



# City of Santa Rosa

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

## City Council Regular Meeting Minutes - Draft

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Tuesday, October 16, 2018

4:00 PM

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### 1. CALL TO ORDER AND ROLL CALL

Mayor Coursey called the meeting to order at 4:02 p.m.

**Present:** 6 - Mayor Chris Coursey, Vice Mayor Chris Rogers, Council Member Julie Combs, Council Member John Sawyer, Council Member Tom Schwedhelm, and Council Member Jack Tibbetts

**Absent:** 1 - Council Member Ernesto Olivares

### 2. ANNOUNCEMENT OF CLOSED SESSION ITEMS - NONE.

### 3. STUDY SESSION - NONE.

### 4. ANNOUNCEMENT OF ROLL CALL

**Present:** 6 - Mayor Chris Coursey, Vice Mayor Chris Rogers, Council Member Julie Combs, Council Member John Sawyer, Council Member Tom Schwedhelm, and Council Member Jack Tibbetts

**Absent:** 1 - Council Member Ernesto Olivares

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

### 6. PROCLAMATIONS/PRESENTATIONS

#### 6.1 PROCLAMATION - DOMESTIC VIOLENCE AWARENESS MONTH

Council Member Combs read and presented the Domestic Violence Awareness Month proclamation to Madeleine O'Connell, the Chief Executive Officer of the YWCA.

#### PUBLIC COMMENT

Peter Tscherneff spoke in support of the proclamation.

### 7. STAFF BRIEFINGS

#### 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.

Jennifer Burke, SR Water, provide a brief update.

David Guhin, Planning and Economic Development, provided a brief update.

Megan Basinger, Housing and Community Services, provided a brief update.

#### **PUBLIC COMMENT**

Duane DeWitt spoke regarding recovery efforts.

Peter Tscherneff spoke regarding recovery efforts.

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

City Manager McGlynn provided a brief report that the City of Santa Rosa Recreation and Parks received two of the Press Democrat's "Best of Sonoma County" Awards: Bennett Valley Golf Course was named as the 'Best Golf Course' in Sonoma County, and, Howarth Park was once again honored as the 'Best Place for a Child's Birthday Party;' and that the Sonoma County Registrar of Voters notified the City Clerk that 192 voters were not included as part of the Council District 2 boundary. Those voters will be receiving a district boundary change letter from the Sonoma County Registrar of Voters Office, notifying them their polling place or ballot type has changed; and that City staff will hold a community meeting tomorrow night to provide an opportunity for public input on emergency notifications and fire detection camera systems.

Items 11.1 through 11.3 - Approval of Minutes were heard before Item 9 - Statements of Abstention by Council Members.

#### **9. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS**

Mayor Coursey announced that he would be abstaining from Item 11.1.

Council Member Tibbetts announced that he would be abstaining from Items 11.1, 11.2, and 11.3.

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

The Vice 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 Groundwater Sustainability Agency (GSA)**

#### **10.1.9 Other**

Council Member Combs provided a brief report on the CASA Subcommittee meeting.

Council Member Schwedhelm provided a brief report on the Santa Rosa Violence Prevention Program.

## **11. APPROVAL OF MINUTES**

11.1 July 17, 2018, Regular Meeting.

**Approved as submitted, with Mayor Coursey and Council Member Tibbetts abstaining.**

11.2 July 19, 2018, Special Meeting.

**Approved as submitted, with Council Member Tibbetts abstaining.**

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11.3 July 24, 2018, Regular Meeting.

**Approved as submitted, with Council Member Tibbetts abstaining.**

## 12. CONSENT ITEMS

### PUBLIC COMMENT

Ronit Rubinoff spoke in support of Item 12.2.

Peter Tscherneff spoke in support of Item 12.2.

Duane DeWitt spoke in support of Item 12.2.

### Approval of the Consent Agenda

**A motion was made by Vice Mayor Rogers, seconded by Council Member Combs, to waive reading of the text and adopt Consent Items 12.2 and 12.3.**

**The motion carried by the following vote:**

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

**Absent:** 1 - Council Member Olivares

### 12.1 REPORT - FISCAL YEAR 2017-18 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, Police, Fire, Recreation and Parks Departments, the Office of Community Engagement and the Measure O Citizens' Oversight Committee that the Council, by motion accept the Measure O Annual Report for Fiscal Year (FY) 2017-18.

**Consent Item 12.1 was continued to a future meeting.**

**12.2 RESOLUTION - FY 2018/19 AGREEMENT WITH LEGAL AID OF SONOMA COUNTY**

RECOMMENDATION: It is recommended by the Housing & Community Services Department that the Council, by Resolution, approve an agreement with Legal Aid of Sonoma County to provide tenant advocacy and legal representation services for a period of nine months, in an amount not to exceed \$62,250.00.

**This Consent - Resolution was adopted.**

**RESOLUTION NO. RES-2018-179 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AN AGREEMENT WITH LEGAL AID OF SONOMA COUNTY TO PROVIDE RENTER ADVOCACY AND LEGAL REPRESENTATION SERVICES IN AN AMOUNT NOT TO EXCEED \$62,250**

**12.3 RESOLUTION - ADOPTION OF FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SANTA ROSA AND SANTA ROSA POLICE OFFICERS ASSOCIATION FOR AND ON BEHALF OF THE CITY'S UNIT 5 -POLICE OFFICERS EFFECTIVE JULY 11, 2017 THROUGH JUNE 30, 2019**

RECOMMENDATION: The Human Resources Department and the City Manager's Office recommend that the Council, by resolution, adopt the First Amendment to the Memorandum of Understanding between the City of Santa Rosa and Santa Rosa Police Officers Association for and on behalf of the City's Unit 5 -Police Officers, effective July 11, 2017 through June 30, 2019.

**This Consent - Resolution was adopted.**

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**RESOLUTION NO. RES-2018-180 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING THE FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SANTA ROSA AND SANTA ROSA POLICE OFFICERS ASSOCIATION FOR AND ON BEHALF OF THE EMPLOYEES OF THE CITY'S UNIT 5 - POLICE OFFICERS EFFECTIVE JULY 11, 2017 THROUGH JUNE 30, 2019**

**13. PUBLIC COMMENT ON NON-AGENDA MATTERS**

Anne Seeley was called to speak

Duane DeWitt spoke regarding public comment decorum.

Peter Tscherneff spoke regarding various topics.

Donovan Toledo spoke regarding the need of speed bumps on Calistoga Road, near Rincon Valley and Sequoia.

Steve Birdlebough spoke regarding crosswalk crossings.

Anita Lafollette spoke regarding homeless concerns and requested a moment of silence.

Sam E. spoke regarding speed bumps in neighborhood.

Hans Hofer spoke regarding homeless concerns.

Victoria Yanez, Homeless Action, spoke regarding homeless concerns and housing needs.

**14. REPORT ITEMS**

- 14.1**      **REPORT - AUTHORIZATION OF PURCHASE OPTION AGREEMENT WITH THE CALIFORNIA PUBLIC FINANCE AUTHORITY (CALPFA) FOR 1020 JENNINGS AVENUE; SUPPORT FOR CALPFA'S ISSUANCE OF TAX-EXEMPT BONDS FOR ACQUISITION OF 1020 JENNINGS AVENUE; AND APPROPRIATION OF ANY SURPLUS CASH RECEIVED FROM THE PROJECT INTO FUND 2282 FOR AFFORDABLE HOUSING PURPOSES**

**BACKGROUND:** CalPFA, in conjunction with Catalyst Housing, is in the process of acquiring the market-rate multi-family rental complex at 1020 Jennings Avenue (Property) in Santa Rosa. CalPFA is a public agency that will own and operate the complex and is requesting that the City enter into a Purchase Option Agreement for the Property. If approved by the Council, the Purchase Option Agreement may be exercised by the City, if the City so desires, between years 15 and 35 of CalPFA's ownership. The Property will be restricted by a CalPFA Regulatory Agreement to households earning 80%, 100%, or 120% of Area Median Income (AMI). Support for the Project by the City will help address the housing needs of a segment of the population that generally does not benefit from the creation of affordable housing units.

**RECOMMENDATION:** It is recommended by the Housing & Community Services Department (HCS) that the Council, by resolution, authorize the Director of HCS to execute a Purchase Option Agreement between the City of Santa Rosa and the California Public Finance Authority (CalPFA) associated with the potential acquisition of 1020 Jennings Avenue (Property), support CalPFA's issuance of tax-exempt bonds for the acquisition of the Property, and appropriate any surplus cash and sales proceeds received from the Project into Fund 2282 to be used by HCS for the acquisition, construction, preservation, and rehabilitation of affordable housing units in Santa Rosa. Participation in the Purchase Option Agreement does not have a financial impact on the City.

Presented by Megan Basinger, Housing and Community Services Manager.

#### **PUBLIC COMMENT**

Duane DeWitt requested information on the benefits and the liabilities.

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

**RESOLUTION NO. RES-2018-181 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE DIRECTOR OF HOUSING & COMMUNITY SERVICES TO ENTER INTO A PURCHASE OPTION AGREEMENT WITH THE CALIFORNIA PUBLIC FINANCE AUTHORITY FOR 1020 JENNINGS AVENUE; SUPPORTING CALPFA'S**

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**ISSUANCE OF TAX-EXEMPT BONDS FOR ACQUISITION OF 1020 JENNINGS AVENUE; AND APPROPRIATING ANY SURPLUS CASH RECEIVED FROM THE PROJECT INTO FUND 2282 FOR AFFORDABLE HOUSING PURPOSES**

**The motion carried by the following vote:**

**Yes:** 5 - Mayor Coursey, Council Member Combs, Council Member Sawyer, Council Member Schwedhelm, and Council Member Tibbetts

**Absent:** 1 - Council Member Olivares

**Abstain:** 1 - Vice Mayor Rogers

**15. PUBLIC HEARINGS**

**15.1** PUBLIC HEARING - APPEAL OF PLANNING COMMISSION DECISION FOR NT VENTURES, A COMMERCIAL CANNABIS ADULT USE AND MEDICINAL VOLATILE MANUFACTURING AND DISTRIBUTION FACILITY, PROPOSED WITHIN 3,869-SQUARE-FEET OF EXISTING 4,874-SQUARE-FOOT INDUSTRIAL BUILDING (SUITE B) ON A 2.09-ACRE DEVELOPED INDUSTRIAL PARK SITE, LOCATED AT 444 YOLANDA AVE, SUITE B, SANTA ROSA, CA 95404; ASSESSOR'S PARCEL NUMBERS 044-091-065; FILE NO. CUP18-008.

BACKGROUND: On July 26, 2018, the Planning Commission approved a Major Conditional Use Permit for commercial Cannabis Medicinal and Adult Use Volatile Manufacturing (Level 2 - Type 7) and Distributions uses, proposed within 3,869-square-feet of an existing 4,874-square-foot industrial building on a 2.09-acre site located at 444 Yolanda Ave, Suite B. On August 3, 2018, Matthew and Shelly Earnshaw filed an appeal of the Planning Commission's action. The grounds for appeal question the adequacy of the project's findings made by the Planning Commission in granting a Major Conditional Use Permit.

RECOMMENDATION: It is recommended by the Planning and Economic Development Department and the Planning Commission that Council, by resolution, deny the appeal and approve Major Conditional Use Permit for the proposed commercial cannabis adult use and medicinal volatile manufacturing and distribution facility located at 444 Yolanda Ave, Suite B, CA 95404; Assessor's Parcel Numbers 044-091-065; File No. CUP18-008.

Presented by Clare Hartman, Deputy Director, Planning and Economic Development; Kristinae Toomians, Senior Planner, Planning and Economic Development; and Bill Rose, Supervising Planner, Planning and Economic Development.

Karen Weeks, Chair of the Planning Commission, spoke regarding the outcome in support of the Major Conditional Use Permit for the proposed project.

Matthew Earnshaw, appellant, spoke in support of the appeal.

Erin Carlstrom, Senior Counsel with DP & F Law and applicant representative, spoke in opposition to the appeal.

Alex Rowland, Chief Executive Officer of NT Ventures, spoke in opposition to the appeal.

#### EX PARTE DISCLOSURE:

Council Members Combs, Schwedhelm, Tibbetts, Vice Mayor Rogers, and Mayor Coursey disclosed ex parte communications.

Mayor Coursey opened the public hearing at 5:53 p.m.

#### PUBLIC COMMENT

Shelly Earnshaw spoke in support of the appeal.

Matthew Earnshaw spoke in support of the appeal.

Reesha Ruel spoke in support of the appeal.

James Bergman spoke in support of the appeal.

Tom Woods, Teamsters 665, spoke in opposition to the appeal.

Megan Sweeley spoke in support of the appeal.

Maria Garcia, Jobs for Justice, spoke in opposition to the appeal.

Scott Shreckengast spoke in support of the appeal.

Roman Hubalek spoke in support of the appeal.

Anna Nunes spoke in support of the appeal.

Ximena Victoria Ortiz spoke in support of the appeal.

Cheri Goley spoke in support of the appeal.

Peter Tscherneff spoke regarding various topics.

Aileen Vigil spoke in support of the appeal.

Elmer Gonzalez spoke in support of the appeal.

Samantha Cazares spoke in support of the appeal.

Hearing no further public comment, Mayor Coursey closed the public hearing at 6:30 p.m.

Rebuttal was provided by applicants: Erin Carlstrom, Senior Counsel with DP & F Law; Todd Christian addressed site safety; and Brian Elliot addressed fire safety.

Mayor Coursey recessed the meeting at 8:03 p.m, and reconvened at 8:29 p.m.

**A motion was made by Council Member Sawyer, seconded by Council Member Tibbetts, to waive reading of the text with the additional conditions that C1/D1 facilities will be located within C1/D2 facilities within the building, subject to compliance with applicable life safety codes; airflow will be kept at one and a half cubic feet per minute (cfm) for exhaust and make-up air, which currently exceeds Fire Code Chapter 38; 60-foot setback of extraction room for volatile storage, subject to compliance with applicable life safety codes; deliveries and shipments (pick-up and drop-off) will be**

limited to the hours of 7 a.m. to 8 p.m.; Planning and Economic Development Department staff will review the conditional use permit within 12 months of occupancy to memorialize zoning clearance; twenty-four hour monitoring security, subject to compliance with state regulations; and a city-facilitated neighborhood meeting prior to the annual review of the conditional use permit and adopt as amended:

**RESOLUTION NO. RES-2018-182 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DENYING AN APPEAL AND APPROVING A CONDITIONAL USE PERMIT FOR COMMERCIAL CANNABIS MANUFACTURING – LEVEL 2 (VOLATILE) - LOCATED AT 444 YOLANDA AVE, SUITE B; APN: 044-091-065 FILE NUMBER CUP18-0081**

**The motion carried by the following vote:**

**Yes:** 5 - Vice Mayor Rogers, Council Member Combs, Council Member Sawyer, Council Member Schwedhelm, and Council Member Tibbetts

**No:** 1 - Mayor Coursey

**Absent:** 1 - Council Member Olivares

**16. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION) - NONE.**

**17. PUBLIC COMMENTS ON NON-AGENDA MATTERS**

Andrew Schmidt spoke regarding homeless concerns.

**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 9:07 p.m. The next regularly scheduled meeting will take place on October 23, 2018, at a time set by the Mayor.

**20. UPCOMING MEETINGS**

**20.1 UPCOMING MEETINGS LIST**

**This item was received and filed.**

Approved on:

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Daisy Gomez  
City Clerk