



City of Santa Rosa

Utilities Field Operations
Building
35 Stony Point Road
Santa Rosa, CA 95401

City Council Meeting Minutes - Final

Thursday, November 30, 2017

3:30 PM

SPECIAL MEETING

1. CALL TO ORDER AND ROLL CALL

Mayor Coursey called the special meeting to order at 3:30 p.m.

Present: 6 - Mayor Chris Coursey, Vice Mayor Jack Tibbetts, Council Member Julie Combs, Council Member Ernesto Olivares, Council Member Chris Rogers and Council Member John Sawyer

Absent: 1 - Council Member Tom Schwedhelm

2. PUBLIC COMMENT (Public Comment will be limited to the items listed on the Special Meeting Agenda)

3. ANNOUNCEMENT OF CLOSED SESSION ITEMS

Mayor Coursey adjourned the meeting to closed session at 3:30 p.m. to discuss Items 3.1 and 3.2 as listed on the agenda:

3.1 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: potential number of cases unknown

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

Name of Case: Lena Harter, et al. v. City of Santa Rosa, et al. Sonoma County Superior Court Case No. SCV-255401

Mayor Coursey adjourned closed session at 4:45 p.m. and reconvened the meeting to open session in the Council Chamber at 5:00 p.m.

4. ANNOUNCEMENT OF ROLL CALL

Present: 6 - Mayor Chris Coursey, Vice Mayor Jack Tibbetts, Council Member Julie Combs, Council Member Ernesto Olivares, Council Member Chris Rogers and Council Member John Sawyer

Absent: 1 - Council Member Tom Schwedhelm

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

City Attorney Gallagher reported on Items 3.1 and 3.2 that Council provided direction to staff.

6. CONSENT ITEMS

6.1 RESOLUTION - EXTENSION OF PROCLAMATION OF EXISTENCE OF LOCAL EMERGENCY DUE TO FIRES

RECOMMENDATION: It is recommended by the City Attorney's Office that the Council, by resolution, declare that the proclamation of a state of local emergency within the City of Santa Rosa has been and remains in full force and effect without interruption.

Attachments: [Resolution](#)

PUBLIC COMMENT

Peter Tscherneff spoke in support of Item 6.1.

A motion was made by Vice Mayor Tibbetts, seconded by Council Member Sawyer, to waive reading of the text and adopt Consent Item 6.1.

RESOLUTION NO. RES 2017 226 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA EXTENDING THE PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY DUE TO FIRES

The motion carried by the following vote:

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

Absent: 1 - Council Member Schwedhelm

7. REPORT ITEMS

7.1 REPORT - URGENCY ORDINANCE TO PROVIDE FOR CLEAN-UP OF PARCELS THAT CONTAIN FIRE DEBRIS AND DESTROYED STRUCTURES AND THAT ARE NOT COMMITTED TO THE CONSOLIDATED DEBRIS REMOVAL PROGRAM OR TO A PRIVATE SANTA ROSA FIRE CLEAN-UP APPLICATION

BACKGROUND: Owners of residential parcels affected by the fires were offered two different paths for the clean-up and removal of fire debris. The Consolidated Debris Removal Program is a clean-up and wildfire debris removal service performed by the United States Army Corps of Engineers ("USACE") and paid for with public funds, with contributions from the property owner's insurance related to debris removal, if any. The last day for an owner to submit a Right of Entry ("ROE") form to participate in the Consolidated Program was November 13, 2017.

As an alternative, a property owner could pursue a private clean-up of his or her property by submitting a Santa Rosa Fire Clean-Up Application ("Application") and Work Plan to the Planning and Economic Development Department for approval. The last day for an owner to submit an Application and Work Plan to pursue a private clean-up was November 22, 2017.

As of the date of this report, approximately 85 parcels within the City have not yet committed to either the Consolidated Debris Removal Program or a private clean-up plan. To protect the public health and the environment, those remaining uncommitted parcels must be cleared of ash and debris promptly and with all appropriate health and safety precautions.

The proposed ordinances offer three alternative procedures for that clean-up.

RECOMMENDATION: It is recommended by the City Attorney that the Council adopt one of three alternative ordinances to provide for the clean-up of properties that contain fire debris and a destroyed structure and that are not yet committed to either the government sponsored Consolidated Debris Removal Program or a private Santa Rosa Fire Clean-up Application and Work Plan. The three alternatives are:

1. Ordinance declaring such fire debris to be a public nuisance; delegating authority to the Chief Building Official to identify those parcels that contain a public nuisance due to fire debris and the absence of a clean-up plan; and delegating authority to the Chief Building Official to cause those identified parcels to be cleared by the

United States Army Corps of Engineers after two weeks notice.

2. Ordinance declaring such fire debris to be a public nuisance; delegating authority to the Chief Building Official to identify those parcels that contain a public nuisance due to fire debris and the absence of a clean-up plan; and authorizing the Chief Building Official to apply to the Superior Court for an inspection and abatement warrant, and upon issuance of such warrant, to inspect and clean the identified parcels utilizing the services of either the United States Army Corps of Engineers or private contractors.

3. Ordinance declaring such fire debris to be a public nuisance; delegating authority to the Chief Building Official to identify those parcels that contain a public nuisance due to fire debris and the absence of a clean-up plan; and directing the City Attorney to bring a civil action in the Superior Court against the owner of the property to enjoin the maintenance of the public nuisance and to compel private action to clear the property.

Attachments: [Staff Report](#)
 [Ordinance Opt 1 - Abatement](#)
 [Ordinance Opt 2 - Warrant](#)
 [Ordinance Opt 3 - Injunction](#)
 [Presentation](#)
 [Ordinance Opt 2 - Warrant Redlined](#)
 [Ordinance Opt 2 - Warrant FINAL](#)

Presented by Sue Gallagher, City Attorney.

PUBLIC COMMENT

John Allen spoke on having consistency and his concerns for safety.

Chris Grabill spoke in support of option one on abatement and focusing on enforcement.

Bob Hansen spoke regarding the concerns on out of state crews being brought in to do the work that may not be qualified to do the work.

Brittany Perkins, Chief Executive Officer of AshBritt Environmental,

spoke on scope of work variances between contractors and safety issues.

Duane DeWitt spoke on subcontracting with local contractors and providing training to local people to help with clean-up.

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

ORDINANCE NO. ORD-2017-021 ENTITLED: URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA DECLARING FIRE DEBRIS AND DESTROYED STRUCTURES ON PARCELS IN THE CITY THAT ARE NOT SUBJECT TO THE CONSOLIDATED DEBRIS REMOVAL PROGRAM OR TO A SANTA ROSA FIRE CLEAN-UP APPLICATION AND WORK PLAN TO BE A PUBLIC NUISANCE; DELEGATING TO THE CHIEF BUILDING OFFICIAL THE AUTHORITY TO IDENTIFY SUCH PARCELS IN THE CITY; AND DELEGATING AUTHORITY TO THE CHIEF BUILDING OFFICIAL TO APPLY TO THE SUPERIOR COURT FOR AN INSPECTION AND ABATEMENT WARRANT AND, UPON ISSUANCE, TO INSPECT AND ABATE THE PUBLIC NUISANCE ON THOSE PARCELS

The motion carried by the following vote:

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

Absent: 1 - Council Member Schwedhelm

8. ADJOURNMENT OF MEETING

Hearing no further business, Mayor Coursey adjourned the meeting at 5:45 p.m. The next regularly scheduled meeting will take place on December 5, 2017, at a time set by the Mayor.

Approved on: February 13, 2018

/s/ Stephanie Williams, Deputy City Clerk