



City of Santa Rosa

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

City Council Regular Meeting Minutes - Final

Tuesday, December 14, 2021

1:30 PM

1. CALL TO ORDER AND ROLL CALL

Mayor Rogers called the meeting to order at 1:30 p.m.

Present: 7 - Mayor Chris Rogers, Council Member Natalie Rogers, Vice Mayor Eddie Alvarez, Council Member Victoria Fleming, Council Member John Sawyer, Council Member Tom Schwedhelm, and Council Member Jack Tibbetts

2. ANNOUNCEMENT OF CLOSED SESSION ITEMS

PUBLIC COMMENT

Duane De Witt spoke on the importance of keeping wages in check even with the City receiving ARPA and PG&E settlement funds, on Item 2.1 expressed concern that taxpayers are not being made aware of the issue, and as the appellant on Item 2.3 and 15.1, he requested a continuance of the items stating he was not notified they were being discussed on today's agenda.

Mayor Rogers adjourned to closed session at 1:35 p.m. to discuss Items 2.1, 2.2, and 2.3 as listed on the agenda.

2.1 CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)

Agency Designated Representatives: Alan Alton, Acting Chief Financial Officer, Amy Reeve, Human Resources Director, Jeremia Mills, Deputy Director - Human Resources and Jeff Berk, Chief Assistant City Attorney.

Employee Organizations: Santa Rosa Firefighters Association - Local 1401 (representing City Employee Unit 2); Operating Engineers Local 3, Maintenance and Utility System Operators (Employee Units 3 and 16); Santa Rosa City Employees Association (Employee Units 4, 6, 7); Santa Rosa Police Officers Association, (Employee Unit 5); Service

Employees International Union Local 1021, (Employee Units 8 and 14); Public Safety Management Association (Employee Unit 9); Executive Management (Employee Unit 10); Middle Management (Employee Unit 11); Confidential (Employee Unit 12); Mechanics (Employee Unit 13); City Attorney (Employee Unit 15); Santa Rosa City Attorneys' Association (Employee Unit 17), Santa Rosa Management Association (Employee Unit 18).

This item was received and filed.

2.2 CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Government Code Section 54956.8)

Property: 555 1st Street, Santa Rosa, and 521 7th Street, Santa Rosa, APN's 010-066-016 and 010-035-033

Agency Negotiator: Jill Scott, Real Property Manager

Negotiating Parties: County of Sonoma

Under Negotiations: Price and terms of Parking Agreement.

This item was received and filed.

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

Name of Case: Roseland Action, et al. v. City of Santa Rosa, et al.
Sonoma County Superior Court Case No. SCV-269600

This item was received and filed.

Mayor Rogers adjourned closed session at 3:08 p.m. and reconvened to regular session at 4:00 p.m.

3. STUDY SESSION - NONE.

4. ANNOUNCEMENT OF ROLL CALL

Present: 7 - Mayor Chris Rogers, Council Member Natalie Rogers, Vice Mayor Eddie Alvarez, Council Member Victoria Fleming, Council Member John Sawyer, Council Member Tom Schwedhelm, and Council Member Jack Tibbetts

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

City Attorney Sue Gallagher reported Council met in closed session

on Item 2.1, Conference with Labor Negotiators, Council gave direction to the negotiation team and no final action was taken; on Item 2.2, Conference with Real Property Negotiator, Council gave direction to the negotiation team and no final action was taken; and on Item 2.3, Conference with Legal Council on Existing Litigation of Roseland Action and Duane De Witt v. City of Santa Rosa, Council gave direction to legal counsel no final action was taken.

No public comments were made.

6. PROCLAMATIONS/PRESENTATIONS - NONE.

7. STAFF BRIEFINGS

7.1 COVID-19 RESPONSE UPDATE

This will be a standing item on the agenda. No action will be taken except for possible direction to staff.

Interim City Manager Jeff Kolin reported the California Department of Health announced that effective December 15, 2021, masks will be required to be worn in all indoor public settings through January 2022 regardless of vaccination status. Mr. Kolin reported on the new travel advisory effective immediately recommending all travelers arriving in California test for Covid-19 within 3-5 days after arrival regardless of vaccination status, and that 16 to 17 year olds can now receive booster shots.

No public comments were made.

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 2021 as well as provide a summary of pending litigation against the City.

Attachments: [Litigation Report](#)

City Attorney Gallagher reported that no settlements over \$50,000

were finalized in November; the case of Casey v. City of Santa Rosa and the County of Sonoma was settled for \$110,000, with the amount being split evenly between the County and the City. City Attorney Gallagher reported there are 30 litigation cases, one filed from the Owners and Renters Rights Association challenging the City's short-term rental ordinance, nine code enforcement and receivership cases, nine matters of general litigation, six personal injury cases, five cases alleging police actions, and five Writs of Mandates.

Mayor Rogers announced this is the last meeting for Interim City Manager Jeff Kolin with the Council. The Council made comments of thanks and appreciation to Mr. Kolin for his service during the last six months.

Interim City Manager Kolin thanked the Council, expressing his pleasure in serving the Council and the community, being proud of the work the City has done, and is looking forward to volunteering in the community. Mr. Kolin announced the retirement of Chief Information Officer Eric McHenry from the City.

No public comments were made.

9. STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS

Vice Mayor Alvarez announced he would be abstaining from Item 15.1 due to his work in the cannabis industry.

Council Member Rogers announced she would be abstaining from Item 11.2 due to not being in attendance at the meeting.

Mayor Rogers announced he would be abstaining from Item 15.1 due to helping write a technical ordinance on an independent consulting project with one of the groups assisting with the appeal.

No public comments made.

10. MAYOR'S/COUNCIL MEMBERS' REPORTS

Council Member Schwedhelm reported he attended the Public Safety Subcommittee meeting, and toured the Caritas Village project.

Council Member Fleming announced the last meeting of the year for the on Metropolitan Transportation Commission will be held on Wednesday, December 15, at 9:00 a.m.

Mayor Rogers announced he would be adjourning the meeting in memory of in Marie Durkin, the mother of Water Director Jennifer Burke.

Council Member Tibbetts announced his resignation from the Council and as Chair of the Renewal Enterprise District effective December 21, 2021.

Council Members thanked Council Member Tibbetts for his service on the Council and in the community.

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)

Mayor Rogers provided a brief report.

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)

Council Member Schwedhelm provided a brief report.

10.1.9 Home Sonoma County (HSC)

10.1.10 Renewal Enterprise District (RED)

10.1.11 Public Safety Subcommittee

Council Member Fleming provided a brief report.

10.1.12 Other

11. APPROVAL OF MINUTES

No public comments were made.

11.1 October 12, 2021, Regular Meeting.

Attachments: [Draft Minutes](#)

This item was approved as submitted with Council Member Rogers abstaining due to being absent from the meeting.

12. CONSENT ITEMS

Item 12.5 was pulled for a separate vote.

PUBLIC COMMENTS

Duane De Witt spoke in opposition to the adoption of Item 12.8 establishing the salary for the City Manager.

Approval of the Consent Agenda

A motion was made by Vice Mayor Alvarez, seconded by Council Member Tibbetts, to waive reading of the text and adopt Consent Items 12.1 through 12.4 and Items 12.6 through 12.8. The motion carried by the following vote:

Yes: 7 - Mayor Rogers, Council Member Rogers, Vice Mayor Alvarez, Council Member Fleming, Council Member Sawyer, Council Member Schwedhelm, and Council Member Tibbetts

12.1 RESOLUTION - APPROVAL FOR FIRE DEPARTMENT TO PURCHASE TWO TYPE 1 PIERCE FIRE ENGINES

RECOMMENDATION: It is recommended by the Fire Department that the Council, by resolution, approve the purchase by the Fire

Department of two Type 1 Pierce Fire Engines up to a not-to exceed amount of \$1,700,000 and delegate authority to the City Manager or designee to 1) utilize to the extent possible, cooperative purchasing through the Houston-Galveston Area Council (H-GAC) and H-GAC vendor Golden State Fire Apparatus, Inc., Sacramento, CA, including the issuance of any necessary purchase orders; and/or 2) negotiate and execute necessary documents and agreements for lease financing of the procurement provided staff determines such an arrangement is in the City's best financial interest and the related documents and agreements for any cooperative purchase and/or lease financing are in a form approved by the City Attorney.

Attachments: [Staff Report](#)
[Attachment 1 - HGAC Buy Contract - Golden State Fire Resolution](#)
[Resolution Redlined \(Uploaded 1/20/2022\)](#)
[Resolution Final \(Uploaded 1/20/2022\)](#)
[Exhibit A - Hi Tech Proposal Type 1 Engines Presentation](#)

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2021-222 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE PURCHASE OF TWO TYPE 1 PIERCE FIRE ENGINES IN AN AMOUNT NOT TO EXCEED \$1,700,000

12.2 RESOLUTION - NATIONAL PRESCRIPTION OPIATE LITIGATION - DISTRIBUTOR SETTLEMENT AGREEMENTS

RECOMMENDATION: It is recommended by the City Attorney that the Council, by resolution, authorize the City Manager to execute the following settlement agreements, subject to approval as to form by the City Attorney: (1) Participation Agreement to the Distributors Settlement Agreement and any and all documents ancillary thereto; (2) Participation Agreement to the Janssen Settlement Agreement and any and all documents ancillary thereto; (3) Proposed California State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds- Distributor Settlement; and (4) Proposed California State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds- Janssen Settlement; and directing use of settlement proceeds.

Attachments: [Staff Report](#)
 [Attachment 1 - Opioid Remediation Uses](#)
 [Attachment 2 - So Co Programs for Prevention of Opioid Use](#)
 [Resolution](#)
 [Exhibit A - Settlement Participation Form Distributors](#)
 [Exhibit B - Settlement Participation Form Janssen](#)
 [Exhibit C - CA State Subdivision Agreement Distributors](#)
 [Exhibit D - CA State Subdivision Agreement Janssen](#)
 [Presentation](#)

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2021-223 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE CITY OF SANTA ROSA TO ENTER INTO SETTLEMENT AGREEMENTS AS PART OF THE NATIONAL PRESCRIPTION OPIATE LITIGATION, AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY AND DIRECTING USE OF SETTLEMENT PROCEEDS

12.3 RESOLUTION - AUTHORIZING CERTAIN CITY STAFF TO ENTER INTO AGREEMENTS AND EXECUTE OTHER DOCUMENTS WITH CALIFORNIA HOUSING AND COMMUNITY DEVELOPMENT (HCD) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) MITIGATION (MIT) PLANNING AND PUBLIC SERVICES PROJECTS DEVELOPED IN RESPONSE TO THE 2017 TUBBS FIRE

RECOMMENDATION: It is recommended by the Finance Department that the Council, by resolution, authorize the City Manager or Assistant City Manager in connection with Community Development Block Grant (CDBG) Mitigation (MIT) Planning and Public Services (PPS) projects developed in response to the 2017 Tubbs Fire, to enter into, execute and/or deliver the following: 1) the Standard Agreement and any and all subsequent amendments thereto with the State of California for the Grant; 2) all project applications and any and all related documentation related to the Agreement and to act on the City's behalf in all matters pertaining to all such applications and documentation; 3) all Notice(s) to Proceed, and any and all subsequent amendments thereto, if a grant application is approved; and 4) Funds Requests and all required reporting forms and other documentation as may be required for the Grant.

Attachments: [Staff Report](#)
 [Attachment 1](#)
 [Resolution](#)
 [Presentation](#)

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2021-224 ENTITLED: A RESOLUTION APPROVING AN ALLOCATION OF FUNDING, AN APPLICATION FOR FUNDING, AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE 2019-2020 FUNDING YEAR OF THE CDBG MITIGATION (CDBG-MIT) RESILIENT PLANNING AND PUBLIC SERVICES PROGRAM

- 12.4** RESOLUTION - APPROVAL OF PARKING AGREEMENT WITH AIRPORT BUSINESS CENTER AND BLUE FOX PARTNERS FOR PARKING PERMITS FOR GARAGE 5 AND GARAGE 9 RELATED TO SETTLEMENT OF AIRPORT BUSINESS CENTER V. CITY OF SANTA ROSA LAWSUIT

RECOMMENDATION: It is recommended by the Planning and Economic Development Department and the City Attorney's Office that the Council, by resolution: 1) approve a Parking Agreement with Airport Business Center and Blue Fox Partners for Parking Permits in Garage 5 and Garage 9 related to Settlement and Dismissal with Prejudice of Airport Business Center v. City of Santa Rosa (Sonoma County Civil No. SCV-267372); and 2) authorize the City Manager to execute the Parking Agreement.

Attachments: [Staff Report](#)
[Resolution](#)
[Exhibit A - Parking Agreement](#)
[Presentation](#)

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2021-225 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A PARKING AGREEMENT WITH AIRPORT BUSINESS CENTER FOR PARKING PERMITS FOR GARAGE 5 AND GARAGE 9 RELATED TO SETTLEMENT OF AIRPORT BUSINESS CENTER V. CITY OF SANTA ROSA LAWSUIT

- 12.6** 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 of the City's boards, commissions and committees pursuant to Assembly Bill 361.

Attachments: [Resolution](#)

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2021-226 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA MAKING REQUIRED 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

12.7 RESOLUTION - TERMINATION OF PROCLAMATION OF LOCAL EMERGENCY DUE TO THE 2021 FLOOD

RECOMMENDATION: It is recommended by the City Attorney's Office that the Council, by resolution, terminate the Proclamation of Existence of a Local Emergency, first proclaimed on October 24, 2021 and ratified on October 29, 2021.

Attachments: [Staff Report](#)
 [Attachment 1 - RES-2021-182](#)
 [Resolution](#)

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2021-227 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA TERMINATING THE PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY RESULTING FROM 2021 FLOOD

12.8 ORDINANCE ADOPTION - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ESTABLISHING THE MONTHLY SALARY OF \$22,500 AND OTHER COMPENSATION AND BENEFITS FOR THE CITY MANAGER

RECOMMENDATION: This ordinance, introduced at the December 7, 2021 Regular Meeting by a 6-0-1 vote (Council Member Sawyer was absent), establishes the salary and other compensation and benefits for the newly hired City Manager.

Attachments: [Ordinance](#)

This Consent - Ordinance was adopted.

ORDINANCE NO. ORD-2021-017 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ESTABLISHING MONTHLY SALARY OF \$22,500 AND OTHER COMPENSATION AND BENEFITS FOR THE CITY MANAGER

12.5 RESOLUTION - MEASURE O CYCLE X CHOICE GRANT PROGRAM EXTENSION

RECOMMENDATION: It is recommended by the Office of Community Engagement, that Council, by resolution: 1) extend the term for Cycle X of the CHOICE (Community Helping Our indispensable Children Excel) Grant Program through June 30, 2022; 2) increase the funding awards for the period of January 1, 2022 - June 30, 2022 by \$546,000; 3) direct staff to enter into funding agreement and/or amendments with approved providers; and 4) authorize the City Manager or designee to negotiate and execute agreements and any amendments with CHOICE Cycle X approved providers and with County of Sonoma for a necessary term extension and increase of \$50,000 or program monitoring services, all of which are subject to approval as to form by the City Attorney.

Attachments: [Staff Report](#)
 [Attachment 1](#)
 [Resolution](#)
 [Resolution Redlined \(revised 12.14.2021\)](#)
 [Resolution Final \(revised 12.14.2021\)](#)
 [Exhibit A - Funding Recommendations](#)
 [Presentation](#)

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

RESOLUTION NO. RES-2021-228 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING FUNDING EXTENSION FOR THE CHOICE CYCLE X GRANT PROGRAM THROUGH JUNE 30, 2022, INCREASE FUNDING FOR THE PERIOD OF JANUARY 1, 2022 THROUGH JUNE 30, 2022 BY \$546,000, AND GRANTING AUTHORITY TO THE CITY MANAGER TO APPROVE AND EXECUTE FUNDING AND RELATED AGREEMENTS

The motion carried by the following vote:

Yes: 7 - Mayor Rogers, Council Member Rogers, Vice Mayor Alvarez, Council Member Fleming, Council Member Sawyer, Council Member Schwedhelm, and Council Member Tibbetts

The time not yet being 5:00 p.m. to take Item 13 Public Comment on Non-Agenda Matters, Mayor Rogers moved on to Report Item 14.1.

13. PUBLIC COMMENT ON NON-AGENDA MATTERS - NONE.

14. REPORT ITEMS

14.1 REPORT - FY 20-21 MEASURE O ANNUAL REPORT

BACKGROUND: Ordinance 3680 added Chapter 3-26 to the Santa Rosa City Code establishing a special transaction 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 and Police departments, the Violence Prevention Partnership program, and the Measure O Citizens' Oversight Committee that the Council, by motion accept the Measure O Annual Report for FY 2020-21.

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

Veronica Connor, Budget & Financial Analyst Manager, introduced

the item for presentations by Violence Prevention, Fire Department and the Police Department.

Jason Parrish, presented information on the Violence Prevention division and answered questions from Council.

Jeff Tibbetts, Interim Deputy Director Operations Recreation, presented information on Neighborhood Services and answered questions from Council.

Magali, Telles, Director of Community Engagement, presented information on Violence Prevention Partnership and answered questions from Council.

Jim Arend, Administrative Service Officer, presented financial information for the Fire Department and answered questions from Council.

Fire Chief Scott Westrope presented the operations of the Fire Department and answered questions from Council.

Pam Lorence, Administrative Services Officer, presented financial information for the Police Department and answered questions from Council.

Police Chief Ray Navarro presented information on the operations of the Police Department and answered questions from Council.

PUBLIC COMMENT

Anabel, CVI Board Member, spoke in opposition to the cannabis dispensary at the former school site, in support of a multicultural or community center with services that support the youth and residents in the community.

Gregory Fearon spoke expressing concerns on the spike of expenses for the Police department.

Ellen Bailey, Chair of the Measure O Citizen Oversight Committee, spoke regarding the sunset of Measure O in 2025 and the loss of programs and essential services if it is not renewed.

A motion was made by Council Member Schwedhelm, seconded by Council Member Sawyer, to accept the Measure O Annual Report for FY 2020-21.

The motion carried by the following vote:

Yes: 7 - Mayor Rogers, Council Member Rogers, Vice Mayor Alvarez, Council Member Fleming, Council Member Sawyer, Council Member Schwedhelm, and Council Member Tibbetts

Mayor Rogers announced he would move on to the Public Hearings starting with Item 15.1.

15. PUBLIC HEARINGS

- 15.2 PUBLIC HEARING - FALL 2021 GENERAL PLAN AMENDMENT PACKAGE - 38 DEGREES NORTH PHASE 3 - ADDENDUM TO PREVIOUSLY APPROVED MITIGATED NEGATIVE DECLARATION, GENERAL PLAN DIAGRAM AND TEXT AMENDMENTS, AND REZONING [The Brush Creek Road General Plan Amendment has been removed from the Fall 2021 General Plan Amendment Package and will be considered at a future meeting in 2022.]**

BACKGROUND: General Plan Amendments are considered three times per year in accordance with General Plan policy. This General Plan Amendment package includes one project described below and requests action from City Council on one CEQA resolution, one amendment to the General Plan Land Use Diagram, one amendment to the General Plan Text, and one Rezoning ordinance.

1. 38 Degrees North Phase 3. This Project includes (1) a request to adopt an Addendum to a previously approved Mitigated Negative Declaration; (2) a request for General Plan Diagram and Text Amendments to change the current Medium Density Residential (8.0-18.0 units per acre) and Retail and Business Services Land Use Designations to Medium High Density Residential (18.0-30.0 unit per acre); eliminate the "star" symbol designating the site as a location for a

Community Shopping Center; remove reference to a Community Shopping Center at the site on page 2-12 of the General Plan; remove reference to a “Community Shopping Center” in the southeast portion of the City in Table 2-4 on page 2-20, under General Plan Policy LUL-E-1; Remove reference to a Community Shopping Center at “Petaluma Hill Road at Yolanda Avenue” on page 2-22, Policy LUL-G-1; and Remove reference to the Community Shopping Center on page 2-30, Policies LUL-W and LUL-W-1, and (3) a request for Rezoning from CSC (Community Shopping Center) to R-3-30 (Multifamily Residential) for those parcels located at 2660 Petaluma Hill Road, which are also identified as Assessor’s Parcel Numbers 044-370-002, 044-370-010, 044-051-073, AND 044-051-055; File No. PRJ21-011.

RECOMMENDATION: It is recommended by the Planning Commission and the Planning and Economic Development Department that the Council, by two separate resolutions: 1) adopt an Addendum to the previously adopted Mitigated Negative Declaration for the 38 Degrees North Phase 2 Project located at 2660 Petaluma Hill Road; and 2) approve a General Plan Diagram and Text Amendments changing the land use designation for 2660 Petaluma Hill Road from Medium Density Residential and Retail and Business Services to Medium High Density Residential, removing the “star” symbol from the Diagram and removing reference to the Community Shopping Center on pages 2-12, 2-20, 2-22, and 2-30 of the General Plan. It is further recommended that the Council introduce an ordinance to rezone the property located at 2660 Petaluma Hill Road from the CSC (Community Shopping Center) and PD-96-001C to R-3-30 (Multi-Family Residential). **The Brush Creek Road General Plan Amendment has been removed from the Fall 2021 General Plan Amendment Package and will be considered at a future meeting in 2022.**

Attachments: [Staff Report - 38 Degrees North](#)
[Staff Report Redline \(rev. 12.14.2021\)](#)
[Staff Report Final \(rev. 12.14.2021\)](#)
[Attachment 1 - Disclosure Form](#)
[Attachment 2 - Location Map](#)
[Attachment 3 - Neighborhood Context Map](#)
[Attachment 4 - General Plan Criteria Narrative](#)
[Attachment 5 - General Plan Diagram Amendment](#)
[Attachment 6 - Zoning Map Diagram Amendment](#)
[Attachment 7 - Project Plans](#)
[Attachment 8 - Retail and Grocery Market Analysis](#)
[Attachment 9 - 1st Quarter 2021 Vacancy Rates](#)
[Attachment 10 - IS-MND Addendum](#)
[Attachment 10 - IS-MND Addendum Redline \(rev. 12.14.2021\)](#)
[Attachment 10 - IS-MND Addendum Final \(rev. 12.14.2021\)](#)
[Attachment 11 - Public Correspondence](#)
[Attachment 12 - Phase 1 and 2 Resolutions](#)
[Attachment 13 - Phase 2 MND](#)
[Resolution 1 - Addendum to previously Adopted MND - 38 Degrees North](#)
[Resolution 1 - Addendum Redline \(rev. 12.14.2021\)](#)
[Resolution 1 - Addendum Final \(rev. 12.14.2021\)](#)
[Exhibit A - IS-MND Addendum - 38 Degrees North](#)
[Exhibit A - IS-MND Addendum - 38 Degrees North Redline \(rev. 12.14.2021\)](#)
[Exhibit A - IS-MND Addendum - 38 Degrees North Final \(rev. 12.14.2021\)](#)
[Resolution 2 - GPAM - 38 Degrees North](#)
[Resolution 2 - GPAM Redline \(rev. 12.14.2021\)](#)
[Resolution 2 - GPAM Final \(rev. 12.14.2021\)](#)
[Ordinance - 38 Degrees North](#)
[Ordinance Redline \(rev. 12.14.2021\)](#)
[Ordinance Final \(rev. 12.14.2021\)](#)
[Presentation - 38 Degrees North](#)
[Postcard - 38 Degrees North](#)

Adam Ross, City Planner, presented and answered questions from Council.

Mayor Rogers opened the public hearing at 6:13 p.m.

Dave Eadie, Applicant, spoke on behalf of Kennedy Wilson, expressing appreciation to staff for their work and guidance, and the reason for the General Plan Amendment to add a residential component to the site.

Mayor Rogers closed the public hearing at 6:18 p.m.

Mayor Rogers recessed the meeting at 6:28 p.m. and reconvened at 7:00 p.m.

A motion was made by Council Member Rogers, seconded by Vice Mayor Alvarez, to waive reading of the text and adopt

RESOLUTION NO. RES-2021-229 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING AN ADDENDUM TO THE APPROVED 38 DEGREES NORTH PHASE 2 INITIAL STUDY/MITIGATIVE NEGATIVE DECLARATION, INCLUDING A MITIGATION MONITORING AND REPORTING PROGRAM, (STATE CLEARINGHOUSE NO. 2020060247) FOR GENERAL PLAN AMENDMENTS, ZONING MAP AMENDMENT, AND DEVELOPMENT OF 38 DEGREES NORTH PHASE 3, A 30-UNIT MULTIFAMILY DEVELOPMENT LOCATED AT 2660 PETALUMA HILL ROAD, SANTA ROSA, APNS: 044-370-002, 044-370-010, 044-051-073, AND 044-051-055, FILE NUMBER PRJ21-011

The motion carried by the following vote:

Yes: 7 - Mayor Rogers, Council Member Rogers, Vice Mayor Alvarez, Council Member Fleming, Council Member Sawyer, Council Member Schwedhelm, and Council Member Tibbetts

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

RESOLUTION NO. RES-2021-230 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING THE GENERAL PLAN DIAGRAM AND TEXT FOR THE 38 DEGREES NORTH PHASE 3 PROJECT FROM RETAIL AND BUSINESS SERVICES AND MEDIUM DENSITY RESIDENTIAL TO MEDIUM HIGH DENSITY RESIDENTIAL AND REMOVE THE STAR SYMBOL AT THE PROJECT SITE; AMEND THE GENERAL PLAN TEXT TO REMOVE REFERENCE TO THE COMMUNITY SHOPPING CENTER ON PAGES 2-12, 2-20, AND 2-30 FOR THE PROPERTY AT 2660 PETALUMA HILL ROAD, SANTA ROSA 044-370-002, 044-370-010, 044-051-073, AND 044-051-055, FILE NUMBER PRJ21-011 (GPAM21-001)

The motion carried by the following vote:

Yes: 7 - Mayor Rogers, Council Member Rogers, Vice Mayor Alvarez, Council Member Fleming, Council Member Sawyer, Council Member Schwedhelm, and Council Member Tibbetts

A motion was made by Council Member Rogers, seconded by Council Member Tibbetts, to waive reading of the text and introduce

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA REZONING THE PROPERTY LOCATED AT 2660 PETALUMA HILL ROAD, ALSO

IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS 044-370-002, 044-370-010, 044-051-073, AND 044-051-055, FROM THE CSC (COMMUNITY SHOPPING CENTER) AND PD 96-001C TO THE R-3-30 (MULTIFAMILY RESIDENTIAL) DISTRICT ZONING - FILE NUMBER PRJ21-011 (REZ21-002)

The motion carried by the following vote:

Yes: 7 - Mayor Rogers, Vice Mayor Alvarez, Council Member Fleming, Council Member Rogers, Council Member Sawyer, Council Member Schwedhelm, and Council Member Tibbetts

Present: 5 - Council Member Victoria Fleming, Council Member Natalie Rogers, Council Member John Sawyer, Council Member Tom Schwedhelm, and Council Member Jack Tibbetts

Absent: 2 - Mayor Chris Rogers, and Vice Mayor Eddie Alvarez

**15.1 PUBLIC HEARING - APPEAL - OLD SCHOOL CANNABIS -
CONDITIONAL USE PERMIT 100 SEBASTOPOL ROAD - CUP21-027**

BACKGROUND: On September 23, 2021, the Planning Commission approved a Major Conditional Use Permit to allow Old School Cannabis (Project) to operate a cannabis facility within an existing building, including following cannabis-related uses: 2,350-square-feet of Retail (Dispensary) with Delivery and onsite consumption; 17,120-square-feet for Commercial Cultivation (5,001-square-feet or greater); 870-square-feet for Distribution; 500-square-feet of Manufacturing - Level 2 (volatile). The virtual meeting was translated in real time by professional translators.

On September 30, 2021 and October 4, 2021, the City Clerk received two appeals of the Planning Commission's decision from two different appellants.

RECOMMENDATION: It is recommended by the Planning and Economic Development Department that the Council, by resolution, deny two appeals submitted by Duane DeWitt and Evette Minor and uphold the Planning Commission's decision to approve a Conditional Use Permit for Old School Cannabis to allow a Cannabis business including Retail (Dispensary) with Delivery and onsite consumption, Commercial Cultivation, Distribution, and Manufacturing - Level 2 (volatile) at 100 Sebastopol Road, File No. CUP21-027.

Attachments: [Staff Report](#)
 [Attachment 1 - Disclosure Form](#)
 [Attachment 2 - Vicinity Map](#)
 [Attachment 3 - Neighborhood Context Map](#)
 [Attachment 4 - Project Narrative](#)
 [Attachment 5 - Project Plans](#)
 [Attachment 6 - Odor Control Plan](#)
 [Attachment 7 - Focused Traffic Study](#)
 [Attachment 8 - Good Neighbor Policy](#)
 [Attachment 9 - Public Correspondence](#)
 [Attachment 10 - 09-23-2021 PC Minutes](#)
 [Attachment 11 - Appeal Statement No.1](#)
 [Attachment 12 - Appeal Statement No.2](#)
 [Attachment 13 - Cannabis Retail Application Status List](#)
 [Attachment 14 - Cannabis Retail Map](#)
 [Attachment 15 - Cannabis Land Use and Zoning Table](#)
 [Resolution](#)
 [Exhibit A - Engineering Development Services Conditions](#)
 [Presentation](#)
 [REVISED Presentation \(Uploaded 12-14-2021\)](#)
 [Applicant Presentation](#)
 [REVISED Applicant Presentation \(Uploaded 12-14-2021\)](#)
 [Appellant Presentation \(Uploaded 12-14-2021\)](#)
 [Late Correspondence \(Uploaded 12-14-2021\)](#)
 [Late Correspondence \(Uploaded 12-20-2021\)](#)

The following ex parte communications were made by Council:

Council Member Schwedhelm toured the site, spoke with his appointee on the Planning Commission and the Chair of the Planning Commission, and no new information was learned that was not contained in the public record.

Council Member Fleming had a conversation with an agent from the 421 Group and no new information was learned that was not contained in the public record.

Council Member Sawyer spoke with his Planning Commission appointee and received calls from the applicant and no new information was learned that was not contained in the public record.

Kristinae Toomians, Senior Planner, presented and answered questions from the Council.

Karen Weeks, Chair of the Planning Commission, provided an

overview of action taken at the Planning Commission meeting related to this item.

Applicant Nayeli Rivera presented information on their project.

Appellant Evette Minor presented information related to the appeal of this item and her experience in trying to file the appeal.

Appellant Duane De Witt presented information in opposition to the project.

Applicant Nayeli Rivera responded to the Appellants concerns.

Mayor Pro Tem Sawyer opened the public hearing at 8:28 p.m.

Janice Siebert, President of the Roseland School Board of Trustees, spoke on behalf of the board who is in opposition to the project.

Concepcion Domingez spoke in opposition to the project and in support of what the community wants and needs.

Ricarda Suarz spoke in opposition to the project and asked Council to uphold the appeal.

Christina Augliar spoke in opposition to the project.

Manny Morales, Latinx Student Congress, spoke on submitting over 900 signatures in opposition to the project and submitted an additional petition with over 200 signatures.

Rafael Vasquez, Advisor for Movimiento Estudiantil Chicanx de Aztlán (MEChA), spoke in opposition to the project and expressed concern on the violation of the Open Government Ordinance by the Council and Planning Commission by having meetings in the afternoon when most people are working.

Sierra Lewitter spoke in support of the appeal and expressed concern about marginalizing a population that has been historically marginalized, and the project being an environmental racism issue.

Daisy spoke in opposition to the project and her concerns on the safety and health of the community.

Jobell spoke in support of the project and her concern the building has been vacant for a long time.

Elizabeth Avila spoke in support of the appeal and the need to provide the community a space to thrive.

Woody Hastings spoke in support of the residents who oppose the project.

Veronica spoke in support of upholding the appeal and gathering signatures in opposition to the project.

Mike spoke in support of the project.

Mia Valencia spoke in support of the project and that it gives the community an opportunity to learn about the industry..

Anonymous spoke in support of the project and the opportunities it provided him.

Isabel Lopez, Executive Director Isis Collective, spoke in support of the appeal and the need for a permanent library in Roseland.

Ashley Oldham spoke in support of the project and her offense to the term of "drug dealers" being used in reference to the industry.

Jesus Perez spoke in opposition to the project and expressed his concern the community's voices are not being taken into consideration, not being informed of the meeting and not having access to information.

Ryan spoke on the project being an opportunity to bring new construction to the area and in support of the project.

Michelle Saxton spoke on tax paying businesses being able to provide libraries and community centers and in support of the project.

Ryan spoke on being involved with the canvassing efforts for the project.

Ross spoke in support of the project.

Virginia spoke in opposition to the project and asked Council to uphold the appeal, expressing the need for the community to have other services and a library.

Martin Payne spoke in support of the project.

Max Bell Alper, Executive Director Jobs with Justice, spoke on behalf of the organization in opposition to this project and expressed concern that the desires of the Roseland community are not given the same opportunities as other areas in the city.

June Brasharis spoke urging Council to listen to the community and expressed concern on the lack of equity in providing information related to the project.

Dennis Hunter spoke in support of the project.

Chris Donnelley spoke on the potential economic benefit the project will have in the community and in support of the project.

Camille spoke in support of the project and the benefits it will bring to the community to support local business owners.

Andrew Kramer spoke in support of the project.

Silvia spoke in opposition to the project, urging Council to uphold the appeal and expressed concern the public was not made aware of the type of project being located at the location.

Eliseo Pachuca spoke in opposition to the dispensary.

Maria, Jackie Torres, and Carolos, spoke in support of the project by expressing it will provide employment and be a benefit to the community.

Ana spoke in support of the appeal and for Council to provide something the community can take pride in.

Rosa Lopez spoke in support of the project that will provide education on the product and jobs to the community.

Juan Rivera spoke in support of the project being beneficial to the community.

Marlene spoke expressing concern on the community passing judgment without educating themselves, and the project being an opportunity to gain some education to help the community.

April spoke on the City having an opportunity to purchase the property with ARPA funds to build a multi-cultural center, and that cannabis is a federal offense for undocumented and mixed documented people who make up a large portion of Roseland.

Robyn spoke in support of the project.

Marcela spoke in opposition to the project and expressed her environmental concerns.

Patricia Moreno spoke in support of the appeal, expressing her concern that it was not presented clearly and equitably to the community.

Mayor Pro Tem Sawyer closed the public hearing at 10:35 p.m.

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

RESOLUTION NO. RES-2021-231 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DENYING TWO SEPARATE APPEALS AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR OLD SCHOOL CANNABIS TO ALLOW 2,350-SQUARE-FEET OF RETAIL (DISPENSARY) WITH DELIVERY AND ONSITE CONSUMPTION; 17,120-SQUARE-FEET FOR COMMERCIAL CULTIVATION (5,001-SQUARE-FEET OR GREATER); 870-SQUARE-FEET FOR DISTRIBUTION; 500-SQUARE-FEET OF MANUFACTURING - LEVEL 2 (VOLATILE) WITHIN AN EXISTING BUILDING, LOCATED AT 100 SEBASTOPOL ROAD; ASSESSOR'S PARCEL NO. 125-181-023; FILE NO. CUP21-027

The motion carried by the following vote:

Yes: 4 - Council Member Rogers, Council Member Fleming, Council Member Sawyer, and Council Member Schwedhelm

No: 1 - Council Member Tibbetts

Abstain: 2 - Mayor Rogers, and Vice Mayor Alvarez

Mayor Pro Tem Sawyer recessed the meeting at 11:19 p.m. and Mayor Rogers reconvened at 11:30 p.m.

Present: 7 - Mayor Chris Rogers, Vice Mayor Eddie Alvarez, Council Member Victoria Fleming, Council Member Natalie Rogers, Council Member John Sawyer, Council Member Tom Schwedhelm, and Council Member Jack Tibbetts

14.2 REPORT - APPROVAL OF SHARED SCOOTER SYSTEM PILOT PROGRAM

BACKGROUND: The evolution of Shared Mobility Devices (SMDs) has surged in the last several years. Examples of these devices include electric scooters and electric bikes.

After receiving direction from the City Council study session in November 2020, staff began the process of developing a draft set of permit conditions for a shared scooter system pilot program.

Over the past year, staff has met with internal departments and gathered information from other jurisdictions with scooter programs in order to develop a permit process for a pilot program.

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by resolution: 1) approve the City of Santa Rosa's Shared Scooter System Pilot Program; and 2) authorize the Assistant City Manager and/or Director of Transportation and Public Works or designee to modify permit conditions, issue and/or revoke permits, and/or limit and/or suspend the operation of a shared scooter system.

Attachments: [Staff Report](#)
 [Attachment 1 - Parking and Fleet Requirements](#)
 [Resolution](#)
 [Exhibit A - Permit Conditions and Application](#)
 [Exhibit A - Permit Conditions and Application Revised \(Uploaded 01.24.2022\)](#)
 [Presentation](#)
 [Late Correspondence \(Uploaded 12-20-2021\)](#)

Nancy Adams, Transportation Planner, presented and answered questions from Council.

PUBLIC COMMENTS

Eris Weaver, Sonoma County Bicycle Coaliton, spoke on being excited about the pilot program, asked Council to adopt a policy to help avoid conflicts between scooters and cyclists, and expressed concern about parking when bike racks are in short supply.

A motion was made by Council Member Fleming, seconded by Council Member Tibbetts, to waive reading of the text and adopt as amended

RESOLUTION NO. RES-2021-232 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE SHARED SCOOTER SYSTEM PILOT PROGRAM AND AUTHORIZING THE ASSISTANT CITY MANAGER / DIRECTOR OF TRANSPORTATION AND PUBLIC WORKS OR DESIGNEE TO MODIFY PERMIT CONDITIONS, ISSUE AND REVOKE PERMITS, AND LIMIT OR SUSPEND THE OPERATION OF A SHARED SCOOTER SYSTEM

The motion carried by the following vote:

Yes: 7 - Mayor Rogers, Council Member Rogers, Vice Mayor Alvarez, Council Member Fleming, Council Member Sawyer, Council Member Schwedhelm, and Council Member Tibbetts

14.3 REPORT - EXTENSION OF COVID-19 RELATED TEMPORARY PARKING USER FEE REDUCTIONS THROUGH JUNE 30, 2022

BACKGROUND: Certain business operations have been required to reduce indoor operations since March 2020 due to COVID restrictions and have experienced revenue losses and staffing reductions. To assist the business community, an extension of certain temporary parking user fee reductions and a waiver of parking reservation fees associated with outdoor seating areas is proposed.

RECOMMENDATION: It is recommended by the Finance Department that the Council, by resolution, authorize an extension through June 30, 2022 of: 1) the first hour free at the 3rd Street, 5th Street and D Street garages (first hour is already free at the 1st and 7th Street garages); 2) free parking at all five garages, Monday- Friday from 5PM to 6AM (Parking is already free from 1AM to 6AM); 3) free parking at all five garages on Saturday and Sunday (the D Street and 5th Street garages already have free parking on Sunday); 4) one free metered parking session using the Passport mobile payment application, up to \$3.15 in value, to a maximum of \$31,500.00 since inception on July 1, 2020; and 5) a waiver of meter reservation fees for temporary parklets, outdoor seating and retail to expand business footprint to meet physical distancing requirements related to COVID-19 health order.

Attachments: [Staff Report](#)
 [Resolution](#)
 [Exhibit A](#)
 [Presentation](#)

Alan Alton, Interim Chief Financial Officer, presented and answered questions from Council.

No public comments were made.

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

RESOLUTION NO. RES-2021-233 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE EXTENSION

**OF A TEMPORARY REDUCTION AND WAIVER OF CERTAIN PARKING
FEES THROUGH JUNE 30, 2022**

The motion carried by the following vote:

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

No: 2 - Council Member Rogers, and Council Member Fleming

16. WRITTEN COMMUNICATIONS - NONE.

17. PUBLIC COMMENTS ON NON-AGENDA MATTERS

No public comments were made.

**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

Mayor Rogers adjourned the meeting at 12:31 a.m. in memory of
Marie Durkin.

20. UPCOMING MEETINGS

20.1 UPCOMING MEETINGS LIST

Attachments: [Upcoming Meetings List](#)

This item was received and filed.

Approved on: February 15, 2022
/s/ Stephanie A. Williams, City Clerk