



City of Santa Rosa

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

City Council Regular Meeting Minutes - Draft

Tuesday, September 5, 2017

2:30 PM

1. CALL TO ORDER AND ROLL CALL

Mayor Coursey called the closed session to order at 2:35 p.m.

Present: 7 - Mayor Chris Coursey, Vice Mayor Jack Tibbetts, Council Member Julie Combs, Council Member Ernesto Olivares, Council Member Chris Rogers, Council Member John Sawyer and Council Member Tom Schwedhelm

2. ANNOUNCEMENT OF CLOSED SESSION ITEMS

PUBLIC COMMENT

Thomas Ells spoke and provided a document regarding California Voting Rights Act.

Mayor Coursey recessed the meeting to closed session at 2:39 p.m. to discuss Items 2.1 and 2.2 as listed on the agenda:

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

Name of Case: United States and the States of California, Delaware, Florida, Illinois, Indiana, Nevada, New York, Tennessee, and the Commonwealths of Massachusetts, Virginia, and the District of Columbia, ex rel. John Hendrix v. J-M Manufacturing Company, Inc. d/b/a/ JM Eagle, a Delaware corporation, and Formosa Plastics Corporation, U.S.A., a Delaware corporation
Court Case No. United States District Court for the Central District of California, Case No. ED CV06-0055-GW

2.2 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9: one potential case.

Mayor Coursey adjourned the closed session at 3:00 p.m. and reconvened the meeting to open session in the Council Chamber at 4:03 p.m.

3. STUDY SESSION - NONE.

4. ANNOUNCEMENT OF ROLL CALL

Present: 7 - Mayor Chris Coursey, Vice Mayor Jack Tibbetts, Council Member Julie Combs, Council Member Ernesto Olivares, Council Member Chris Rogers, Council Member John Sawyer and Council Member Tom Schwedhelm

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

City Attorney Gallagher reported on Item 2.1 that Council provided direction and that there was no action to report, and that Item 2.2 was withdrawn.

6. PROCLAMATIONS/PRESENTATIONS

6.1 PROCLAMATION - POLLUTION PREVENTION AND CREEKS WEEK

Council Member Schwedhelm presented the proclamation to Jennifer Piccini, Water Department.

7. STAFF BRIEFINGS - NONE.

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

City Attorney Gallagher reported on the CVSR settlement agreement.

9. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS

Vice Mayor Tibbetts announced he will be abstaining from Item 12.1.

10. MAYOR'S/COUNCILMEMBERS' REPORTS

Mayor and Council Members made announcements and reports of interest to the Council.

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

11.1 August 15, 2017, Regular Meeting.

Approved as submitted.

12. CONSENT ITEMS

PUBLIC COMMENT

Duane DeWitt spoke regarding Item 12.1 and the concerns of the homeless condition.

Approval of the Consent Agenda

A motion was made by Mayor Coursey, seconded by Council Member Combs, to waive reading of the text and adopt Consent Items 12.1 and 12.2. The motion carried by the following vote:

Yes: 6 - Mayor Coursey, Council Member Combs, Council Member Olivares, Council Member Rogers, Council Member Sawyer and Council Member Schwedhelm

Abstain: 1 - Vice Mayor Tibbetts

12.1 RESOLUTION - EXTENSION OF PROCLAMATION OF LOCAL HOMELESS EMERGENCY

RECOMMENDATION: It is recommended by the Housing and

Community Services Department that the Council, by resolution, approve an extension of Resolution No. 28839 which formally proclaimed a local homeless emergency within Santa Rosa.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2017-174 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA EXTENDING A PROCLAMATION OF LOCAL HOMELESS EMERGENCY (Government Code Sections 8630 et seq.)

12.2 RESOLUTION - SOLE SOURCE CONTRACT FOR MULTI-SPACE PARKING METER SOFTWARE, PARTS, COMMUNICATION, REPORTING AND REPAIR SERVICES WITH CALE AMERICA, INC.

RECOMMENDATION: It is recommended by the Finance Department that the Council, by resolution, (1) waive competitive bidding and authorize a sole source agreement for multi-space parking meter software, parts, communication, reporting and repair services to Cale America, Inc., a Delaware Corporation, for a five-year term in an amount not to exceed \$264,640.00; and (2) ratify purchase orders and blanket purchase orders issued to Cale in the amount of \$364,397.72.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2017-175 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING A WAIVER OF COMPETITIVE BIDDING AND APPROVING A SOLE SOURCE AGREEMENT WITH CALE AMERICA, INC. FOR MULTI-SPACE PARKING METER SOFTWARE, PARTS, COMMUNICATION, REPORTING AND REPAIR SERVICES AND RATIFYING PURCHASE ORDERS AND BLANKET PURCHASE ORDERS

The time not being 5:00 p.m., Mayor Coursey took Report Item 14.1, 14.2 and 14.3 before Item 13 - Public Comment on Non-Agenda Items.

13. PUBLIC COMMENT ON NON-AGENDA MATTERS

Gregory Fearon spoke regarding district elections.

Elizabeth Neylon spoke on various topics.

Duane DeWitt spoke regarding district elections; and provided a

handout.

14. REPORT ITEMS

14.1 REPORT - COUNCIL DIRECTION TO VOTING DELEGATE FOR LEAGUE OF CALIFORNIA CITIES 2017 ANNUAL CONFERENCE REGARDING COUNCIL POSITION ON THE RESOLUTIONS COMING BEFORE THE LEAGUE GENERAL ASSEMBLY

BACKGROUND: Policy development is a vital and ongoing process within the League of California Cities for determining legislative and program strategies for important issues facing cities throughout California. Policies are submitted for consideration by the General Assembly at the Annual Conference to be voted on by delegates from the cities. Each member city has one Voting Delegate at the General Assembly, which will be held in Sacramento on September 13-15, 2017.

There are two separate issues that have been submitted by resolution to the General Resolutions Committee for recommendation and voting at the General Assembly. These are (1) Implementing Strategies to Reduce Negative Impacts of Recent Changes to Criminal Laws and (2) Local Control for Emergency Medical Response.

RECOMMENDATION: It is recommended by the City Manager's Office that the Council, by motion, consider taking a position on each individual resolution to provide direction to its Voting Delegate for the meeting of the League General Assembly.

Presented by Joshua Damron, City Manager Fellow.

A motion was made by Council Member Olivares, seconded by Council Member Sawyer, to support:

1. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING UPON THE GOVERNOR AND LEGISLATURE TO ENTER INTO DISCUSSION WITH LEAGUE AND OTHER PUBLIC SAFETY STAKEHOLDERS TO IDENTIFY AND IMPLEMENT STRATEGIES THAT WILL REDUCE THE UNINTENDED NEGATIVE IMPACTS OF EXISTING CRIMINAL LAW

The motion carried by the following vote:

Yes: 6 - Mayor Coursey, Vice Mayor Tibbetts, Council Member Combs, Council Member Olivares, Council Member Sawyer and Council Member Schwedhelm

No: 1 - Council Member Rogers

A motion was made by Council Member Olivares, seconded by Council Member Sawyer, to support:

2. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING LEGISLATION AMENDING GOVERNMENT CODE SECTION 38611 TO CLARIFY THE DEFINITION OF LOCAL CONTROL PROVIDING BROAD STATUTORY AUTHORITY FOR LOCAL OFFICIALS TO DETERMINE EMERGENCY SERVICE LEVELS AND DIRECT EMERGENCY MEDICAL RESPONSE WITHIN THEIR JURISDICTIONS

The motion carried by the following vote:

Yes: 7 - Mayor Coursey, Vice Mayor Tibbetts, Council Member Combs, Council Member Olivares, Council Member Rogers, Council Member Sawyer and Council Member Schwedhelm

14.2 REPORT - RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT WITH AXON ENTERPRISE, INC. FOR THE PURCHASE OF AXON BODY-WORN CAMERAS AND ACCESS TO EVIDENCE.COM OPERATING SYSTEM AND DATA STORAGE

BACKGROUND: The Police Department had previously outfitted all uniformed Police Officers with body-worn cameras (BWC) manufactured by VieVu which were licensed and programmed to work with the current digital file management system employed by the Police Department. The current stock of cameras are out of production and replacement cameras will not work with the current software or storage. The Police Department wishes to outfit all Police Officers with new cameras and to utilize compatible software and storage solutions. The Axon Body 2 camera system operates with proprietary Evidence.com cloud based software and was found to be easy to use, had faster transfer speeds, was searchable and required very little I.T. staff time.

RECOMMENDATION: It is recommended by the Police Department that the Council, by resolution, approve a Professional Services Agreement with Axon Enterprise, Inc. for the purchase of Axon body-worn cameras to be issued to all police officers, and five years of associated software and digital evidence management for the management of the cameras and the storage of the digital files in an amount not to exceed \$1,017,537.54.

Presented by Hank Schreeder, Police Chief.

A motion was made by Council Member Rogers, seconded by Council Member Olivares, to waive reading of the text and adopt:

RESOLUTION NO. RES-2017-176 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A PROFESSIONAL SERVICES AGREEMENT FOR BODY-WORN CAMERAS AND FIVE YEARS OF ASSOCIATED SOFTWARE AND DIGITAL EVIDENCE MANAGEMENT TO AXON ENTERPRISE, INC. IN AN AMOUNT NOT TO EXCEED \$1,017,537.54

The motion carried by the following vote:

Yes: 7 - Mayor Coursey, Vice Mayor Tibbetts, Council Member Combs, Council Member Olivares, Council Member Rogers, Council Member Sawyer and Council Member Schwedhelm

14.3 REPORT - ADOPTION OF REVISED WATER, RECYCLED WATER AND SEWER STANDARDS AND SPECIFICATIONS AND DELEGATION OF APPROVAL AUTHORITY FOR FUTURE UPDATES TO THE BOARD OF PUBLIC UTILITIES

BACKGROUND: The Water, Recycled Water and Sewer Standards and Specifications (standards) set forth the design polices and construction methods associated with additions and modifications to the public potable water, recycled water and sewer systems. The standards and specifications require routine updates to ensure that new installations and modifications are consistent with all regulatory requirements and are designed in a fashion that addresses long term maintenance needs. Delegating approval authority to the Board of Public Utilities will streamline the process of adopting future revisions and allow for a timelier response to identified maintenance issues or regulatory changes. The delegation of approval authority is consistent with the general policy and management authority over the water and sewer utilities granted to the Board under Section 25 of the Charter of the City of Santa Rosa.

RECOMMENDATION: It is recommended by the Planning and Economic Development Department that the Council, by resolution, adopt the revised Water, Recycled Water and Sewer Standards and Specifications with an effective date 30 days from the date of adoption and delegate authority to the Board of Public Utilities to adopt future

updates to the standards.

Presented by Gabe Osburn, Deputy Director.

A motion was made by Council Member Schwedhelm, seconded by Council Member Combs, to waive reading of the text and adopt:

RESOLUTION NO. RES-2017-177 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING THE REVISED AND UPDATED WATER, RECYCLED WATER AND SEWER STANDARDS AND SPECIFICATIONS AND DELEGATING APPROVAL AUTHORITY FOR FUTURE UPDATES TO THE BOARD OF PUBLIC UTILITIES

The motion carried by the following vote:

Yes: 7 - Mayor Coursey, Vice Mayor Tibbetts, Council Member Combs, Council Member Olivares, Council Member Rogers, Council Member Sawyer and Council Member Schwedhelm

15. PUBLIC HEARINGS

- 15.1 PUBLIC HEARING - FARMERS LANE SENIOR HOUSING REZONING TO INCLUDE THE SITE IN THE SENIOR HOUSING COMBINING DISTRICT AND DENSITY BONUS FOR AN 18% DENSITY INCREASE FOR THE PROPERTY LOCATED AT 201 FARMERS LANE, ASSESSOR'S PARCEL NO. 014-071-093, FILE NO. PRJ16-018**

BACKGROUND: This project proposes to construct two multi-family residential structures. The first is a 4-story structure with 24 units, and the second is a 2-story structure with two units (26 units total). The project involves a density bonus for five units which will be designated for moderate level income occupants. The units will be for-sale, so the project also includes an air space condominium map. Because it involves attached housing, the project also requires Design Review entitlements including: Rezoning, Density Bonus, Tentative Map, & Design Review.

RECOMMENDATION: It is recommended by the Planning Commission and Planning and Economic Development Department that the Council 1) introduce an ordinance rezoning the project site into the Senior Housing combining district; and 2) by resolution, approve a Density Bonus for the Farmers Lane Senior Housing project located at 201 Farmers Lane.

Presented by Bill Rose, Supervising Planner.

PUBLIC HEARING

Mayor Coursey opened the public hearing at 5:30 p.m.

Duane DeWitt spoke in support of the item.

Anne Seeley spoke in support of the item.

Presentation provided by Steve Sharpe, representing the applicant.

Thomas Ells spoke in support of the item.

Seeing no one else wishing to speak, Mayor Coursey closed the public hearing at 5:43 p.m.

A motion was made by Council Member Combs, seconded by Vice Mayor Tibbetts, to waive reading of the text and introduce:

ORDINANCE ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA RECLASSIFYING 201 FARMERS LANE, ASSESSOR'S PARCEL NO. 014-071-093, TO THE R-3-18-SH ZONING DISTRICT; FARMERS LANE SENIOR HOUSING - FILE NO. PRJ16-018

The motion carried by the following vote:

Yes: 7 - Mayor Coursey, Vice Mayor Tibbetts, Council Member Combs, Council Member Olivares, Council Member Rogers, Council Member Sawyer and Council Member Schwedhelm

A motion was made by Council Member Combs, seconded by Vice Mayor Tibbetts, to waive reading of the text and adopt:

RESOLUTION NO. RES-2017-178 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA MAKING FINDINGS AND DETERMINATION TO APPROVE A DENSITY BONUS FOR FARMERS LANE SENIOR HOUSING, LOCATED AT 201 FARMERS LANE, ASSESSOR'S PARCEL NUMBER 014-071-093, FILE NUMBER PRJ16-018

The motion carried by the following vote:

Yes: 7 - Mayor Coursey, Vice Mayor Tibbetts, Council Member Combs, Council Member Olivares, Council Member Rogers, Council Member Sawyer and Council Member Schwedhelm

15.2 PUBLIC HEARING - APPEAL OF PLANNING COMMISSION APPROVAL OF A CONDITIONAL USE PERMIT FOR OFF-SITE PARKING WITH A PARKING REDUCTION FOR THE SANTA ROSA AC HOTEL BY MARRIOTT - LOCATED AT 210 5TH STREET AND 201 6TH STREET - FILE NO. CUP17-031

BACKGROUND: On June 22, 2017, the Planning Commission approved (5-1-0-0) a Conditional Use Permit for the off-site parking program of the Santa Rosa AC Hotel. On June 29, 2017, an appeal of the Planning Commission's action was filed by Mr. Ty Hudson, representing UNITE HERE Local 2850. The grounds for appeal state that accommodating the off-site valet parking program at the location proposed, 201 6th Street, would be inconsistent with the Santa Rosa Zoning Code, General Plan, and Downtown Station Area Specific Plan and that the exemptions from the California Environmental Quality Act (CEQA) utilized by the Commission are not applicable to the project.

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 off-site parking for the Santa Rosa AC Hotel project.

Presented by Patrick Streeter, Senior Planner.

Council Members discussed disclosure of ex-parte communications.

Planning Commission Chair Patti Cisco spoke.

Ty Hudson, appellant, spoke.

Jeff Blackman, applicant, spoke.

PUBLIC HEARING

Mayor Coursey opened the public hearing at 6:19 p.m.

Josh Silvers spoke regarding the concerns of the parking issues.

Anita Lafollette spoke in support of a homeless encampment in the project location.

Matt Myres spoke in opposition to the item due to the parking impact.

Thomas Ells spoke in support of the project and the concerns of the parking location.

Giles Beeker spoke in support of the item.

Mike Mahontague spoke in support of the item.

Hearing no one else wishing to speak, Mayor Coursey closed the public hearing at 6:33 p.m.

Ty Hudson, appellant, made rebuttal remarks.

A motion was made by Council Member Sawyer, seconded by Council Member Olivares, to waive reading of the text with the condition that nothing in this conditional use permit shall prevent future development of site for residential uses consistent with the underlying transit village medium designation and Transient Vacation Rentals (TVR) zoning district of this site and adopt:

RESOLUTION NO. RES-2017-179 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DENYING AN APPEAL AND MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL USE PERMIT FOR OFF-SITE PARKING WITH A PARKING REDUCTION FOR THE SANTA ROSA AC HOTEL BY MARRIOTT - LOCATED AT 210 5TH STREET; APN: 010-071-012 AND 201 6TH STREET; APN: 010-086-008 AND 010-086-014 - FILE NUMBER CUP17-031

The motion carried by the following vote:

Yes: 4 - Vice Mayor Tibbetts, Council Member Olivares, Council Member Sawyer and Council Member Schwedhelm

No: 3 - Mayor Coursey, Council Member Combs and Council Member Rogers

16. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)

- 16.1** SETTLEMENT AGREEMENT: *CVSR Holdings, LLC v. City of Santa Rosa, et al.* Sonoma County Superior Court Case No. SCV-2563504 - Provided for information.

This item was received and filed.

- 16.2** RESPONSES TO TWO GRAND JURY REPORTS - Authorize Mayor to sign submittal letter of responses to two Grand Jury Reports (Planning for Groundwater Sustainability and Santa Rosa Declares a Homelessness Emergency) - For Council action.

A motion was made by Council Member Combs, seconded by Council Member Sawyer, to authorize Mayor to sign submittal letter of responses to two Grand Jury Reports (Planning for Groundwater Sustainability and Santa Rosa Declares a Homelessness Emergency). The motion carried by the following vote:

Yes: 7 - Mayor Coursey, Vice Mayor Tibbetts, Council Member Combs, Council Member Olivares, Council Member Rogers, Council Member Sawyer and Council Member Schwedhelm

PUBLIC COMMENTS ON NON-AGENDA MATTERS - NONE.

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

Hearing no further business, Mayor Coursey adjourned the meeting at 7:19 p.m. The next regularly scheduled meeting will take place on September 19, 2017, at a time set by the Mayor.

20. UPCOMING MEETINGS

20.1 UPCOMING MEETINGS LIST

This item was received and filed.

Approved on:

Daisy Gomez
City Clerk