATIONS PLAN

BACKGROUND: City EOP Planning Team was formed in March 2022 to review and update the 2017 Basic Plan and each Annex. The major changes made since 2017 are found on page 34 of the EOP Basic Plan.

EOP Advisory Council was formed on August 10, 2022 and included representatives from a pool of community leaders provided by the Office of Community Engagement.

Extensive outreach via social media was conducted by the Communications and Intergovernmental Relations Office, to include a public "Lets Connect" webpage that contained the full EOP and the opportunity to complete a public comment survey.

Two Public Meetings were held. One in person on September 12, 2022 and the second virtual via Zoom on September 14, 2022.

EOP Advisory Council reviewed all public comments received and recommended how those comments might be incorporated into the final

version of the EOP.

RECOMMENDATION: It is recommended by the Fire Department that the Council, by resolution, adopt the Santa Rosa Emergency Operations Plan.

Attachments: Staff Report

Resolution

Exhibit A - Emergency Operations Plan
Presentation - Emergency Operations Plan

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 - DECLARATION OF RESULTS FOR THE GENERAL MUNICIPAL ELECTION HELD ON TUESDAY, NOVEMBER 8, 2022, FOR (1) THE PURPOSE OF ELECTING MEMBERS FOR FOUR DISTRICT-BASED OFFICES OF THE CITY COUNCIL FOR DISTRICTS 2, 4 AND 6, EACH FOR A FULL TERM OF FOUR YEARS AND DISTRICT 3 FOR A TERM OF TWO YEARS; AND (2) SUBMITTING TO THE VOTERS MEASURE H AND RELATING TO THE SALES TAX, MEASURE I RELATING TO DISTRICT-BASED ELECTIONS, AND MEASURE J RELATING TO CITY CHARTER LANGUAGE UPDATE AND MODERNIZATION

BACKGROUND: Pursuant to City Charter Section 30 and the California Elections Code, the City Council called a General Municipal Election for Tuesday, November 8, 2022, for (1) the purpose of electing one candidate for each City Council office for Districts 2, 4 and 6, each for a full term of four years and for District 3 for a term of two years; and (2) submitting to the voters Measure H relating to the Sales Tax, Measure I relating to District-Based elections, and Measure J relating to City Charter Language Update and Modernization.

RECOMMENDATION: It is recommended by the City Clerk that the

Council: 1) by resolution, recite the fact and declare the results of the Consolidated General Municipal Election held on Tuesday, November 8, 2022, for the election to the City Council of Mark Stapp for District 2, Victoria Fleming for District 4, Jeff Okrepkie for District 6, each for a full term of four years, and Dianna MacDonald for District 3 for a term of two years, and the approval of City of Santa Rosa Measure H - City of Santa Rosa Funding for Public Safety, Measure I - City of Santa Rosa City Charter Amendment - District - Based Election of Council Members, Measure J - City of Santa Rosa City Charter Update and Modernization; and 2) adopt an Ordinance amending Chapter 3-26 of the Santa Rosa City Code to extend an existing quarter-cent transaction and use tax to fund public safety and violence prevention programs and to update permissible uses of the tax revenues.

<u>Attachments:</u> Resolution

Exhibit A Ordinance

<u>Certificates of Election</u>

Presentation

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

17.3 ELECTION OF MAYOR

It is recommended by the City Attorney that, following induction of the newly elected Council members, the Council elect a Mayor in accordance with Sections 6 and 15 of the Santa Rosa City Charter and Section XII of the City Council Manual of Procedures and Protocols. The Mayor will serve for a term of two years.

Attachments: Staff Report

Attachment 1

Late Correspondence (Uploaded 12-13-2022)

17.4 ELECTION OF VICE MAYOR

It is recommended by the City Attorney that, following the induction of new Council members and the election of a Mayor, the Council elect a

Vice Mayor in accordance with Section 15 of the Santa Rosa City Charter and Section XII of the City Council Manual of Procedures and Protocols. The Vice Mayor will serve for a term of one year.

<u>Attachments:</u> Staff Report

Attachment 1

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 13. 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

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

^{*}Did not appear on the preliminary agenda.

^{**}Quasi-judicial or adjudicative action.

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.